



Ref: **MM-**
MM01

(For official use only)

Consultation on Draft Main Modifications to the Local Plan Review 2013 - 2033

Form for representations

Please return by 17 February 2020 (5pm).

When making a representation you must include your name and full postal address, otherwise your comments cannot be registered. Addresses will only be used to inform people about the new plan and other planning matters.

This form has two parts –

Part A – Your Details

Part B – Your representation(s). Please fill in a separate Part B for each representation.

Data Protection Act. Please note that this information on this form will be entered onto a database and the paper copies retained on file. The information will be used for the purposes of Town and Country Planning and may be viewed by any person for such purposes. To find out more on how we use your personal information, please see our Privacy Notice <https://www.middevon.gov.uk/PNRepresentations>

The Local Plan Review Main Modifications and associated information can be seen on the Council's website at www.middevon.gov.uk/LPRMainMods

If you require this information in another language or format, please contact us on 01884 255255 or email customerfirst@middevon.gov.uk

Part A

	1. Personal Details*	2. Agent Details (if applicable)
Title		Mr
First Name		Michael
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Job Title (where relevant)		Director
Organisation (where relevant)	Barratt David Wilson c/o Agent	LRM Planning
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E-mail Address		██

** If an agent is appointed, please complete only The Title, Name and Organisation boxes below but complete the full contact details of the agent in 2*

Part B – Please use a separate sheet for each representation

3. Name or organisation:

4. To which Main Modification consultation document does this representation relate? Please tick one box only (please use a separate sheet for each document you are commenting on)

Schedule of Proposed Main Modifications	x
Sustainability Appraisal Addendum	
Habitats Regulations Assessment (HRA) Addendum	
Equality Impact Assessment (EqIA) Addendum	
Schedule of Additional Modifications	

5. Please indicate the schedule reference (e.g. MM01) in the above document and the Policy number (e.g. DM1) to which your representation relates (please use a separate sheet for each schedule reference you are commenting on):

Reference Code

Policy

Please note that this consultation invites comments on modifications only, and not the wider unchanged content of the Local Plan Review.

The Local Plan Review 2013 – 2033 is required to be assessed against the tests set out in paragraph 182 of the 2012 version of the National Planning Policy Framework to establish whether it is ‘sound’ and complies with legal requirements:

- **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 National Planning Policy Framework.

6. Do you consider the Local Plan Review to be:

6.(1) Legally compliant Yes No

6.(2) Sound

6 (2.1) Positively Prepared	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
6 (2.2) Justified	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
6 (2.3) Effective	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
6 (2.4) Consistent with national policy	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Please provide your comments below

Please refer to the attached sheet.

(Continue on a separate sheet if necessary)

Please complete the form online at www.middevon.gov.uk/LPRMainMods, or return completed forms to:

Forward Planning
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton EX16 6PP

or email to planningconsultations@middevon.gov.uk

REPRESENTATIONS IN RESPECT OF LOCAL PLAN REVIEW PROPOSED MAIN MODIFICATIONS CONSULTATION

1. On behalf of our clients, Barratt David Wilson Homes, we set out herein our comments on the Main Modifications Consultation.
2. Our clients are already making a significant contribution towards meeting the Council's identified housing needs on a number of important sites across Mid Devon and are one of the largest housebuilders operating in the local authority area. They have considerable experience in bringing sites forward for development and the measures needed, however, they are significantly concerned that the Local Plan Review process will not boost the supply of housing land in the short to medium term despite the requirements of national policy, indeed they are actively seeking ways in which they can provide more homes in Mid Devon.
3. Given the length of time that this process has now been underway, the trajectory provided is nearly 2 years out of date. This means that many of the assumptions taken are demonstrably inaccurate and mean it is inevitable that upon adoption there will not be a 5 year land supply, the plan will be immediately out of date and NPPF para.11(d) will be engaged. Whilst we support the Council's recognition that additional allocations are needed, it is plainly the case that further sites are required. Indeed, the length of time that this process has been underway enables a far clearer picture on the failure of the supply as set out in the trajectory.
4. We note that since our examination hearing statement was prepared a year ago (in which we identified a major shortfall in provision both in the initial five year period and over the lifetime of the plan) there has been very little progress on sites that we raised concerns about. Rather, the optimistic approach that the Council in their January 2019 position paper and April 2019 HLA update only serves to emphasise the lack of progress and lack of 5 year supply. Since our previous representations in fact the failure to identify sufficient sites is stark.
5. Indeed, we note the following fundamental and alarming shortcomings that still exist within the trajectory.

