

**Planning Consultation (DPD)**

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**From:** Jonathan Dodd  
**Sent:** 11 April 2018 13:07  
**To:** Planning Consultation (DPD)  
**Cc:**  
**Subject:** Sustainability Appraisal Consultation 2018 - Representation on behalf of Gallagher Estates Ltd  
**Attachments:** Representations to SA April 2018 SUBMISSION.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear sirs,

Please find attached a representation on behalf of our client, Gallagher Estates Ltd, to the 2018 Mid Devon Local Plan Sustainability Appraisal consultation.

I would be grateful for notification of any further consultation or any updates on the progress of the document.

Please could you confirm receipt of this email and submission. Do not hesitate to contact me should you have any queries on our response.

Kind regards,

**Jonathan Dodd**  
Planner

**Turley**

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Bristol BS1 4QP

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11 April 2018

Delivered by email to [planningconsultations@middevon.gov.uk](mailto:planningconsultations@middevon.gov.uk)

Sustainability Appraisal Consultation 2018,  
Forward Planning,  
Mid Devon District Council,  
Phoenix House,  
Tiverton,  
EX16 6PP

Dear Sirs,

## **REPRESENTATIONS TO MID DEVON LOCAL PLAN SUSTAINABILITY APPRAISAL UPDATE**

On behalf of our client, Gallagher Estates Ltd. ["Gallagher Estates"], we write to provide representations to the draft Mid Devon Local Plan Sustainability Appraisal Update consultation.

This response has been prepared with regard to Gallagher Estates land interests at Meadow Park, Willand ["the site"]. The site is a proposed allocation within the emerging Mid Devon Local Plan under Policy WI1 for 42 dwellings, and referred to within the plan as the land east of M5, Willand.

We note that in the SA Update, further work was undertaken in respect of the proposed allocation at WI1, land east of M5 with respect to proposing alternatives. This is documented at Modification ref SA6. The details of the reasonable alternative proposed are set out at Annex 2 of the revised SA.

We note that for other alternatives, new information has been considered in the revised SA. We consider also that new information should have been considered in respect of Policy WI1 which hasn't been considered in the revised SA, demonstrated at Annex 2.

The alternative used in the SA is a site area of 14.8ha for a development of 174 dwellings. The summary matrix included below demonstrates the SA score for the preferred and alternative options for Policy WI1.

	Preferred	Alternative
Sustainability Objective	Proposed Submission Policy	14.8ha, 174 dwellings
A	0	-1
B	0	0
C	+1	+1
D	-1	-2
E	0	+1
F	0	0
G	+2	+3
H	+1	0
I	0/?	0/?

In considering the alternative Policy for the site (174 dwellings) we consider the substantive changes in the findings of the SA are in relation to Sustainability Objectives A (Protection of the natural environment), D (Safeguarding and minimising resource use) and H (Ensuring community health and wellbeing).

We are concerned that the SA has not taken into account the most up to date and best available information to inform its findings, particularly in relation to these three objectives.

There is notable recent and highly pertinent planning history on the site. An application was submitted on the site by Gallagher Estates under reference 16/01811/MOUT in 2016 for a development of 259 dwellings. The application was submitted with a package of supporting technical documentation which demonstrated that the site was appropriate and suitable for the scale of development proposed. The application was refused, a decision which was appealed by Gallagher Estates, however the appeal was subsequently dismissed. A smaller part of the site is now subject to a live planning application for up to 125 dwellings under reference 18/00175/MOUT.

The supporting documentation and the findings of both the statutory consultees and an independent planning Inspector through the above planning application processes should be taken into account in the SA consideration of the site.

### **Objective A (Protection of the natural environment)**

In respect of Sustainability Objective A, the commentary on the alternative option states that an overall negative impact is considered, whereas the preferred Policy is considered to have a neutral impact. To the contrary, the Ecological Assessment (Tyler Grange, January 2018) submitted in support of the most recent application on the site finds that specific mitigation measures can be undertaken to avoid potential impacts to any ecologically important features. The Ecological Assessment further states that proposed native habitat creation including wildflower grassland, attenuation basin and swale, and the provision of bird, dormouse and bat boxes will provide ecological enhancements at the site, leading to biodiversity gains and improving opportunities for UK and local priority species.

The commentary on the alternative option states that there is evidence of Otters on the site, the Ecological Appraisals (based on comprehensive ecology surveys) found no evidence of Otters on the site. The subject of ecology was not considered an issue in the determination of the previous application on the site (on a larger site area), and consequently was not considered an issue by the appeal Inspector – with review of this information it is therefore illogical to continue to attribute a negative impact to the alternative Policy option.

We consider that the assessment in relation to Objective A hasn't taken into account the best available information and has mistakenly attributed a negative impact on the natural environment arising from the potential residential development of the site.

