

Sustainability Appraisal Consultation 2018
Forward Planning Group
Mid-Devon District Council
Planning Services
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

2 April 2018

To whom it concerns

The following are comments provided by Mr & Mrs Dumble at the above address. Our comments relate to the implications of the SA Update documents on policy SP2 and the allocation of housing at Higher Town Sampford Peverell.

We would like to confirm our wish to be present and speak at the Inspector's Hearings into the allocation for housing at Higher Town (Policy SP2).

1. We find it hard to understand what exactly has been achieved by the damaging and self-imposed delay to the Local Plan process initiated by MDDC. The documentation presented for consultation is dense and the changes made to the SA are purely procedural and largely unfathomable. No changes to anything tangible arises. There are no changes to the draft Local Plan, notably Policy SP2.

2. We have a very deep concern at the way the brief for the Independent Assessment of the Sustainability Appraisal updates has been presented publically on-line by MDDC (<https://www.middevon.gov.uk/residents/planning-policy/local-plan-review/>). The on-line introduction to this consultation states the following:

"Mid Devon District Council requested an adjournment of the Local Plan Hearings which were due to be held on 26th and 27th September 2017. This adjournment provided the opportunity for the Council to commission an independent report to review the Sustainability Appraisal of the proposed plan. The Council considered that this precautionary additional work would benefit the Examination, aid the Inspector's decision making and give additional assurance to all hearing participants and the public that a fair and thorough assessment had been undertaken.

The independent assessment was completed in January 2018 and considered the Sustainability Appraisal to be proportionate and appropriate to meet the legal requirements. Changes to the Sustainability Appraisal Update (2017) were recommended by the independent consultants to improve the clarity of this document."

3. The above statement seems to infer that the Independent Consultants were able to review and make comment on the Sustainability Appraisals. In fact they were not - and they make this very clear in Section 1.8 of their report in saying that "a full review of the whole SA process for the Local Plan Review (as recorded in other documents) has not been undertaken as it lies outside the scope of this commission". It would be helpful to know the wording of the "commission" provide by MDDC to Land Use Consultants and the reasons why this was so severely limited in scope.

Consultants reviewed the "process" relating to the production of the 2017 Sustainability Appraisal Update, but were not allowed to comment on the earlier Sustainability Appraisals or methodology used. Neither did they comment on the last-minute

rationale and considerations behind site selection carried out prior to and at the PPAG group meeting on 5 September 2016.

There are no publically available minutes of the PPAG meeting, nor even a record of who was present when decisions were made. Consequently there is no direct evidence of exactly how the decision was made to include Policy SP2 in the local plan.

4. LUC's report states in Section 1.8: [“Some of the information required to reach a judgement on the above questions is not recorded in the SA Update document as it relates to work undertaken during earlier stages of the SA process. Therefore, LUC has sought to obtain additional information from MDDC where required to inform a conclusion on these key issues.”](#) This limited approach to information gathering allows MDDC to add its own retrospective recollections and accounts of unminuted meetings, such as that of the PPAG. This is not evidence of process.

Given the LUC document is presented as being a review of process, there is a major omission to the report in not providing a list of supporting documents and other information used in the review. This lack of transparency is concerning and belies the reassurance of a “fair and thorough process” trumpeted in the MDDC consultation introduction. A full list of supporting information provided to LUC, and its origin should be provided.

5. Independent Consultants do not seem aware of the submission of at least one alternative site on the east side of the village (Mountain Oak) which was put forward during the 2017 Local Plan and which should have been considered by LUC in its review as it is a key part of the evidence base that was being consulted on at that time. It seems that the narrow brief given to LUC also kept them away from this positive attempt by local people to suggest an alternative site. This was just the sort of ‘new information’ that led to many earlier changes in the Local Plan (notably the inclusion of J27), but for reasons only known to MDDC was not even acknowledged by MDDC Planners in their summary of comments put forward to the Planning Inspector, and certainly does not seem to have been drawn to the attention of LUC during their Independent Review.
6. Peter Dumble made comment on some of these issues in submissions to Cabinet on 9th February and again to Council on 21st February. His comments and questions for these meetings are attached as Annex 1 and 2. We have also included responses made to these by the Head of Planning (and also at Cabinet, by Mr Pickhaver, Planning Officer from Torbay Council and Project Manager of the SA independent review process).