Overestimated completions

6. Within the trajectory it is predicted that there would be 574 completions in 2018/2019 contributing towards the 5 year supply. However, according to the ONS web site there were just 300 registered completions in that monitoring year. Plainly the additional 274 cannot be counted towards the 5 year supply as it is a factual position that they haven't happened, it is likely that a similar shortfall will happen in subsequent years given the lack of tangible progress on a large number of sites.
7. In addition, the trajectory assumes that a large number of unidentified sites will deliver within the 5 year period on small sites (1 to 4) dwellings. NPPG is clear that "A 5 year land supply is a supply of *specific deliverable sites sufficient to provide 5 years' worth of housing*" however, there appear to be 487 unidentified sites included within the supply, these can clearly not be considered to be specific.

Sites that would not meet NPPG requirements

8. We have previously expressed concern over the delivery of sites within the 5 year period (base date April 2018). As time proceeds through that 5 year period, it is apparent that sites will not

deliver as indicated. Furthermore, the tests of delivery set out in updated Planning Policy Guidance places a far greater onus on local authorities to provide clear evidence of delivery. The plan and its ability to achieve a 5 year supply of deliverable housing land in line with the NPPF will be tested on this basis following its adoption. As a minimum the supply should be sensitivity tested against the updated guidance.

9. Under the subsection titled 'Identifying land for homes', paragraph 67 states that "Planning policies should identify a supply of: a) specific, deliverable sites for years one to five of the plan period with Footnote 32 informing that this figure includes an appropriate buffer as set out in paragraph 73. The Glossary at the back of the NPPF provides the revised definition of deliverable.

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."

10. NPPG takes this definition further and sets out the evidence needed to support the definition of deliverable in terms of certain sites (Paragraph: 007 Reference ID: 68-007-20190722):

"As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- have outline planning permission for major development;*
- are allocated in a development plan;*
- have a grant of permission in principle; or*
- are identified on a brownfield register.*

Such evidence, to demonstrate deliverability, may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;*
- firm progress with site assessment work; or*

- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.”

11. Importantly it is recognised (APP/U2805/W/17/3176172) that “the evidential burden on the Council is now increased significantly from the requirement in the previous 2012 Framework which required there to be a realistic prospect”. Plainly, the evidential requirement is above confirmation from site promoter that it will come forward, rather, that a realistic route through planning, technical, financial and legal matters to site delivery is needed. Without this, the tests of NPPG cannot be met and upon adoption the Plan will be immediately out of date.

12. Given this updated context since our previous comments were made, we have re-reviewed the sites once again for progress (based on the Council’s planning application search facility), however, worryingly for the soundness of the plan there has been very little progress. Indeed, many of the following sites have already been subject to representations, but given that may appear stalled and no progress has been made over the previous 2 years we are of the view that they cannot form part of the 5 year supply until clearer evidence of delivery is provided in line with NPPG.

13. Table 1 sets out our updated consideration of sites based on updated national guidance.

Table 1: Sites that will not contribute towards the land supply

Site	Policy	Evidence	Reduction in 5 year land supply
Howden Court	TIV9	There is no application or indication of an application that suggests the NPPG definition could be met. It is not sufficient to rely upon an indication from the Council’s housing department absent a clear planning route to site.	10
Roundhill	TIV10	There is no application or indication that suggests the NPPG definition could be met. It is not sufficient to rely upon an indication from the Council’s housing department absent a clear planning route to site.	20
Blundells School	TIV16	Aside from the constraints previously noted (flooding and other uses on site). There is no application or indication that a full or outline is imminent or programmed in.	62
NW Cullompton	CU1 - CU6	Given that none of the applications have been permitted nor is there a planning route set out for completions – and given lead in times for large sites (s106 to be signed, ownership agreements, RM schemes, discharge of conditions etc).	249