## Objective D (Safeguarding and minimising resource use)

Furthermore, in relation to Objective D, the alternative option for Policy W11 scores a -2 whereas the preferred option scores -1. The commentary states that:

*“Development option is located on greenfield land. Approximately 7 ha of the site lies within grade 1 excellent quality agricultural land and 6.4 ha lies within grade 3 good / moderate agricultural land. Overall a negative effect is considered as development of the site would result in the loss of grade 1 agricultural land.”*

This is untrue, none of the site is classed as Grade 1 Agricultural land, indeed the development option in the site is classed wholly as Grade 3b Agricultural land, demonstrated on the extract from DEFRA map data below:

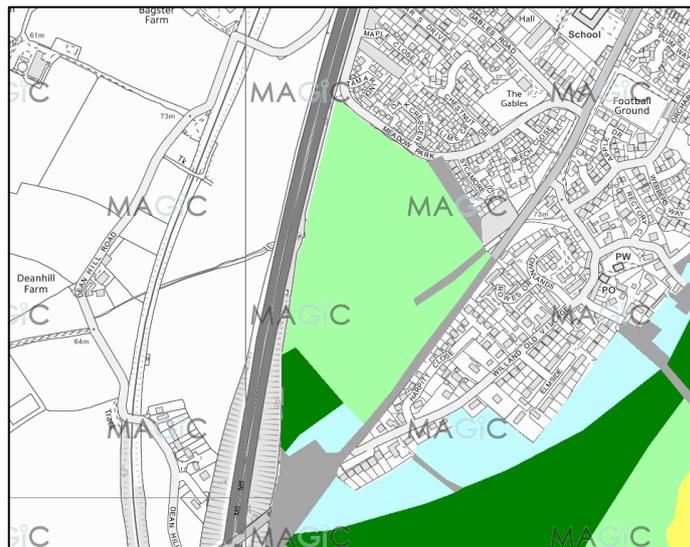
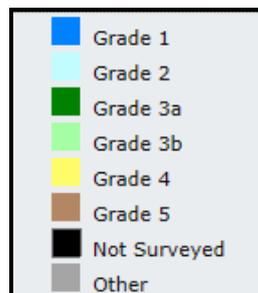


Figure 1: Extract from DEFRA Agricultural Land Mapping

The Agricultural Land Classification grades are shown on the key below:



The subject of agricultural land has not been raised in the determination of the previous application on the site (for a larger site area than the alternative Policy), and consequently was not considered an issue by the appeal Inspector. We consider that the assessment in relation to Objective D has misinterpreted the available information and a result incorrectly attributed a negative score to both the preferred and alternative options.

## Objective H (Ensuring community health and wellbeing)

The alternative Policy scores 0 in relation to Objective H, whereas the preferred Policy scores +1. There is no evidence put forward in Annex 2 or 3 of the revised SA which explains why the alternative option should be attributed a neutral score when compared to the preferred option which scores positively. The difference in scores can be attributed to the inclusion of reference that the scale of development ‘may’ affect community facilities. The SA Assessment of the preferred Policy the assessment against Objective H does not reference any impact on community facilities, whereas the assessment of the alternative Policy states *“The scale of development may also impact community facilities...”*.

No further evidence is provided in relation to how the scale of development may impact or effect community facilities. Our proposition is that, in fact, the increased quantum of development proposed in the alternative Policy would benefit community facilities, through the introduction of further family homes into the area supporting the vitality and viability of rural services while providing economic benefits through investment and increased local spending. This is evidenced in detail in the supporting documents to the applications on the site.

As is demonstrated in evidence available from the recent planning history on the site, there are appropriate mitigation measures available through proportionate financial contributions to any purported ‘impacts’ on local services. Whilst for other sites in the district (that have not been subject to planning applications, have little supporting evidence base and have not been tested through an application process) it may be fair to level a critique in relation to potential impact on community facilities. On our site however, which has now been subject to two applications which have both been consulted on, it is considered unfair and inaccurate to suggest the site scores neutrally on Objective H, especially when the preferred option was suggested to have a positive score. We consider the assessment of Objective H should be revised.

It is clear that the SA has not had proper regard to the detailed information available in relation to this site and that the SA assessment is, consequently, flawed. We consider that the site should be re-assessed in light of the most up to date and best available information. This is likely to materially influence the outcome of SA Update in relation to the findings on the alternative option for proposed W11 Policy and result in a score for the alternative Policy that is similar or better than the current preferred option.

We consider the SA should consider the following information:

- Accurate and up to date Agricultural Land Classification mapping;
- Supporting documentation for application reference 16/01811/MOUT;
- Inspectors Decision on appeal ref 3172380; and
- Supporting documentation for application reference: 18/00175/MOUT.

We would be pleased to share and provide all requisite technical documentation, indeed this information is already available on the Mid Devon District Council website having been submitted as part of two planning applications on the site.

We hope this representation is of assistance in ensuring the Mid Devon Local Plan is progressed on a sound and robust evidence base.

Please do not hesitate to contact us should you have any questions or require any clarifications.

Yours sincerely

Andrew Ross  
**Director**