

4386/2045/S11

AKC

**From:** ANDY BIRCH <  
**Sent:** 27 April 2015 21:39  
**To:** DPD  
**Subject:** Local Plan Submission Version - Representations of behalf of Hallam Land Management  
**Attachments:** Hallam Land Management Local Plan reps April 2015.pdf

Dear Sir/Madam,

Please find attached representations from Hallam Land Management in response to the Local Plan Submission Version Consultation. I would be grateful if we could receive acknowledgement of receipt in due course.

Regards

Andy Birch

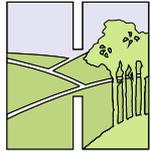
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4386/2046/CU1-CU6  
4386/2047/CU7-CU12  
4386/2048/OJ27  
4386/2049/S2  
4386/2050/SA  
4386/2051/S3  
4386/2052/DM2  
4386/2053/DM12  
4386/2054/DM13



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Hallam Land Management Registered in England: 2456711 Registered Office: Banner Cross Hall,  
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Our ref:

Your ref:

Date: 27.4.2015

Local Plan Review Consultation  
Forward Planning  
Mid Devon District Council  
Phoenix House  
Tiverton  
EX16 6PP

Dear Sir/Madam

## **LOCAL PLAN REVIEW PROPOSED SUBMISSION CONSULTATION: MID DEVON DISTRICT COUNCIL**

### **REPRESENTATIONS SUBMITTED ON BEHALF OF HALLAM LAND MANAGEMENT**

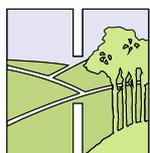
Thank you for the opportunity to comment upon the Mid Devon Local Plan Proposed Submission Consultation. The comments made here are submitted on behalf of Hallam Land Management (HLM), having participated in the consultation on the Mid Devon Local Plan to date.

These representations provide comment on a number of areas of the Local Plan Review, to include the Development Management Policies, but focuses principally on the amount and distribution of housing proposed within the District over the Plan period in Policy S2: Amount and Distribution of Development.

Our fundamental concern relates to the Council's preferred approach to allocate a large urban extension at East Cullompton (J28), in addition to the an urban extension at North West Cullompton, to meet 50% of the total housing needs for the District up to 2033, an approach that if pursued would render the Plan unsound. The evidenced reasons for our objection to the Council's distribution of growth are set out within these representations.

We also set out our support for the Council's alterative option for housing and employment growth that allocates mixed use development at J27 & Willand, as a realistic and sustainable strategy to deliver the long-term housing and employment growth required within the District.

HLM has agreed Heads of Terms with the Landowner Consortium representing all of the landowners that make up the J27 & Willand new community in the Mid Devon Plan. Proposals for J27 & Willand are therefore backed by the landowners acting with common purpose and by a developer (Hallam Land Management) with direct experience of delivering major strategic proposals in the South West that include the following major schemes in:



- North East Bridgwater – 2,000 dwellings and 110,000 m<sup>2</sup> of employment floorspace – commenced October 2010 with 400 new homes now complete or nearing completion;
- Cranbrook new community, east of Exeter. Cranbrook comprises an initial planning permission of 2,900 dwellings within a master plan developed in consultation and which was granted in October 2010. The East Devon Local Plan includes a commitment to expand Cranbrook to at least 6,000 new homes by 2026.

### **Policy S2 – Amount and Distribution of Development**

#### **Distribution of development**

The Council's preferred approach to spatial distribution of growth as proposed in Policy S2 directs a biased level of growth to Cullompton, requiring not only an extension to the North West of Cullompton (CU1), of some 1,200 dwellings and 21,000 sqm of employment land, but also and in addition, an urban extension to the East of Cullompton (CU7) of some 2,100 dwellings and 20,000 sqm of employment land.

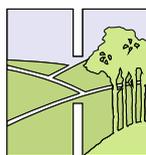
We raise significant concerns that the emphasis of the plan in directing 50% of the District's development towards one settlement will be at the expense of wider needs of the district and may weigh against effective delivery if this settlement were to reach a saturation point. Growth at Cullompton should be limited to a level that can comfortably be accommodated without putting increased pressure on existing infrastructure, resources and facilities, nor adversely affecting the intrinsic form, character and identity of the existing settlement.

