

Planning Consultation (DPD)

From: Laura Mckechnie
Sent: 11 April 2018 09:23
To: Planning Consultation (DPD)
Subject: Public consultation on amendments to Sustainability Appraisal of the Local Plan Review
Attachments: 180410 SP2 MDDC Sustainability Appraisal.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir / Madam,

Please find attached our comments relating to the Public Consultation on amendments to Sustainability Appraisal of the Local Plan Review.

Kind Regards
Laura McKechnie C.WEM CEnv
Project Manager



10th April 2018

Mid Devon District Council
Phoenix House
Phoenix Lane
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Public consultation on amendments to Sustainability Appraisal (SA) of the Local Plan (LP) Review

Place Land LLP wishes to comment briefly on the above given our legal interest in the land identified as SP2 in the emerging Local Plan (LP) Review. Comments are focussed on the amendments to Sustainability Appraisal Update (2017) only.

Section 19(5) of the Planning and Compulsory Purchase Act 2004 states that “*the local planning authority must also...carry out an appraisal of the sustainability of the proposals in each development plan document*”.

The need for this further period of consultation is set out on the Mid Devon District Council website which states that;

“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”.

The Planning Practice Guidance (PPG) states that the SA process must be iterative and the Executive Summary of (the) SA Review process (2018) sets this out clearly, with a Scoping Report in 2013, an Interim Report in 2014, a SA supporting submission in 2015, a SA Update in 2017 and this latest round of amendments. The need for further amendments has been driven by the amendments to the LP Review linked to proposed development at M5, J27 and

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what has been assumed as 'associated' increases in housing requirements and the resultant additional housing allocations at SP2 and TIV16.

NPPG at Paragraph: 013 Reference ID: 11-013-20140306 the flowchart sets out the process and it would appear that this process has been followed. In fact, the addition of this update and the incorporation of the appointed consultant's amendments and advice arguably goes beyond the requirements as set out in this flowchart. The conclusions of the appointed consultants are set out in paragraphs 1.41 and 1.42 of the 'Review of Legal Compliance' document where it is concluded that *"it has not been necessary to undertake additional SA work in relation to sites or other options; rather the work undertaken has sought to clarify the decision-making process and provide a clearer audit trail"*. Moreover, *"in LUC's professional judgement, the work carried out and presented in the SA Update document (2018) is proportionate and appropriate to meet the requirements of the SEA Regulations"*. In summary, there was a clear option of recommending further work in relation to assessment of reasonable alternatives, but the considered view of the professional SEA advisors was that this was not required. Having reacquainted myself with the iterative process, it is clear that this is sound advice to the LPA and that there is no need for further delay prior to examination (other than that necessitated by this further consultation). The NPPG (Paragraph: 009 Reference ID: 11-009-20140306) states that the SA *"does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan"*. We support the LPA in that this advice has clearly been followed.

The NPPF (182) sets out the tests of soundness in relation to Local Plans, one of which, relating to 'justified' states that *"the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence"*. Some objectors to the Local Plan object on the basis of a perceived lack of due process in relation to the assessment of reasonable alternatives, whereas it is patently clear that due process has been followed in this regard. We have made representations previously that highlight some concerns on the issue of assessment of reasonable alternatives, but, on reflection and subject to the incorporation of a clearer audit trail as advised by LUC, the LPA has adequately addressed these concerns. There can be no dispute that the legal requirements relating to the Sustainability Appraisal have been complied with. Representations focus on the appropriateness of the selection process, which derives from an assessment of reasonable alternatives. This is a matter of planning judgement on the part of MDDC and they have the responsibility to balance many factors to arrive at an overall LP strategy that meets all of the various and often competing requirements. Paragraph: 010 Reference ID: 11-010-20140306 of Planning Practice Guidance highlights that it is the LPA's responsibility to ensure that the SA requirements have been met. There is now a very clear audit trail highlighting that this has been undertaken following review by and advice from LUC. The examination Inspector can consider duly made representations on individual allocated sites, the overall strategy, and individual policies in the Local Plan Review document once the examination is rescheduled.

We await confirmation of the rearranged preliminary hearings relating to J27 etc and intend on appearing to support this and other duly made representations.

Yours sincerely

Neal Jillings
Partner

For and on behalf of Place Land LLP