

Ref: **MM****MM-38**

(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	Mr
First Name	Ian	Andrew
Last Name	Palfrey	Lane
Job Title (where relevant)		Associate Director
Organisation (where relevant)	Executor of the Estate of the Late Denis Palfrey	DLP Planning Ltd
Address 1	40 Etonhurst Close	Broad Quay House (5 th Floor)
Line 2	Clyst Heath	Prince Street
Line 3	Exeter	Bristol
Line 4		
Post Code	EX2 7QZ	BS1 4DJ
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

MM38

Policy

J27

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

X

No

6.(2) Sound

6 (2.1) Positively Prepared

Yes

X

No

6 (2.2) Justified

Yes

X

No

6 (2.3) Effective

Yes

No

X

6 (2.4) Consistent with national policy

Yes

X

No

7. Please provide your comments below

Please see separate report.

(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

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

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.

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.



For and on behalf of:
Mr Ian Palfrey, Executor of the Estate of the Late Denis Palfrey
40 Etonhurst Close
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MID-DEVON LOCAL PLAN REVIEW
PROPOSED MAIN MODIFICATIONS CONSULTATION
REPRESENTATION, POLICY J27 (MAIN MODIFICATION, MM38)

Land within the proposed J27 Allocation

Prepared by
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Tel: [REDACTED]

February 2020

1.0 The status of the representation

- 1.1 The following representation, to the Mid-Devon Local Plan Review Main Modifications Consultation, has been prepared by DLP Planning Ltd on behalf of Mr Palfrey, as Executor of the Estate of the Late Denis Palfrey (referred to hereafter as 'The Estate').
- 1.2 Mr Palfrey, as an executor of the Estate, is representing the Estate's land interests in relation to the proposed allocation, Policy J27: Land at Junction 27. The Estate directly owns and controls land central to this allocation.
- 1.3 The Estate have previously been in contact with scheme promoters, who have submitted representations and have been actively involved in the Local Plan and Examination in Public processes. The Estate wish to confirm that they are a willing landowner and are supportive of the delivery of the allocation and the development of their land as a central part of the allocation.
- 1.4 The Estate are therefore wholly supportive of the Local Plan and Examination processes.
- 1.5 The Estate owns directly or controls land which is central to the allocation and importantly has the potential to facilitate a main access onto the site from the B3181.
- 1.6 The Estate wish to comment on the effectiveness of the proposed main modification detailed as MM38, in the *'MDDC Schedule of Proposed Main Modifications following 2019 Examination Main Hearings and receipt of Inspector's Post Hearings Advice Note, Date: December 2019'*. The representation and further requested modification are set out below.

2.0 Main Modification – MM38

- 2.1 This representation relates to Main Modification MM38, relevant to Policy J27 – Land at Junction 27. MM38 proposes the following change:

Replace criterion b) as follows:

~~“Provision of transport improvements to ensure appropriate accessibility for all modes, including new or improved access and egress onto the M5~~

~~motorway and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station. Provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to M5 Junction 27 and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station~~

2.2 Insofar as the Estate can accommodate one or more of the main accesses into the allocation, via the B3181, they have the following representation in relation to the proposed Main Modification, MM38.

2.3 As currently worded the Main Modification, MM38, is silent on the practical mechanisms to ensure that:

- the access routes into and through the site, and
- the link across the motorway to Tiverton Parkway Railway Station

can enable the delivery of the allocation. The Main Modification fails to acknowledge and deal with the context of multiple landowners that currently control the different elements of the allocation, as such, it is not 'effective', as it fails to ensure the allocation is deliverable. The Estate consider additional wording can rectify this soundness issue through identifying the importance of collaboration between the different landowners to avoid any potential deliverability issues, such as adverse ransom situations which result in a failure or significant delay to the delivery of the allocation.

3.0 Remedy

3.1 The remedy sought is the following addition to MM38, highlighted as red text. The amendment could equally be applicable more generally to the policy and as such could be presented as its own policy bullet point.

3.2 Replace criterion b) as follows:

~~"Provision of transport improvements to ensure appropriate accessibility for all modes, including new or improved access and egress onto the M5 motorway and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station. Provision of transport improvements to ensure safe~~

and suitable access for all modes, including necessary capacity improvements to M5 Junction 27 and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station. The facilitation of which must be delivered through a landowners collaboration agreement (or another suitable mechanism), controlled through planning conditions as required.

- 3.3 The Estate welcome the opportunity to provide additional clarification in writing or at a hearing session if this would be helpful to either the Inspector or the Council. The Estate reiterates its support for the allocation of its land within Policy J27, and that it is a willing landowner and supportive of the delivery of the allocation.

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