We consider that concentrating half of the Plan's delivery entirely upon Cullompton will prove ineffective. The plan will not provide the flexibility that is required by the NPPF if this location fails to yield the dwellings anticipated.

Paragraph 154 of the NPPF is clear that Local Plans must be realistic whilst paragraph 182 requires plans to be deliverable. Paragraph 173 requires plans to pay careful attention to costs and in respect of reliance on infrastructure, must only do so when "*deliverable in a timely fashion*" (paragraph 177). These are critical soundness tests that are emphasised in Planning Policy Guidance which requires plans to be "*realistic about what can be achieved and when (including in relation to infrastructure)*" and "*be tested for their impact on the viability of development*" [ID 12-019-20140306].

*The Assessment of Highway Options to Accommodate Potential Development V10* (August 2014), prepared by Devon County Council alludes to a number of potential schemes to accommodate additional development on the highway network. In respect of interventions to accommodate a new community at Collumpton, the report questions the deliverability of the scheme that is considered by Devon County Council as providing the greatest capacity on the network, whilst acknowledging that its wider impacts on the town centre are still to be understood. It would also bring about a significant shift in the preferred transport strategy proposed to accommodate development up to 2026.

Policy CU8 sets out the transport requirements for delivery of East Cullompton, requiring a new motorway junction and a new railway station to help address modes of transport. There is still significant progress to be made before either intervention can be considered not only feasible, but crucially, with regard to the tests of soundness; deliverable.



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The infrastructure costs associated with the delivery of East Cullompton are significant. Indeed, paragraph 3.102 of the Proposed Submission Local Plan states “*the Council recognise that the high infrastructure costs of this site will not solely be funded by the development. As has been the case on other strategic sized sites, the Council will work with its partners and the development industry to secure external funding to ensure the delivery of the necessary infrastructure.*”

The Council’s *Draft Infrastructure Plan and Regulation 123 List* (February 2015) highlights that the transport improvements to alleviate M5 Junction 28 that are considered a critical priority for the Council to deliver this allocation, have a total estimated cost of some £50-£55m. The “possible” funding bodies include developers but also the LEP and HCA funding streams but the IDP makes plain that there are no secured funds to date.

It is clear, however that there can be no reliance on external funding for delivery, indeed, reliance on external funding mechanisms does not give certainty of timing of infrastructure, a critical factor that developers and stakeholders justifiably seek from a development plan. Such delivery issues go to the heart of the soundness of the Plan and are principals upon which the Inspector must satisfy him/herself in order to find a plan sound.

It is therefore considered that there is every prospect that the lack of certainty of infrastructure delivery, and impact on development viability, that are so plainly associated with a proposal at Cullompton, will render the Mid Devon Local Plan unsound should the Council pursue this as a key element of its Plan.

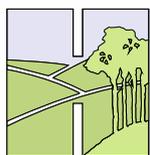
The Council’s Local Plan Review Report to Cabinet (4 September 2014), highlighted the precarious nature of the viability of development at Cullompton, and critically does not confirm that the allocation is viable. The report states that “*the need for significant infrastructure works to support development to the east of Cullompton means that the larger amount of housing that can be directed there the more viable development becomes up to any capacity limit imposed by infrastructure*”, (paragraph 2.8).

This assertion makes plain that the allocation of some 3,600 dwellings at Cullompton as proposed by policies CU1 and CU7 are justified by the Council in order to support the significant infrastructure requirements referred to above and to seek to bolster the viability of the allocation. Indeed, this calls into question whether the spatial distribution proposed by policy S2 is indeed, the most appropriate.

An alternative approach that would place a reduced reliance on new infrastructure provision in the short-term, and therefore provide more certainty for investment, would be to commence growth at Willand, a location that is already well served by infrastructure and better placed to support the delivery of community benefits and affordable housing.