Current Planning Application For the Higher Town Site (SP2) - a Conflict of Interest?

There is a very important and urgent ancillary point to be made: we and many other residents of Sampford Peverell are very concerned that a conflict of interest has arisen within MDDC between their determined defence of the inclusion of the Higher Town site in the Draft Local Plan and the more immediate need to progress and make an assessment of a Planning Application of the site (17/01359/MOUT), currently scheduled for decision on 18 April 2018. We believe **any planning decision on this site is premature**, particularly given the widespread public dissatisfaction with MDDC's allocation of the site in the Local Plan and the delays to Inspector hearings caused by MDDC's request for adjournment.

We believe the Council should not put themselves in a position where their judgement could be called into question. It seems sensible that no decision is made on the granting of planning permission until after the results of the Inspector's Hearings into the Local Plan, and specifically into Policy SP2 are known. We urge any Councillors and Planning Officers

reading this submission to recognise this conflict and to either refuse the application on the very valid basis of “prematurity” or to agree a postponement of the application with Developers until after the results of the Inspector’s Hearings are known. We have attached as Annex 3 for the Inspector’s benefit, a copy of our latest submission of objection to the planning application setting out in clear policy terms some of the reasons why we believe the application should be refused.

Yours sincerely

Peter and Elaine Dumble

Annex 1

Question to MDDC Cabinet Meeting of 9 February 2018

For minutes and audio go to: <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=133&MId=1011&Ver=4>

My name is Peter Dumble and I am a resident of Sampford Peverell. My comments and question relate to the Higher Town site referred to as SP2.

The brief given to LUC consultants is narrow and was highly controlled by MDDC planning officers. As stated in section 1.4 of the LUC report, consultants did not reassess the February 2015 Sustainability Appraisal (or SA) report.

Consultants were not able to critically reappraise the SA process

- nor allowed do an independent assessment of the SA for the SP2 site
- nor to compare this allocation objectively to alternative sites within Sampford Peverell or elsewhere.

Any changes to the 2017 SA appraisal update have been made entirely by MDDC Planners. Any technical opinions and judgements are those of MDDC Planners - not the Independent Consultants.

The full and unchanged SA appraisals are included as Annex 3 within the new SA Update January 2018 report for approval today. As it is these appraisals that lie at the heart of the questions raised for last year's suspended hearings, it seems to me that this exercise has been a complete waste of time and ratepayers' money.

Planners have chosen to ignore the many well-argued and, in some cases, expert submissions from members of the public and seem determined to defend the indefensible allocation of SP2 – even if this risks further delaying the adoption of the Local Plan.

I would like to remind Councillors of the 5 questions raised by the Planning Inspector about SP2 for the aborted hearings:

These are:

- If a site in Sampford Peverell is necessary to cater for additional housing need resulting from the Policy J27 allocation, is this site the best performing?
- Does the proposed allocation have sufficient regard to the historic environment?
- Does the proposed allocation have sufficient regard to the character and appearance of the area?
- Is the proposed allocation properly accessible, for pedestrians in particular?
- Is the tie to J27 strong enough?

None of these have been considered within the LUC review.

But these issues have not gone away. The Council's failings in assessing the site will, I am sure, eventually lead the Inspector to find that Policy SP2 is unsound.

And I sadly predict that we will all be here again in a year's time unless something changes....

Councillors, you are being led along a very high-risk pathway.

My question is:

- Will Councillors please grasp the nettle and take the opportunity today to dismiss these wasteful reports, avoid another year of delay and vote now to recommend that the Full Council immediately cut Policy SP2 from the Draft Local Plan?

Thank you for listening.

Minuted Response

The following is a direct copy from the minutes of the meeting.

