



Ref: **MM-**
MM25
MM48

(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	Richard	
Last Name	Walker	
Job Title (where relevant)	Strategic Planning Director	
Organisation (where relevant)	Lightwood Land	
Address 1	2 Farleigh Court	
Line 2	Old Weston Road	
Line 3	Flax Bourton	
Line 4		
Post Code	BS48 1UR	
Telephone	██████████	
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 **CU8**

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="text"/>	No	<input type="text"/>
6 (2.2) Justified	Yes	<input type="text"/>	No	<input type="text" value="x"/>
6 (2.3) Effective	Yes	<input type="text"/>	No	<input type="text" value="x"/>
6 (2.4) Consistent with national policy	Yes	<input type="text"/>	No	<input type="text"/>

7. Please provide your comments below

Lightwood are content with the thrust of MM25 in respect of Policy CU8 although we consider that the word *strategic* should be changed to *necessary*

The proposes change is as follows

MM25	CU8: East Cullompton Transport Provision	99	Replacement policy text for criterion (a) of the policy as follows: <u>Provision of mitigation measures to ensure only acceptable impacts occur to J28 of the M5 as a result of traffic generated from the site Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site;</u>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.
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If the nature of the improvements required is to be determined having regard to an impact study that the applicants undertake, it is presumptuous to assume, in policy, that the intervention will necessarily need to be 'strategic'. The definition of *necessary* is capable of clear definition when linked to the 'severe' test of the NPPF. The use of *strategic* is not justified or effective.

The impact study required by MM25 is capable of identifying that a specific quantum of development from the East Cullompton allocation would not have a severe impact on the strategic highway network, based on non-strategic, yet necessary, improvements to that network (i.e. Junction 28). The policy wording should allow for this eventuality. At present MM25 requires a strategic improvements whatever level of development is applied for. The allocation is capable of coming forward as a series of separate applications over time (in line with a master plan SPD).

This response applies equally to MM28 (Policy CU12: Phasing) and also MM31 and MM32 regarding the employment allocations east of the at Week Farm (CU18) Venn Farm (CU18).

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Forward Planning
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Phoenix House
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Tiverton EX16 6PP

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Guidance Notes to accompany Representations Form

1. Introduction

- 1.1 The Local Plan Review 2013 – 2033 was submitted, together with all supporting documentation, to the Secretary of State in March 2017 for independent examination. The Plan is being examined by an Independent Inspector to test whether the plan is ‘sound’ and in accordance with legal requirements.
- 1.2 The Inspector has asked that consultation be carried out on draft Main Modifications which may be necessary in order for the Plan to be ‘sound’, although this does not imply that the Inspector has come to any firm conclusions on the soundness of the Plan with or without these modifications. The Inspector’s final conclusions will be provided as a report at the end of the examination process.

2. What can I comment on?

- 2.1 This consultation relates specifically to the proposed Main Modifications to the Mid Devon Local Plan Review 2013 – 2033 that are considered necessary to ensure that the Plan can be found ‘sound’. Comments can also be made on the associated documents Addendum to the Sustainability Appraisal, Addendum to the Habitat Regulations Assessment and Addendum to the Equality Impact Assessment.
- 2.2 This consultation does not repeat the consultation already undertaken on the plan. The Inspector is therefore not inviting further comments on issues addressed in earlier consultation, or on the Local Plan Review as a whole.
- 2.3 The Council is also consulting on a Schedule of Additional (Minor) Modifications to the Mid Devon Local Plan Review at the same time which provides minor updates and clarifications. Comments can be made on these additional changes as part of the consultation to be considered by the Council but will not be submitted to the Planning Inspector.

3. Soundness

- 3.1 Soundness is explained in the National Planning Policy Framework, paragraph 182. The Inspector has to be satisfied that the Local Plan Review is positively prepared, justified, effective and consistent with national policy.

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

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Effective

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Consistent with national policy

The plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

- 3.2 If you are objecting to a Main Modification the response form asks you to identify which of the Tests of Soundness you consider the modification fails to address, to aid the Inspector examining the Plan.

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Reference Code Policy **DM7**

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The Inspector's post hearing advice note (ID-12) set out soundness concerns related to the provision of G&T Sites. The note recognised the problems of requiring housing allocations to deliver G&T Sites within their boundaries and that this would affect the delivery of either or both. The need to meet G&T needs in full was also expressed.

Two options were suggested by the Inspector for the Council to consider.

1. Plan to meet the identified need in full by allocating enough sites while ensuring those sites are decoupled from general housing allocations to form separate allocations; or
2. Make Policy S14 permissive of G&T Sites in the countryside while decoupling allocated G&T Sites from general housing allocations and deleting the stipulation in relation to need in Policy DM7.

Both options required the decoupling of G&T sites from general housing allocations.

The following three MMs are proposed of relevance to G&T sites.

- MM05 relating to paragraph 2.31
- MM11 relating to Policy S14 [Countryside] and paragraph 2.82
- MM48 relating Policy DM7 [Travellers Sites] and paragraph 4.29

The MMs demonstrate that Council have, to a degree, pursued option 2. However, the MMs do not adequately address the decoupling direction from the Inspector and thus the proposed approach in the Local Plan remains unsound in term of its effectiveness.

The preference for G&T plots to be accommodated on housing allocations remains in paragraph 2.31(MM05). Clause 2 of DM7 and the reasoned justification maintains a link between G&T plots and housing allocations. Developers are given the option of providing plots 'off-site', if this provides a '*more favourable outcome*' for the users of those plots.

This 'choice' does not represent decoupling. It continues the risk that either or both the (timely) delivery of the housing allocations or the G&T plots will be affected. Requiring the developers of housing allocations to source and deliver land off-site will delay the uninterrupted implementation of those housing allocations. Any inability of the developer to achieve off-site G&T plots would not simply lead to those plots being delivered on-site instead, for the reasons set out during the hearing and subsequently.

Without prejudice to our 'in-principle' objection:

- we note that off-site plots would not 'count' as affordable housing, but that on-site plots would. This is not justified.
- we suggest that an off-site contribution in-lieu of on-site provision would aid the delivery of housing allocations and the G&T plots themselves. This would suitably decouple the sourcing and delivery of G&T plots from the implementation of housing allocations, whilst still enabling the Council to deliver G&T plots.
- The policy requirement within DM7 for a '*a more favourable [off-site] outcome*' is not justified. The only sound requirement would be for the off-site outcome to be 'suitable' in absolute terms. There can be no justification for off-site provision being subject to a higher test.

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