The site enjoys substantial and important benefits including:

- close proximity to Tiverton Parkway Rail Station which is accessible by foot and cycle;
- location on existing bus routes;
- a cycle path linking to the station, Tiverton and Willand and Uffculme, runs through the site;



- the existing road infrastructure and network has available capacity and is capable of being improved (including Junction 29) without impinging on any constraints or raising any technical or landowner issues;
- will be well served by employment to be delivered in an attractive location in market terms;
- is close to Uffculme Secondary School;
- is reasonably close access to Willand's services to include shops, a school, doctor's surgery and a village hall.

This approach could help bolster housing supply in the first 5 years of the plan, and could then be progressively implemented in parallel with the delivery of employment opportunities at Junction 27.

Land at Junction 27 comprises an attractive and sustainable location that could deliver for major new investment in the District, through delivery of significant commercial, leisure and entertainment uses, contributing towards the long-term employment growth of the District.

Notwithstanding an approach that might, in the first instance seek modest growth at Willand, as a first phase, it is imperative to instil certainty and confidence regarding the ultimate scale of, and aspiration for, creation of a new sustainable community to secure confidence of potential investors. As such, the Local Plan should therefore place an unequivocal long term emphasis on a new community, such that there is a clear positive framework which identifies and commits to the planned capacity of the site.

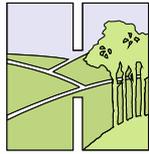
### **Housing Scale**

We also wish to make brief comments on the scale of housing in Policy S2. At the heart of the NPPF is the requirement for local planning authorities to significantly boost the supply of housing, both market and affordable (para 47 and 50) according to the objectively assessed needs for market and affordable housing in the housing market area. National Planning Policy Guidance (NPPG) requires Local Planning Authorities to objectively assess and evidence needs for housing and economic development.

The Plan seeks to provide for *'approximately 7,200 dwellings'*, equating to about 360 a year. Paragraph 2.4 states that the local Plan allocates *'10% more housing that is required, to provide flexibility and account for unforeseen circumstances that might prevent some sites from coming forward as expected'*.

The interim final SHMA (January 2015) reports a mid-point of 369 for Mid Devon. It is clear that a driver behind the Local Plan review is to promote employment growth more generally within the district, one of the Vision Statement's being *'Support Sustainable Economic Success'* including an objective to attract inward investment, through improvements to the delivery of employment land. In addition to meeting objectively assessed need, the amount of housing to be provided over the Plan period must also support the clear policy objective that is to promote employment growth within the District.

It is noted that the amount of growth has reduced from approximately 8,400 dwellings proposed in the Local Plan Review Options Report (January 2014) to approximately 7,200 dwellings, (the employment land target remains at 154,000 sqm).



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The Plan does not provide any justification for the reduced housing target, albeit there is a brief reference it being informed by the 2015 SHMA (para 2.1), which, at the time of writing has not been published in its final form. It is therefore considered that the Plan does not currently meet the objectively assessed needs of the District and does not support the economic aspirations of the Plan.

Furthermore, the quantum of housing growth for the plan period, it is expressed as an approximate figure, which creates uncertainty in the actual level of provision required. To ensure consistency with national policy, the wording should accord with the spirit of the NPPF which is to “boost significantly” the supply of housing, and as such should be expressed as a minimum figure.

### **Comments in relation to Sustainability Appraisal**

In addition to our concerns regarding the delivery of the growth at Cullompton, our representations also raise fundamental concerns in relation to the plan preparation process, principally the Sustainability Appraisal.

The Sustainability Appraisal (February 2015), that supports the Local Plan Review demonstrates inconsistencies in approach when appraising the preferred and alternative options, resulting in biased conclusion that has led to the adoption of a preferred approach for growth at Cullompton in preference to growth at J27 & Willand.

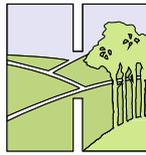
We set out a number of examples to demonstrate this point. We note that each score for Junction 27 & Willand is expressed at a ‘?’, which begs the question as to whether sufficient assessment has been carried out to reach a conclusion that the site is indeed not the most sustainable and approach option for growth.