“With reference to questions asked by Mr Dumble the officer (Head of Planning – my addition for clarification) said that the scope of the review was very much around the modifications stage of the Plan. This was that stage at which the Council resolved to add Junction 27 and associated housing sites not only at Sampford Peverell but also at Blundell's Road, Tiverton, these being the major modifications to the Plan. The SA review by LUC did look specifically at this stage of the process and did take into account the SA work in relation to those allocations. This was indeed where the focus of LUC's commission laid. It was an independent process and their outcomes are within the report.

Mr Pickhaver confirmed that in section 1.3.1 of the report LUC advice was that they considered it appropriate and proportionate to SA the modifications rather than revisiting the whole SA process.”

Annex 2

Question to MDDC Council Meeting of 21 February 2018

For minutes and audio go to: <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=849&Ver=4>

My name is Peter Dumble and I am a resident of Sampford Peverell. My question relates to SP2.

In my submission to Cabinet on 9 February (which is on page 196 of today's Report Pack), I highlighted that the LUC Consultants review does not address any of the issues or questions raised by the Planning Inspector to be explored at last September's aborted public hearings.

Indeed, on page 14 of your reports pack, Section 1.9 of the LUC report states:

"It is important to note that LUC's review has focussed on the SA process that has been undertaken and has not included a review of the detailed findings of the appraisal of site and policy options."

Since it is the detailed findings that are at issue, it seems to me this self-imposed delay in the Local Plan and the documents presented for your approval today represent a missed opportunity to tackle the real issues.

MDDC planners have since September 2016 chosen to ignore the many well-argued and, in some cases, expert and constructive submissions from members of the public – including the identification of a more sustainable site on the east side of the village. There seems to be a determination to defend the indefensible allocation of SP2 – even at the risk of further delaying the adoption of the Local Plan.

Councillors, you are being led along a very high-risk pathway and it is very possible we will all be back here in a year's time unless action is taken today to remove SP2 from the Local Plan.

Let me emphasise this. According to [Section 3.5 of "Procedural Practice in the Examination of Local Plans"](#) published as guidance by the Planning Inspectorate, an issue raised by a Planning Inspector for hearings are (and I quote) *"key issues on which the soundness of the plan will depend"* and which in [Section 3.7 of the same report](#), are only identified if the Inspector believes there to be *"Fundamental Flaws"* in the Local Plan.

By raising SP2 as "an issue", the Inspector is virtually telling you that SP2 is a fundamental flaw.

My Question:

Page 4 of the Information Pack provides a risk assessment prepared by the Head of Planning for today's meeting. It ignores the elephant in the room by not addressing the very real risk of SP2 being found unsound by the Planning Inspector.

For the benefit of the public, and particularly for Members of Council who will otherwise be voting without having been given guidance on this risk, would Planners, in the light of the documents presented today, and in knowledge of the questions raised by the Planning Inspector last year, please state and quantify their assessment of the risk that SP2 will be found unsound at reconvened hearings?

Thank you.

Minuted Response

Note:

The Head of Planning chose not to answer questions individually (there were 17 questions raised relating to SP2). Consequently the entirety of responses given in the written minutes are presented below. Blue highlights are comments which address points made in my submission.

My specific question relating to risk assessment was not answered, but was raised in a different way by a Councillor and is only available on audio – the Councillor’s question and the answer given are also appended below.

Response:

“The Head of Planning, Economy and Regeneration was invited to provide answers to questions posed in public question time.

With regard to the robustness of the process, LUC (Land Use Consultants) were asked for an independent assessment, this was undertaken, they did not look at the site assessments, they felt this unnecessary as the site assessments had already considered reasonable alternatives. It was the officers view that they had considered any reasonable alternatives. Officers were not in the business of making recommendations that were flawed or biased. Officers were of the view that the findings of the review did not steer the Council to a different conclusion from the previous decision made and the plan as submitted.

She had heard all the representations regarding the use of the alternative site at Mountain Oak however it was felt that the Policy SP2 allocation was appropriate.

