

4412/RURAL  
4412/S2

4412/S27/mod.  
4412/W12

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**From:** Local Plan Review  
**Subject:** FW: Local Plan review  
**Attachments:** MDDC rep SP HK3 14.02.17.pdf; MDDC rep HK2 14.02.17.pdf; MDDC rep Blacmr and Wootn HK1b 14.02.17.pdf; MDDC rep Disney HK1a 14.02.17.pdf

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**From:** Philip Kerr [REDACTED]  
**Sent:** 13 February 2017 19:51  
**To:** Local Plan Review  
**Subject:** Local Plan review

Good afternoon

please can you kindly acknowledge safe receipt of the attached FOUR representations Thank you.

Philip Kerr FRICS  
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Forward Planning  
Mid Devon District Council  
Phoenix House  
Tiverton  
EX16 6PP

10<sup>th</sup> February 2017

Dear Sirs

**Reference : HK REP 1a**

We make a representation on behalf of our clients Mr and Mrs D Disney and family, who have property interests in Mid Devon District. We set out the following in response to the *Local Plan Review Proposed Submission Consultation* (January 2017).

This letter is one of two separate representations that will be submitted by Harcourt Kerr on related policies on behalf of various clients. This representation is identical to HK Rep 1b.

**Policy S2**

Through MDDC local plan reviews since about 2000 the allocation of commercial space and employment land within the district has failed to deliver meaningful amounts of development. The proposed policy perpetuates this trend. As set out in the ELR of January 2013 the distribution needs to be more targeted in small amounts in the rural areas as well as the main centres. So the choice and range of sites has recently been poor and it is extraordinary to assume that those very same sites will suddenly be delivered at rates far above the historic normals.

Whilst windfall permissions occur as a result of this policy there is no cogent planned siting of employment land within the rural areas: other than two locations namely Scott's at Bampton (355m<sup>2</sup>) and Willand Industrial Estate (22,000m<sup>2</sup>).

The Bampton site provides a de-minimus amount at 355 m<sup>2</sup> leaving all the rural area allocation in one site at Willand. This seems unwise when in a predominantly rural economy, where the travel distance to this single site is up to 30 miles for certain places across the district, Willand has no bearing in location/business terms to those parts of the district.

Indeed this single site is adjacent to successful and plentiful employment zones such as Mid Devon Business Park, Hitchcock's and Willand Business Park where there tends to be a supply anyway as business comes and goes from this location where about 50 hectares of employment already exists. Every single egg in one basket, one might say.

This poor choice and availability of employment land is exaggerated when considering the fact that the main parcels on which the plan is reliant is allocated to the towns where the delivery is

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fundamentally dependant on larger urban extensions coming forward. These are reliant on new infrastructure coming into play and this is at the mercy of housing land coming forward.

So, for example in Tiverton the Eastern Urban Extension has not yet come forward and is contingent on a new access to the A361 (at the cost of some £12m) and this will take some time to secure and implement on viability grounds alone, perhaps three to five years, and in the meantime the town will have no supply of employment land in the same way it has had no new employment land available for about 15 years. There is now the prospect of perhaps another five years where land will be held stagnant dependant on other factors such as infrastructure and housing being delivered at a rate that allows the land to come forward in a viable way. This uncertainty is profound in the minds of the business community and leads to negative growth or business leaving to other areas. This may be a desire of the plan in which case it should not contrive to say otherwise.

Furthermore the distribution of employment land in the district does not take into account the viability of the locations where almost without exception there has to be some cross subsidy from housing to enable delivery. In other words employment land at the best of times will not come forward unless subsidised or in the right place with modest servicing costs.

Ironically the land at Willand does not depend on housing or infrastructure but is topographically and environmentally challenging and so in our opinion will be released slowly as it will only be suitable for a small sector of the employment demand. So this land should be part of the choice but not the whole of it.

We have argued elsewhere that we find the trajectory delivery of employment land (chart 2 page 29) as sceptical as it does not reflect historic trends and puts bias illogically compared with any normal projections adopted in such circumstances.

### **Rural Areas**

We have previously argued that to say under Paragraph 3.189 that “only two sites are considered suitable for allocation for commercial development” (within the rural area of 352 square miles) seems, frankly, lacking imagination and proper research. Indeed we find no real evidence to suggest why this is the case.

### **J27 Policy**

We broadly welcome this initiative mainly in the recognition by the Plan in its overall strategic importance to the region and the District. The policy will assist in cementing serious investment into the District in a way that no other commercial use has been able to do and is of a scale that is necessary to open up the whole project. What is more the policy acts as a bottom up economic driver pervading the whole of the plan and helps underpin the main tenets vision and spatial strategy in section I of the proposed submission.

