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MID DEVON DISTRICT COUNCIL LOCAL PLAN REVIEW EXAMINATION PRELIMINARY HEARING ON TUESDAY 26th SEPTEMBER 2017.

POLICY J27

POSITION STATEMENT FOR TIVERTON CIVIC SOCIETY

An important aim of Tiverton Civic Society is to be alert to significant changes affecting the urban environment and surrounding countryside that would have adverse consequences affecting the town. We fully supported MDDC's original reasons, reached after extensive consultation, for not including Junction 27 in the Proposed Local Plan 2013-2033, including i) 'The quantitative need for the proposed retail element of the development has not been demonstrated'. ii) 'The proposal had not adequately addressed sequential test requirements set out in the National Planning Policy Framework', and iii) 'The potential impacts on the roles and functions of existing centres and other development plan proposals elsewhere had not been fully addressed'. We were astonished that a majority of MDDC Councillors voted to alter the plan to include Junction 27 at a late stage.

In our previous submission we have outlined some of the problems at present apparent in the town centres of Tiverton and other local centres, and our concerns about the impact of the Eden Westwood proposals, feeling that, if approved, these could be very damaging, especially to the fragile retail sectors, and, potentially, to town centre Conservation Areas already classified by Historic England as 'Heritage at Risk' in both Tiverton and Cullompton.

We fully support the NPPF 'Town Centres First Policy' which seeks to ensure the vitality and viability of town centres and states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. As part of this the NPPF states that local planning authorities should promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of the town centres.

In this statement we address some of the Matters and Issues raised by the Planning Inspector.

1. **Regional Need for the Retail Element and the Comparison Goods Floor Space.** The speculative proposal by Eden Westwood includes a large amount of town centre activities, both in the retail and leisure sectors, and we find the three studies undertaken on behalf of Mid Devon District Council by Nathaniel Lichfield and Partners to be particularly relevant: '*Critique of Retail & Leisure Statement July 2015*', '*Addendum to Critique of Retail*

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*& Leisure Statement March 2016, and 'Additional Retail Response July 2016', which examine in detail the impact development would have on existing towns, as well as MDDC's response to them. In the last and most recent of these reports NLP estimated that 'all proposed main town centre uses i.e. the tourism, leisure and retail elements would require a site area of about 28 hectares' (at Junction 27), and in section 1.3 they conclude that 'there is no quantitative need for the OSV/DOV (Designer Outlet Village) comparison floorspace, over and above other allocations within Mid Devon, based on local expenditure generated within the District. This suggests the scale of DOV proposed will result in unsustainable planning and an overprovision of retail floorspace, **causing an adverse impact on the vitality and viability of existing centres**'. They also state that 'It has been difficult to show the regional need for both the retail element and the comparison goods floor-space'. In general, their conclusions equate with those in the earlier, 2014, study by GVA (7.11): 'Overall, and notwithstanding the lack of proper information and analysis, we have reached the conclusion that the current proposed allocation has the potential to materially affect the role and function of existing centres in the local retail hierarchy. We reach this conclusion based upon the scale and breadth of the main town centre uses proposed, many of which are to be found in existing centres in the retail hierarchy'.*

Astonishingly, on Page 94 of the Local Plan Consultation Summary Document January 2017 MDDC state that '**These (NLP) studies conclude that the impact would not be significant** ', which is surely a gross misreading of the conclusions reached!

<https://www.middevon.gov.uk/media/343276/sd11-local-plan-review-proposed-submission-january-2017-consultation-summary-document-revised.pdf>.)

A further report was carried out by Bilfinger GVA on behalf of Exeter City Council and Taunton Deane Council to provide technical advice on the robustness of the retail elements of the proposed J27 allocation. 'The advice has raised concerns with the robustness of the retail work carried out by the promoters and NLP. It considers the analysis to be out-of-date, as it is based upon economic forecasts published in 2014 and not the latest in 2015/16. It also considers that the need for the Designer Outlet Village has not been demonstrated, taking into account all commitments and allocations within the overall catchment area. Furthermore, viability evidence has not been made available to demonstrate that the designer outlet village is necessary as enabling development for the tourism uses, or to see whether alternative funding options might be available to deliver these. It also considers the impact assessment to be incomplete, as the cumulative impacts of the scheme with other developments on town centres within the catchment have not been assessed'.

We do not consider that the need for the proposed Designer Outlet Village has been demonstrated and we do not consider that the impact on the vitality and viability of neighbouring centres has been fully researched. This is reinforced by the current and sustained squeeze on retail spending resulting from a fall in real incomes.