There were several questions regarding transport issues, highway safety, access and pedestrian issues; the Highway Authority had not objected to the site. Improvement would be required to the pedestrian access and a minor modification had been submitted to the Inspector for a further policy criterion proposed with regard to improved pedestrian connectivity. The officer’s view was that we should not change our position with regard to Policy SP2

With regard to the ministerial statement regarding the deadline for submissions: there was still a Government imperative and advice for the speeding up of plan making. Officers had referenced the end of March 2017 for submission and had identified the risk of intervention to be low.

With regard to the questions received from the Inspector on the major modifications to the plan including site SP2, this was all part of the examination process, officers did not believe that the inspector was indicating lack of soundness. There had been no request to date from the Inspector for a pre-examination hearing. Within Planning Inspectorate advice on plan examinations it is stated that Inspectors will seek to identify any fundamental concerns early in the examination process. No such concerns have been raised. Planning Inspectors usually advised if flaws had been found and any issues would have been raised at an early stage; there had been no request for additional information. Policy SP2 meets the standards met by other policies within the plan; the Local Plan was read as a whole and there was a need to have regard to all the policies including Policy DM25.

With regard to the access issues, officers felt that the site was sustainable, particularly with the addition of a new criterion for access and pedestrian issues.

With regard to flood risk from the canal, the sustainability appraisal drew evidence from the strategic flood risk assessment; Officers felt that it would have been an omission if it had not been part of the sustainability appraisal.

The request for an adjournment: legal advice had been received from the Council's barrister. It had been appropriate and proportionate to take the advice and adjourn the process for the independent assessment of the major modifications stage sustainability appraisal.

With regard to employment at J27 and the housing requirement, the recorded information was: full time equivalent of 1186 jobs, the number of additional homes required would be 260 over the Local Plan period, (13 per annum) A live planning application had been submitted on the site SP2 as a response to the lack of a 5 year land supply.

With regard to issues affecting disability, an equality impact assessment had been submitted with the plan.

The Forward Planning Team Leader referring to the use of agricultural land stated that yes, the allocation SP2 was on Grade 2 agricultural land and yes it was best and most versatile land, but it was felt that the parcel of land was not a significant loss in weighing up the merits of the allocation.

He spoke of the engagement between officers and the public and he recognised that local people valued their local place."

Audio Exchange between Councillor Deed and Head of Planning relating to Inspector's Hearings

The audio recording of this extract can be found at <https://soundcloud.com/mid-devon/full-council-21218> (from minute 2:46:21 to 2:47:57).

As best as I can, a transcript follows:

Question from Councillor Deed to Head of Planning

"... should some of the assertions from residents of Sampford Peverell prove to be true and the Inspector does throw out SP2 as a result, what effect would that have in terms of timing and approval of our Plan... purely hypothetical question I know ...?"

Response from Head of Planning:

"Hypothetically..... the Inspector is able to recommend modifications. The Inspector could do so and we would need to consult on any major modifications... subsequently... .but issues such as this need not lead to the conclusion that the plan is overall is unsound. We are talking here about site selection and one site's planning merits over another ... so major modifications could be recommended by the Inspector which could lead to a further consultation period but as we have already said our Officers feel that they are comfortable with what is still before you by way of recommendations."

Annex 3

Planning Application 17/01359/MOUT Objection Letter submitted on 2 April 2018

Mrs Jenny Clifford
Head of Planning & Regeneration
Mid-Devon District Council
Planning Services
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

2 April 2018

Your Reference: 17/01359/MOUT
Planning Officer: Mr Daniel Rance, Principal Planning Officer

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990

Proposal: Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site
Location: Land at NGR 302469 114078 Higher Town, Sampford Peverell

We strongly object (again) to this outline planning permission.

Consultation Period

We don't want this issue to get in the way of the more critical policy issues, which are the focus of this submission, but we would like to express our concern at the time being given for local people to respond to yet more detailed documents from the applicant. Please see the final section of this letter.

5 Year Housing Supply - A "Departure" Application

If officers are minded to recommend acceptance of the Place Land application, they will be aware that this would be a 'departure' application as defined on page 14 of the LGA document 'Probity in Planning'. <https://www.local.gov.uk/sites/default/files/documents/probity-planning-council-d92.pdf>

The relevant section on officers' reports reads:

'If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the development plan and the council's statutory duty under s38A of the Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990. Any oral updates or changes to the report should be recorded'.