So our comments lie alongside and compliment the J27 policy and follow arguments previously made to the Plan process before the inception of a J27 initiative of the scale now suggested.

### **Land at Junction 27**

As we say, we have no objection in principle to the allocation of new commercial activity at Junction 27. It has long been recognised as the best, if not the only, location to provide a suitable business location for a viable and worthwhile contribution to the local economy. Previous Inspectors have said so and the arguments today, perhaps, are stronger than ever as efficiency of location on communications and sustainability creep higher up the agenda.

However the policy as drafted avoids dealing with the normal and less remarkable business operators commonly in the “B-class”.

There is room for both and we notice with some surprise that land previously within the policy discussion area and eminently suitable for such uses has been removed from the “J27policy” area and the policy itself. Business activity in the form of tourism and leisure and all the allied trades associated with those operations could therefore take place at junction 27 but under the current policy it would specifically excluding the most common user already established in the district namely a B1 B2 or B8 operator.

Interestingly the development currently at Junction 27, known as Swallow Court, now some 15 years since inception, and fostered from an original enclave farm buildings and obtained through Appeal (five phases – one unbuilt) where Inspectors recognised the merits has proven to be successful, well occupied throughout each phase of release and some of the only business space to be produced over that period. These are predominantly B1 uses.

Whilst a site of 71 hectares for an array of commercial travel, visitor and shopping uses is laudable and will change the dynamics and importance of that location so very much, to have a policy and land area widened to include B1, B2 and B8 operators would seem to meet the idea of choice, and accede to the “support of sustainable economic success” set out in the “vision” on page 9 of the Review.

If the location is sustainably economic for policy J27 then it is sustainable for regular B1 B2 and B8 uses.

We therefore suggest that land removed from the consultation area should be included and allocated for ‘B’ class uses. This will widen the choice and bring about opportunity not otherwise offered in the entire local plan review. The main reason as to why such land would be welcomed by the business community is that it is viable to construct (value exceeding outset costs) and is the most desirable on account of location, profile and long term investment return.

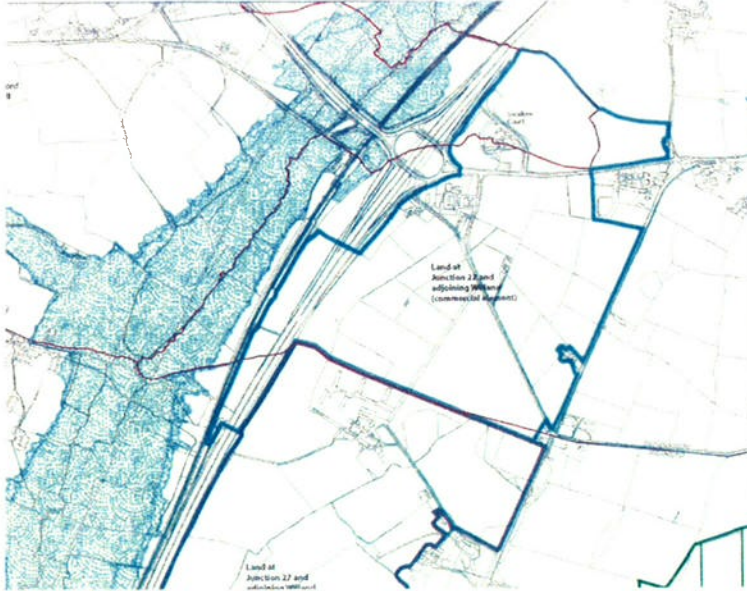
The NPPF encourages such activity and as argued in the Junction 27 submissions the location does not greatly impact on the surrounding villages or towns, has simple environment credentials and is close to transport hubs (rail, road, and to a limited extent bus).