In short, the reasons that land of J27 & Willand was discounted was the perceived landscape impact; limited growth due to insufficient impact of the existing motorway junction and the inability to fund a new junction alongside the already committed improvements to J28; and potential for commercial development to negatively impact on town centre vitality and viability.

Taking these points in turn, the SA reports that landscape impact will be a key factor given the scale of housing, the same also being true of an allocation at Collumpton. The SA for J27 reports that there are areas of low landscape sensitivity that are enclosed and shielded from views.

As we have reported, the ‘commitment’ to improvements at Junction 28 is far from certain, at best the Highways Authority have ‘not rejected’ the possibility. Indeed, the Highways Agency have stated that growth at Cullompton should not be included in the Council’s SHLAA until it can be demonstrated that improvements can be delivered to the Strategic Road Network capable of accommodating the traffic flows likely to arise from development, and that an allocation would otherwise be unsound.

Conversely, part I) of the SA for Junction 27, which relates to delivering necessary infrastructure, reports that further assessment work is needed to identify strategic infrastructure requirements, *‘which could have a negative effect, but this remains uncertain’*. What the SA fails to do is have regard to the sustainability credentials of land at Junction 27,



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that the site is already served well by key infrastructure being in close proximity to Tiverton Parkway Rail Station which is accessible by foot and cycle, located on existing bus routes with a cycle path running through the site that links to Tiverton rail station, close to Uffculme Secondary School and has access to Willand's services to include shops, a school, doctor's surgery and a village hall.

With regards to the impact on town centre viability, the SA reports that without a supporting retail impact assessment the related impact cannot be determined, the site scores -3. The same requirement for retail assessment is true for the site at Cullompton, the SA reports that the impact on town centre viability cannot be determined until a retail impact assessment is carried out, conversely, the site scored +1 against the same criteria.

The SA reports that the development of North West and East Cullompton is likely to result in the largest change in local air quality and will impact on Cullompton Air Quality Management Area requiring some mitigation. Furthermore, the allocation of Cullompton East would result in the loss of 63.4 ha of Grade 1, excellent quality agricultural land. Grade 1 land amounts to only 3.5% of agricultural land within the District.

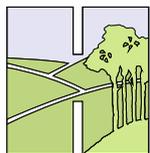
Conversely, development at Junction 27 would not impact on an AQMA, nor would it require loss of Grade 1 agricultural land, 98% of the agricultural land is categorised as Grade 4, and therefore considered to be of relatively low agricultural quality. Notwithstanding this assessment, Junction 27 still scores (-3), a significant negative effect on safeguarding resource use, due to potential constraint on future working at Hillhead Quarry, a location where there are questions over the viability of any such extraction.

In short when comparing the appraisals of both sites, there are clear inconsistencies in weightings. Critically, the SA reports that there remains uncertainty in relation concerned with progressing with the Council's preferred option at East Cullompton. Uncertainty that relates to critical elements such as transport, infrastructure and air quality, that are central to the deliverability of the site and as such, go to the heart of the Plan.

### **Comments in relation to Public Consultation**

On a separate, but nonetheless relevant point; credence is given to the local support for an extension at Cullompton, and perceived contrast to the responses received in respect growth at J27 & Willand. Upon analysis of the outcomes of the consultation exercise, a rough balance between objectors (54%) and supporters (46%) of J27 & Willand was apparent.

The Summary of Local Plan Review Consultation, notes that J27 "*also received substantial support*". Notwithstanding the key role that public consultation must play in plan-making, objection to J27 & Willand proposals from just 108 persons is not substantial, and should not be the primary decision-making factor. Delivery remains the critical focus upon which the soundness of the Plan will be examined.



### **Policy S3: Meeting Housing Needs**

The Council's main housing policy S3 (d) includes a requirement for the supply of at least 5% self-build housing plots for developments over 20 dwellings, to be supplied for sale for self-builders for a period of 12 months per plot, to then be subsequently development within 3 years of purchase by a self-builder. The requirement for an element of self-build provision is also included as part of the Council's proposed strategic allocations.