The 'Probity in Planning' document is referred to in the MDDC Constitution, 2017 where paragraph 1.3 says that

'Councillors and staff should read this Guidance thoroughly and apply it consistently'.

Paragraph 2.3 adds that

'if the Development Plan is material to the application, then the statutory requirement is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise'

We believe that this is all highly relevant to application 17/01359/MOUT.

Planning officers will undoubtedly already be aware of this, but, just to be sure, our arguments are presented below to demonstrate that any recommendation for Councillors to approve the application must be considered as a 'departure' and justified accordingly. If justification is given by Planning officers, then explanation is required in the report to Council to explain and refute the guidance and policy issues set out below.

Here is our reasoning:

1. If MDDC does not have a 5-year Housing Land Supply, NPPF paragraph 14 applies – and so does footnote 9.
2. Footnote 9 indicates that, where designated heritage assets are involved in an application, 'specific policies in this Framework' [i.e. the NPPF] will apply, even though there may be a shortfall in five-year land supply.
3. Three designated Heritage assets are definitely involved in this application: The Sampford Peverell Conservation Area, the Grade II listed house and associated assets at 42-46 Higher Town and the Grand Western Canal Conservation Area.
4. A UK Supreme Court legal ruling in 2017 found that the phrase 'policies in this Framework' (as used in footnote 9 of the NPPF) must be taken to include all local policies that are consistent with the NPPF. See [2017] UKSC 37, e.g. paragraph 85 at <https://www.supremecourt.uk/cases/docs/uksc-2016-0076-judgment.pdf>
5. NPPF section 6 (*'Delivering a wide choice of high quality homes'*), paragraph 47, requires LPAs to plan for housing by strategies *'...including identifying key sites which are critical to the delivery of the housing strategy over the plan period'*. (The applicant accepts that this is important in determining this application when he quotes from this same paragraph on page 4 of his covering letter - but, significantly, he chooses to omit these words).
6. MDDC's emerging Local Plan Policy S1 and/or existing LP Policy COR12 are therefore in play here as they are relevant local policies consistent with the NPPF, notably paragraph 47. They identify the 'key sites' as NPPF 47 requires. They cannot be set aside or overridden by the so-called 'tilted balance' that the applicant seeks to apply. In the existing Local Plan, development is to be focused on Tiverton, Crediton, Cullompton and Bampton. In the emerging plan the first three remain while Bampton is dropped.
7. MDDC's emerging Local Plan Policy S13 allows only *'limited development'* in certain named villages, specifying *'small scale housing'*. Sampford Peverell is included in the

list. The policy describes villages such as Sampford Peverell as *'locations which are suitable for a limited level of development meeting local needs appropriate to their individual opportunities'*. No such 'individual opportunity' at Sampford Peverell is identified anywhere by the applicant. Indeed he makes no effort to do so.