		BDW are of the view that first completions are unlikely until 2023 at the earliest.	
Colebrook	CU21	An appeal is progressing for an outline application, there will not be completions within 13 months (as there will be a need for an appeal decision, RM's, discharge of conditions). We believe that at least half of the 62 dwellings within the five year supply should be pushed back.	31
Peddarspool	CRE5	Whilst there was a resolution to grant outline planning permission in September 2018 (over 16 months ago), the s106 remains unsigned. There is no sign that this is imminent, there is no developer or route to submission of RM's or discharge of conditions and there is no indication that the rugby club can be relocated.	62
Newton Square	BA1	There is no application submitted, timeframe for doing so or indication that it is deliverable.	5
Hollywell	BO1	There is no application submitted, timeframe for doing so or indication that it is deliverable.	20
Hele Road	BR1	There is no application submitted, timeframe for doing so or indication that it is deliverable.	9
Barton	CH1	There is no indication of a timeframe for a decision on the outline planning application, a detailed application, signing s106, finding a developer, discharging conditions, RM applications etc.	20
Land off Church Lane	CB1	There is no application submitted, timeframe for doing so or indication that it is deliverable.	20
Greenaway	MO1	There is no application submitted, timeframe for doing so or indication that it is deliverable.	20
Former Tiverton Parkway	SP1	There is no application submitted, timeframe for doing so or indication that it is deliverable.	10
Higher Town	SP2	Application refused	60

Land east of M5 W11 Application refused 42

Total **640**

14. Our review of the sites in table 1 indicates that there are 640 dwellings within the 5 year trajectory that lack sufficient evidence to contribute towards the 5 year supply.

Impact on Five year supply

15. Based on removing those elements (as set out above) that can not be considered to meet national requirements on indentifying a deliverable supply of sites in the first 5 years of the plan, we believe a total of 1401 dwellings should be removed from the five year supply calculations. Accordingly we set out below a revised and accurate calculation of the Council's land supply (based on the 4 scenarios identified by the Council in their housing land assessment published in April 2019).

Table 2: Five year land supply scenarios based on 5 year land supply position

	Method	Buffer	Requirement	Supply	5 year supply figure
Scenario 1	Sedgefield	20% buffer	2640	1340	2.5
Scenario 2	Sedgefield	5% buffer	2310	1340	2.9
Scenario 3	Liverpool	20% buffer	2452	1340	2.7
Scenario 4	Liverpool	5% buffer	2146	1340	3.1

16. Plainly the ongoing delivery failures will result in far greater pressure on increasing delivery in later years of the plan. However, as set out in previous representations the actual effect of this is that the supply pool will be pushed outside of the five year supply.

IMPLICATIONS FOR THE LOCAL PLAN REVIEW AND CHANGES REQUIRED TO MAKE IT SOUND

17. Given the above considerations There are plainly three key issues for the Mid Devon Local Plan Review that will need to be addressed in order to make the plan sound. These are:

1. There is an insufficient housing land supply in the first 5 years. This is due to reliance upon sites that have still not delivered in recent years and those where there is a lack of demonstrable evidence of progress contrary to the requirements of NPPG;
2. There is still a need to identify an additional supply of land, however, given the growing shortfall this has increased since our examination Hearing Statement to to 1,300 dwellings (based on the Sedgefield Methodology and a 20% buffer); and

3. The spatial strategy remains based on an out of date evidence base that artificially constrains growth at Crediton in favour of other less sustainable locations as set out in detail in our previous representations.

18. Our clients BDW confirm their interest in land at Chapel Down Farm which can provide an additional 120 dwellings to the five year supply (and the plan requirement as a whole). Based on work undertaken to date, a full planning application could be submitted imminently and our client would volunteer a 12 months timeframe for commencement on site. BDW utilise a compliance based approach to their detailed applications as such they would expect the site to be complete within the five year period.

LRM Planning
February 2020