The intention of policy S3 is to demonstrate support for the creation of socially mixed communities and the delivery of a range of building types and tenures to include opportunities relating to housing construction, however the requirement to provide at least 5% of dwellings as self-build plots presents uncertainty for the implementation of the development as a whole.

We note that the viability assessment addendum prepared by DSP (December 2014), provides further information in relation to self-build, but is limited in its approach to modelling of sites between 20-100 dwellings. This approach does not adequately assess the impact of the policy on the viability of development, particularly in relation to strategic sites. It is considered that in the absence of a robust evidence base, the policy can at best only demonstrate general "support" for self-build schemes, and not a minimum quota of provision.

We therefore suggest that part d) of policy S3 should be re-worded as follows:

*"The Council which include self-build schemes, will be supported".*

### **Local Plan Part 3: Development Management Policies**

The Council are also seeking comment on the Development Management Policies. Representations are made on a number of the policies as set out below.

#### **DM2 Renewable and low carbon energy**

Policy DM5 as written, is not consistent with national planning policy as set out in the NPPF. Paragraph 109 seeks to minimise impacts on biodiversity and provide for net gains "where possible", therefore the wording of part d) should be amended to state:

*"Biodiversity (avoiding habitat fragmentation where possible)"*

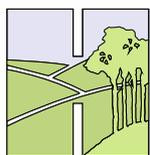
#### **DM12 Design of Housing**

The policy as currently drafted does not provide sufficient flexibility to support a justified and proportionate implementation of the aspirations of the policy. Part g) requires 30% of dwellings to be built to Level 2 of Building Regulations Part M, which presents uncertainty for the viability and therefore effective implementation of development as a whole.

We therefore suggest that part g) of policy DM12 should be re-worded as follows:

*"Based on evidence of need, the Council will support development proposals that provide homes built to Level 2 Building Regulation standards where practical and viable".*

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### DM13 Dwelling Sizes

Policy DM5 as written, is not consistent with national planning policy as set out in the NPPF, nor is justified, in that it is not supported by a robust evidence base.

The summary of Responses to the “Housing Standards Review” (2013) (DCLG) and the accompanying Ministerial Statement refer to a new standard that will offer a consistent set of requirements with regard to the internal area of new homes. It is likely that it will remain optional for local authorities to use, however if authorities do decide to implement the standard, this will need to be justified according to evidenced needs and subject to local plan viability testing. Policy DM15 should therefore be removed.

### Conclusions

In summary our representations are that the proposals at Cullompton that include the allocations of an urban extension at North West Cullompton and East Collumpton demonstrating an overreliance on the town to deliver a significant proportion (some 50%) of the District’s growth, an approach that has not been demonstrated as the most appropriate strategy, is not justified by the available evidence base nor is demonstrated to be a viable approach and will lead to frustration, uncertainty, lack of delivery and an unsound plan.

The amount and spatial distribution of development over the Plan period as stated in S2, should be delivered through growth at land at M5 Junction 27 & adjoining Willand. An approach is supported through the technical evidence and the Sustainability Appraisal, conducted through the development of the Local Plan review, as far as it is complete, and confirms the strong, overwhelming, performance in sustainability terms of focussing development at Junction 27 and in terms of the availability and deliverability of infrastructure.

Hallam has agreed heads of terms with a landowner consortium that covers land within the J27/Willand Option. There is therefore every prospect of successful delivery of this option. Hallam has demonstrated its ability to deliver new communities in a highly effective manner. The experience of Hallam elsewhere brings a demonstrable capacity for working through strong partnership and in particular an ability to generate funding arrangements within such partnership working to instil confidence in delivery rates of both housing and infrastructure.

HLM wish to participate in the Examination of the Local Plan to elaborate on its stated concerns in relation to the underlying evidence base for the overall strategy, housing and employment policies.

Yours faithfully,

Andy Birch  
Regional Manager

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