8. Existing Policy DM1 commits MDDC to favouring sustainable development in line with NPPF. Its other existing policies seek to support that commitment. Among these, COR17 also includes Sampford Peverell in the list of villages and speaks of *'a very limited level of development meeting local needs'*. In context it is clear that this refers to the needs of the village not the wider District.
9. It follows that even if the Higher Town site were within Sampford Peverell's settlement limits, the development involving 60 houses would be unacceptable under Policies S1, S13 and DM1, COR12, COR17.
10. The glossary for the Town and Country Planning (Development Procedure) (England) Order 2015 defines a *'major development'* as one where *'the number of dwelling houses to be provided is 10 or more'*. It follows that 60 houses cannot be the *'very limited level'* of development allowed within [sic] Sampford Peverell by Policy COR 17.
11. Place Land's application is, in fact, to build on land that is outside the existing settlement limits of Sampford Peverell. This brings other policies into play: MDDC emerging Local Plan Policy S14 lists criteria a-f to define any allowable development outside settlement limits set down in policies S10-S13. Place Land's application to develop land at Higher Town meets none of these.
12. In supporting existing Policy DM1, existing Local Plan Policy COR 18 says that *'Development outside the settlements defined by COR13 - COR17 [including Sampford Peverell] will be strictly controlled'*. It goes on to add that *'Development in the countryside, land outside of the settlement limits for the Market Towns (COR13 – 16) and villages (COR17), will be restrained to meet local need and help provide appropriate forms of agricultural and rural diversification to support the rural economy and sustain the environmental qualities of the countryside'*. Clearly Place Land's application to build 60 houses falls beyond the 'strict control' defined above.
13. The applicant is happy to draw on the emerging Local Plan as applying to his proposed development, but only selectively. Page 17 of his latest Design and Access Statement, (published online on 26/3/18), shows Policy SP2 (but fails to note modifications made by MDDC in March 2017, including one that specifically relates to access). It also states that *'there are a number of other relevant draft policies in the emerging Local Plan Review which are relevant to the future development of this site including ...'*. He then lists nine policies from the January 2017 proposed Local Plan submission. It is good that he accepts draft policies in the emerging Local Plan as being relevant and that he does not claim his list is comprehensive. He includes a reference to S3 ('Meeting housing needs') but avoids any mention of Policies S1, S13 and S14 that are also about housing need and distribution.
14. On page 3 of his covering letter, the applicant explicitly agrees that: *'The current development plan for the purposes of determining this application is set out within the following three documents:*

- *Mid Devon Core Strategy (July 2007) (Local Plan Part 1)*
- *Allocations and Infrastructure Development Plan Document (October 2010) (Local Plan Part2)*
- *The Mid Devon Development Management Policies (October 2013) (Local Plan Part 3)'*

15. There can be no doubt therefore that the applicant believes existing Local Plan policy is also of relevance in determining this application. He also accepts, on that same page, that the emerging Local Plan is a material consideration alongside the NPPF. He later seeks to set aside the relevance of local policies, of course, but he has at least identified some policies that he accepts would and should apply, all things being equal.

16. It is pleasing that the applicant notes on page 4 of his covering letter that existing Policy COR17 covers Sampford Peverell itself and that the site sits outside the existing village. He then cites extracts from COR18 that governs such situations. He paraphrases part of the policy as saying that *'development associated with rural activities and exception sites for affordable housing are acceptable'*. [These are his words, not those of the policy]. He fails to explain how his proposed development is *'associated with rural activities'* as he puts it and seems to imply that the inclusion of some affordable housing means that the full development is allowable and that there need be no link to the overriding condition that development in these areas must meet *'agricultural and other appropriate rural uses'* [I quote exactly from the policy]. The full, relevant wording is as follows:

'Development outside the settlements defined by COR13 - COR17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development control policies will permit agricultural and other appropriate rural uses, subject to appropriate criteria, as follows:

- *affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural or forestry worker and accommodation ancillary to a dwelling;' ...*

17. Even if the applicant believes his application will provide affordable housing to meet the village's needs, he must show that the remaining 70% of the housing is for gypsy accommodation, replacement dwellings, or meets the needs of over forty local agricultural or forestry workers and their families in the immediate locality of the village who are in need of shelter. He has made no effort to justify any direct or implied claim that this application is in line with COR18, a policy that he accepts should be used to determine this application. (Page 3 of his covering letter).

18. I understand, of course, that the applicant's covering letter urges officers and councillors to believe that MDDC's lack of a five-year housing land supply makes *'the adopted policies directly relating to the supply of housing and settlement limits ... out of date'*. But he is wrong, as I have shown in my paragraphs 1 to 4 above.

19. What is more, the applicant is happy to lean on the inclusion of one policy in emerging Local Plan (SP2) as the sole basis for his argument that a *'balancing exercise'* has been done on *'the obvious and clear benefits'* of development on the

Higher Town site. He cannot at the same time dismiss the rest of the emerging Local Plan as carrying 'limited weight'.

