

Hearing Statement from North Devon Council

Hearing 1 - Policy J27

The following statement from North Devon Council is intended to provide further information and explanation for the Council's objection to policy J27 of the Mid Devon Local Plan Review. It is set out under the relevant issues identified within the Inspector's Matters and Issues document.

1. Is the evidence base sufficiently robust to demonstrate a need for the scale of the tourist attraction proposed?

NLP's "Critique of Retail and Leisure Statement" (July 2015) [SSE15] concludes that "*in the absence of the necessary evidence that demonstrates need, a complete sequential site analysis and a complete study of the potential impacts in other development plan proposals and retail draw ...*" which indicates that need had not been demonstrated. NLP's subsequent report "Critique of Retail and Leisure Statement" (March 2016) [SSE16] concludes (paragraph 6.1) that the Mid Devon local plan would not be unsound by omission of the EW scheme [Junction 27 proposal]. Conversely it indicates (paragraph 6.7) that including the proposal would not make the Plan unsound.

However, the Mid Devon Tourism Study (November 2014) [ECO05] identifies the need for a new tourism facility (paragraph 6.12) and more indoor, all weather attractions (paragraphs 5.31 and 6.16). However, it is unclear what type or scale of tourism/leisure attraction is needed, what the strategic tourism objectives are, how the J27 proposal would help to delivery these objectives or the evidence base to support them. As such, need for the proposed tourist attraction is uncertain although it is accepted that a viable and distinctive tourist attraction would probably help to expand and diversify the local economy, especially a distinctive major all-weather facility.

North Devon Council is broadly supportive of an unique and innovative tourism/leisure attraction at Junction 27 excluding the proposed OSV.

2. Has a regional need for the retail element and the comparison goods floor-space in particular, been demonstrated?

The GVA Assessment of Retail and Main Town Centre Use commissioned by MDDC (November 2014) [SSE12] indicates (paragraph 6.1) that "*There is a need for the tourism, hotel, leisure and convenience goods retailing but no confirmed need for the comparison goods retailing*". This report concludes (paragraph 7.5) that "*a need for the proposed quantum of Class A1 retail floorspace has not been demonstrated*". The quantitative assessment lacks reference to other sites allocated for retail floorspace within the catchment area. As such, a quantitative need has not been demonstrated. However, the

need for a qualitative improvement for Class A1 retail floorspace has been identified.

3. Has the 'sequential test' been approached with sufficient rigour?

The sequential assessment of alternative sites for the proposed development as a whole is set out within NLP's "Critique of Retail and Leisure Statement" (March 2016) [SSE16]. At a local scale, the evidence base appears to have identified and considered alternative sites under a sequential approach to site selection.

It appears that the area of search for alternative sites was based on 30 minutes drive time within NLP's "Critique of Retail and Leisure Statement" (March 2016) [SSE16]. North Devon Council considers that, if there is a regional need for a new tourism/leisure attraction, then the area of search should have been on a regional basis, thereby greater than 30 minutes drive time. At a sub-regional scale, there was no direct engagement with North Devon Council under the duty to cooperate with neighbouring local authorities to help identify potential available and suitable sites which could be assessed as part of a sequential approach surrounding other sub-regional centres. However, it is recognised that alternative sites in Cullompton, Crediton, Taunton, Exmouth and Exeter have been considered.

The sequential assessment of sites is considered to correctly consider town centre sites, then out of centre sites. However, it is considered that out of centres sites should themselves be considered sequentially with edge of centres sites sequentially preferable to edge of town sites, with out of town sites considered as the final sequential option. It is unclear where the alternative sites assessed fit within this hierarchy, but it appears unlikely to North Devon Council that, in the absence of suitable and available sites within the built up area, there are no suitable and available greenfield sites on the edge of Tiverton or one of the other main towns in the sub-region. These would be sequentially preferable to a site approximately 7 kilometres beyond the edge of Tiverton.