**Work has been done and submitted to the Council and evidence commissioned by the Council does include this land therefore there is sufficient technical information to inform the allocation.**

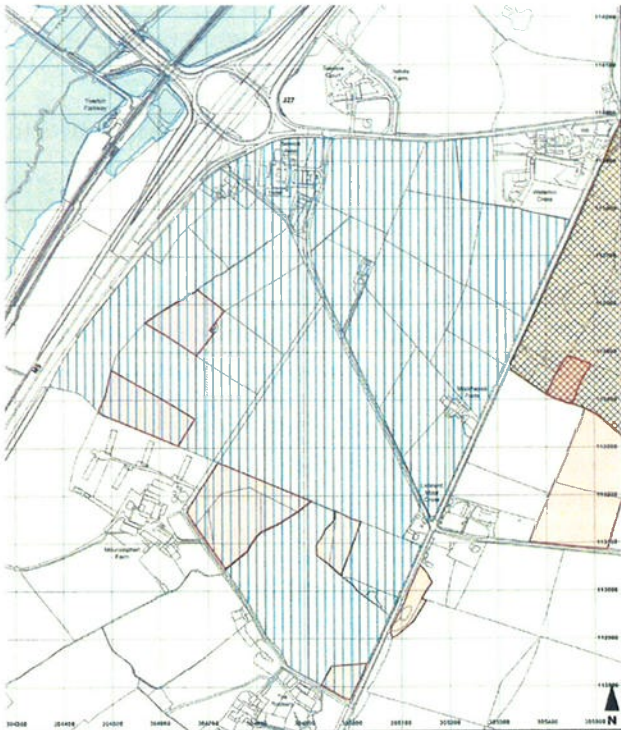
*(further information can be obtained from the programme officer)*

## **Options Consultation Area**

This blue line shows the option consultation area which has been altered in the Submission document to exclude the land to the North and with it the choice of delivery of B1 B2 and B8 uses.



#### Proposed Submission Area – J27 Policy



## Request

In order to release employment land that is

- Viable (proven location)
- Deliverable early in the plan period
- Of no discernible difference in terms of location or impact to J27 Policy
- Able to supply B1 B2 and B8 uses
- Available today
- In a rural area close to transport hubs
- And
- Not reliant on housing or major infrastructure

That J27 policy is amended to include

*41,000m<sup>2</sup> of commercial floor space within use classes B1 B2 and B8 (14.3ha gross additional land making a total of 85 ha)*

*On the land to the north of the A38 as shown on the plan below*



### Prognosis on Delivery

This alteration should not substitute the Willand (rural Policy W12) allocation but serve to augment the early delivery of employment land in the Plan period. We welcome the Willand site as being included and not in competition with our suggestions.

We would argue that the rate of delivery of employment land towards the end of the plan period in Cullompton as suggested in the trajectory at Chart 2 (on page 29) is sufficiently remote to allow make some adjustment to allow for the allocation of B1 B2 and B8 uses at J27 so as to augment the fairly obvious failure for Cullompton to deliver all that is anticipated by 2033.

Furthermore at current take up rates of about 0.5 ha average per annum in Tiverton and Crediton the trajectory set out for those towns is also ambitious. Comparison of Completions to Provision in Table 9 (on page 28) reveals the aspiration to the suggested delivery/commitment rate to be very unlikely.

However by providing wider choice in a location clearly argued (in the J27 policy and background papers) to be commercial viable, desirable and available immediately is far more likely to deliver employment and commercial development throughout the plan period.

### Amount and Distribution

The distribution would then look like this (a suggestion to substitute Table 9)

The balance to the rural area is then far more realistic, achievable and serves to give wider choice so increasing the chances of growth envisaged by the whole plan.

Location	Completions	Commitments	LP Provision (sqm)
Tiverton	1550	805	33000
Cullompton	3598	19669	46000
Crediton	520	2052	9820
Junction 27	0	0	42550
Rural	4119	20733	28000
Totals	9787	43259	159300

We have reduced the trajectory in Cullompton and Tiverton to allow for the extra 41,000m2 policy suggestion to be placed in a location equidistant from these centres at J27 in the 'Rural' category.

We believe this policy alteration stands even if Cullompton does not deliver the East Cullompton CU7 provision and if there is any risk that the CU7 provision is delayed or curtailed then there is a stronger case to see this employment opportunity come into this plan. So the amount stays broadly the same only placed into different locations.

**It could be argued that the impact of the J27 development will generate even more requirement than the current plan allows for - as the wider economic benefits are derived. It will almost certainly derive a need for complimentary services within the 'B' classes – and preferably on the doorstep. The benefits of this synergy and economies of scale that will bring quicker and more viable delivery are perhaps missed by the plan.**

#### **Deliverability**

Work has been done to show the transport and environmental constraints can be overcome and planning permission currently exists for a roundabout to access this land immediately.

The land is within two ownerships who are working together to make it available.

The land is level, adjacent to a highway and easily serviced so as avoiding the extra entry costs often associated with land in a rural area of Devon. Therefore viable and early derivability is most likely.

We would be pleased to be kept informed on the future stages of the plan