20. If he seeks to argue that the 'balancing exercise' has been done, he must accept all the conditions and criteria imposed as part of that 'balancing exercise'. He cannot expect officers to expect his unbalanced version of development just because it occupies some (not all) of the same land.
21. Above all, the applicant must show how his application to build at Higher Town meets local (i.e. local to the village) employment needs. That was the only reason given in the emerging Local Plan and all supporting evidence for the allocation of a site for 60 houses at Sampford Peverell. (See for example the recently Sustainability Appraisal Update 2018, page 11, where it explicitly states that Policy SP2 was included '*... to meet housing need due to J27 employment opportunities*').
22. **The applicant has to show that there is an equivalent local need now, without any link to Policy J27 in the emerging Local Plan, if he is to justify building so many houses so far from the focal points identified for development in Mid Devon as set out in Policies S1 and COR12 that match the requirement in NPPF 47. Without local employment, the development cannot be deemed 'sustainable' as NPPF requires.** The applicant makes no attempt to demonstrate any economic or employment basis for his application and refuses to be bound by the tie to Policy J27 in the emerging Local Plan. He has now had over six months in which to make the case for there being an alternative economic need for housing on this site. He has not done so.
23. THE APPLICANT APPEARS TO HAVE ATTEMPTED TO STEER ATTENTION AWAY FROM HIGHLY RELEVANT WORDING AND REQUIREMENTS IN LOCAL PLANS AND THE NPPF. OFFICERS MUST CONSIDER THESE DOCUMENTS IN THEIR FULLNESS NOT SELECTIVELY. THEY WILL ALSO WISH TO GIVE DUE CONSIDERATION TO SUPREME COURT RULINGS OVERLOOKED BY THE APPLICANT.
24. I wish to remind officers and Councillors that a lack of 5 Year Housing Land Supply need not always lead to development of a site. As you will be aware, two recent local examples of where MDDC has refused permission despite the shortfall in supply and where an Inspector has upheld that refusal at appeal are:
 - a. Appeal Ref: APP/Y1138/W/17/3167891 Land and buildings east of Dulings Farm, Copplestone, Devon, EX17 5PE
<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3167891>
 - b. Appeal Ref: APP/Y1138/W/17/3172380 Land off Silver Street, Willand, Devon.
<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3172380>
25. To summarise and reiterate
 - a. A Supreme Court ruling has found that local policies consistent with NPPF are still active in determining an application where heritage assets are involved.

- b. Local policies, including some identified by the applicant and accepted by him as being relevant to this application, make sustainability requirements that this application fails to meet.
- c. It follows that a recommendation to approve the application by Place Land would be a 'departure' from the existing and/or emerging Local Plan, specifically policies S1 (COR12), S13 (COR17) and S14 (COR18) and existing Policy DM1, all of which are entirely consistent with NPPF 47 (amongst other paragraphs).
- d. It would also be to override the definition of a 'major development' given in the Town and Country Planning (Development Procedure) (England) Order 2015.
- e. If officers wish to recommend approval of this application, and if councillors accept that recommendation, they must give very good reasons indeed to show how and why their action is justified and will support sustainable development.

Consultation Period

We are dismayed and puzzled by the lack of time being given by Planning Officers for local people to digest and respond to the latest salvo of documents presented late in the day by consultees and by the applicant. A substantial number of documents were posted on-line on 26th March by consultees and on 28th March by the applicant. We calculate that 21 days after this last date is the 18th April (not 16th April as stated in your notification email). The 18th April is the date scheduled for the Planning Committee meeting to decide this application. You will need to have completed your report to Committee at least 5 days earlier. As we are in a holiday period it is likely submissions will not be presented until you are well into preparing or have completed your report. Is this fair and is the process being followed correct?

We urge Planning officers to wait for responses from members of the public before considering and writing their report, and to move the date for decision to a later Planning Committee.

We should add, that we have spent a substantial amount of time this weekend (Easter weekend) juggling family and other commitments whilst writing responses not only to this application but to the latest Local Plan Consultation relating to the same site. We don't expect any sympathy, but the the intensity at which multiple planning issues are having to be addressed makes it difficult for many people to separate one from the other.

Yours sincerely

Peter and Elaine Dumble