In any event, North Devon Council considers that the proposed Junction 27 development could and should be disaggregated into its primary land use components because neither the tourism/leisure attraction nor the Outlet Shopping Village (OSV) are directly reliant upon each other. As such, a sequential approach to site selection should be applied separately to each primary aspect of the proposed development (where required).

The evidence base does not appear to have identified and considered alternative sites for either proposed primary use. North Devon Council considers that alternative, sequentially preferable sites are likely to be available within and on the edge of Tiverton or Cullompton to meet any identified need for any additional retail floorspace. Several such sites are identified in NLP's "Critique of the Retail and Leisure Statement" (July 2015) (paragraph 5.19) [SSE15] commissioned by MDDC.

As part of this sequential approach, the sustainability appraisal addendum (SD03) includes and assesses reasonable alternative to the scope and scale of Policy J27 (pages 113-117). However, it is unclear whether any alternative sites have undergone a SA assessment to inform their relative sustainability performance to help inform selection of the most sustainable option.

4. Has the analysis of the potential impacts of the retail element (2 and 3 above) of the proposal properly fulfilled the duty to co-operate?

There has been engagement with adjoining local authorities under the required duty to cooperate, however further opportunities have potentially been missed. As mentioned above (Q3), there were opportunities to engage with identification of alternative sites beyond Mid Devon for proposed development at a sub-regional scale as part of a sequential approach to site selection. Also, the most recent study by NLP was not shared with partner authorities, unlike earlier documents prepared for the Junction 27 development.

5. Is there a 'clear synergy' between the Outlet Shopping Village (OSV) proposal and the tourism and leisure elements of the proposed allocation?

Whilst the proposed OSV and tourism/leisure attractions could be located together, North Devon Council does not consider that they are directly reliant upon each other. As such, they could and should be disaggregated and proposed in different locations, following sequential approaches to site selection separately (where required).

6. If there is a need for the scale of tourist and leisure elements proposed, why is the OSV necessary?

North Devon Council considers that the OSV is not necessary for the proposed tourist/leisure development, which should be viable in its own right. There are many large scale tourist/leisure attractions in the South West which are viable without the support of an OSV, including the Eden Project, Diggerland and Crealy Adventure Park.

Whilst NLP's "Critique of Retail and Leisure Statement" (July 2015) [SSE15] indicates that some degree of cross subsidy is required (paragraph 6.4), it is unclear where the evidence is to demonstrate this. A commercial tourism/leisure attraction should need neither any cross subsidy nor grant funding, whereas a heritage-based tourism attraction (e.g. National Trust property) or environmental-based tourism attraction (e.g. Slimbridge Wetland Centre) would often be underpinned by some charitable donations funding.

In fact, we can't think of any other recent (non-retail) tourist/leisure attractions in the South West or nationally (outside the main towns and cities) which have been reliant on provision of an accompanying OSV (or other large scale retail floorspace developments) to make them viable. In which case, why is some degree of cross subsidy (paragraph 6.4 of GVA "Assessment of Retail and Main Town Centre Use") [SSE12] required here? The development should not require cross subsidy to make it viable.

7. If the OSV is necessary to enable or make viable the tourist and leisure elements of the proposal, where is the evidence that an OSV (or retail allocation) of the scale proposed, with its attendant effects, is necessary?

Whilst North Devon Council does not consider that an OSV should be necessary to make the proposed tourist/leisure development viable, the evidence base does not appear to indicate otherwise. If some retail development is necessary to achieve viability of development, we would expect the evidence to indicate the minimum scale of retail development required to support the proposal. It is not clear where this viability information is included within the Local Plan's evidence base.

8. Can existing town centre uses be properly protected through 'planning controls'?

9. Is the approach to the SAC sufficient and linked to that, what account is taken of the Priority Habitats that form part of the proposed allocation?

10. Does the evidence base lead to a conclusion that the impact on M5 Junction 27 can be properly managed?

11. Does provision need to be made for compensatory flood plain?