2. **Sequential Tests.** 'It is for local authorities to ensure that sequential tests and impact tests have been properly applied, and that the 'town centre first' approach has been followed'. Although much reference is made to such tests in the NLP and CMRE reports, and several conflicting issues are raised, such as the issue of disaggregation, *we are not convinced that such tests have been fully clarified and applied by MDDC when considering this major development.*
3. **Impact J27 3.184d** 'The proposals for a major facility of this nature needs to be considered carefully in terms of its impacts and the policy makes provision for detailed transport assessments, environmental protection and green infrastructure, energy conservation,

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provision of improved public transport, pollution and drainage considerations, phasing and importantly master planning with full public consultation prior to any planning applications being approved. Controls using legal agreements will be required to control the extent and types of use that take place on the site, particularly in respect of retailing which will be tightly controlled' *Whilst we do not disagree with these objectives, we are not convinced that planning controls will be effective, and that the potential impact on local urban centres has been fully considered.*

4. **Duty to Cooperate.** The latest NLP report states that 'since March 2016, MDDC officers have met with neighbouring authorities under the duty to co-operate, during which NLP's advice and the EW proposals were discussed. Following on from these discussions, MDDC has asked NLP to prepare supplementary work to build on the previous advice and to respond to retail issues raised'. *We cannot comment on the detail or effectiveness of these meetings. But would wish to know more about the outcomes.*
5. **Synergy J27 3.184c** 'There is a clear synergy between the Designer Outlet Village proposal and the tourism and leisure aspects of the proposed allocation. It is not considered viable to disaggregate this proposed allocation given the nature and interdependency of the uses. Therefore it needs to be in a location which can accommodate this scale of development and has appropriate links to the strategic highway and rail networks' *We are not convinced that the DOV, with its potential adverse impacts on existing centres, is necessary for the success of the tourism and leisure elements of the proposed developments, or that it would have sufficiently strong synergy with the proposed tourist attraction for it not be located in nearby employment allocations within or closer to existing town centres, thereby reducing pressures on the road system and the loss of greenfield land. (Atlantic Village at Bideford, Clark's Village at Street and, to a lesser extent, the Eden Project in Cornwall, are all viable stand-alone schemes).*
6. **Planning Controls.** The Exeter City Council Discussion Paper 24th February 2017 states that: 'A point which requires further clarification/investigation is the nature of the proposed controls that will be placed on the comparison retail floorspace, i.e. required to sell discontinued/end-of range lines, seconds and surplus/sample stock, and the impact these will have (both positive and/or negative). Whereas MDDC envisage these will help to minimise impacts on town centres selling similar comparison goods, it is considered likely to also be an attractor to the designer outlet village over these centres due to the reduced prices placed on goods. Indeed, it is not considered that the proposed controls will differentiate the retail floorspace in the allocation from the goods being sold in surrounding town and city centres, and the retail floorspace within the allocation is likely to directly compete with retailers in Exeter City Centre. Furthermore, it raises the question of how these controls will be enforced effectively. Lastly, there is also the risk that the designer outlet village could increase in size in the future, particularly if the tourism elements are not successful.' *Tiverton Civic Society have major concerns about this issue: our recent experience of planning controls and conditions set by MDDC has been far from positive, demonstrating only too readily that conditions accompanying planning approvals have frequently been overturned or altered, for instance in Tiverton's Eastern Urban Extension.*
7. **Priority Habitats and Air Pollution.** J27 Proposals Habitats Regulations Assessment: Appropriate Assessment Report 4.4: 'The site improvement plan for the Culm Grasslands SAC25 identifies that atmospheric nitrogen deposition is an issue at the site and that a nitrogen action plan is required. Natural England's Atmospheric nitrogen theme plan²⁶ also

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identifies the site as 'very sensitive' to nitrogen and the likelihood of impacts from nitrogen as 'very likely.'

The assessment of air pollution effects on the Culm Grasslands SAC concludes that 'the proposed the J27 site allocation would cause a negligible increase in nutrient nitrogen and acid nitrogen deposition, **although critical loads for these are already being exceeded and will continue to do so in 2022, despite expected decreases in background concentrations.** in combination with other Local Plan allocations NOx levels would increase immediately adjacent to the A361, over the plan period. However, the effects would be very localised within the SAC. The J27 site allocation, alone or in combination with the Local Plan proposals, will not have an adverse effect on the integrity of the Culm Grasslands SAC'. *We feel that, although the impact of the development on the Culm Valley Grasslands may be small, consideration of the current major concerns about the impact of emissions on health must be a priority and that, unless effective mitigation measures are applied, major new developments such as that proposed for J27, should not be located where acceptable levels are likely to be exceeded.*

Jeremy Salter, Chairman, Tiverton Civic Society
Fern Clarke, Secretary, Tiverton Civic Society