

Planning Consultation (DPD)

From: Jamie Byrom
Sent: 11 April 2018 21:08
To: Planning Consultation (DPD)
Subject: Representation re Schedule of Amendments to SA Update 2017
Attachments: MDDC_consultation11April2018_ByromRepresentation.docx;
MDCC_HigherTown_Timeline_ForCommonGroundStatement.docx

Follow Up Flag: Follow up
Flag Status: Flagged

I attach my representation on the above matter. Please ensure that it is published on the MDDC website and also submitted to the Planning Inspectorate.

I also attach a separate 'Timeline' document that I ask MDDC to consider as the basis of a Statement of Common Ground.

I am uncertain how such a statement of common ground is normally achieved so please let me know if it is an acceptable starting point or whether I need to submit it in a particular way. I look forward to hearing from the relevant person on this matter.

If it will help to submit the timeline separately to a different email address, please let me know the relevant details.

Jamie Byrom

Consultation on the MDDC emerging Local Plan, Sustainability Appraisal Update, 2018

Representation from Jamie Byrom, 16 Pullet, Sampford Peverell, EX16 7TA

I believe this Schedule of amendments made to the Sustainability Appraisal Update of 2017 still leaves the Proposed Local Plan Submission in an 'UN SOUND' condition.

My main reason for this is that there remain significant failings in the way sites were assessed at key points in the process, including when first assessments were made and when alternative sites should have been considered between September 2016 and March 2017. The LUC report has not investigated these substantive failings as its scope was unduly restricted. **Policy SP2 has therefore been included without a proper assessment of its sustainability compared with all reasonable alternatives having been carried out.**

I reaffirm my request to be part of the hearings that were adjourned last September once the process continues.

I was disappointed to see how issues raised in the January 2017 consultation were not always directly addressed in the summary that MDDC produced in February / March of that year.

One highly significant instance of MDDC failing to respond appropriately to the 2017 consultation on the proposed Local Plan submission concerns Mountain Oak Farm at Sampford Peverell.

MDDC never specifically acknowledged that one representation provided a carefully worked, reduced version of a fully assessed site at Mountain Oak. That proposed allocation is more consistent with NPPF policies on sustainable development than the site at Higher Town, Sampford Peverell that was included as Policy SP2 in the emerging Local Plan.

Had MDDC responded to the suggested reasonable alternative at the Mountain Oak site, that reduced version might well have been able to replace Policy SP2 that is still so contentious within this emerging Plan and is a focus for investigation by the Inspector.

Ignoring a very positive proposal to remedy what many see as a failing policy (SP2) is inconsistent with MDDC's response to the Friends Life / Eden Westwood proposal that emerged from the equivalent stage in the 2015 proposed submission. That very late submission, identifying land previously considered for an allocation at Junction 27 and asking for it to be 're-introduced' in a revised form, was given time, considerable attention and enormous expense before being adopted within the proposed submission. No time, attention or expense was ever given to the Mountain Oak site that did the same thing. The same rules should apply to all in this process.

Those who put forward the reduced Mountain Oak site never received any acknowledgement from MDDC that it had reached them. There is no recorded evidence that MDDC ever objectively assessed the reduced Mountain Oak proposal when it was put forward during consultation in January-February 2017. Page 3 of the Schedule of Amendments to the SA Update 2018 refers to the schedule of proposed modifications published in March 2017. **That important March 2017 document has not been 'positively prepared' because an important alternative site cannot be shown to have been objectively assessed.**

The emerging Local Plan cannot be justified as NPPF 182 says that the plan should be 'the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence'. **MDDC failed to acknowledge the existence of a specific, carefully prepared alternative, has not shown that it assessed it objectively and has failed to record the reasoning behind the omission of this highly reasonable alternative site from its list of modifications.**

To avoid any risk of issues being 'lost' this time, I ask MDDC officers to respond to each of the following questions directly in the summary of responses that they produce at the end of this period of consultation. In the interests of brevity you may wish to show only the bold text from each of my questions but please be sure to address the details and context from the full question.

I intend to ensure that Inspector sees this set of questions in their full format so he will be able to judge whether you have addressed my queries in full.

My questions are:

1. **How much has the adjournment cost MDDC and its Council tax payers in total? Please refer to eg**
 - a. the cost of legal advice that led you to seek the adjournment
 - b. the cost of the LUC consultancy that carried out the review
 - c. the cost of this consultation including the reporting stage that must follow it
 - d. any other associated costs?

2. The letter inviting responses to this consultation says that the Council requested an adjournment of the examination hearings '*so that an independent assessment of the Sustainability Appraisal work for the proposed modifications could be undertaken*'. That misrepresents what the consultants (LUC) were actually asked to do. The title used on the front cover of the LUC report reads: *Review of Sustainability Appraisal Update in relation to the main Modifications made to the Mid Devon Local Plan Review*. Please will you comment on the view that **the deliberately narrow and shallow brief given to LUC allowed MDDC to plug significant holes in the evidence base of the Local Plan by adding its own retrospective, one-sided and sometimes undocumented**

accounts concerning the assessment of alternative sites while, at the same time, keeping LUC away from considering substantive issues of site appraisal and site selection that objectors insist are the real problem with the 2017 SA Update?

3. The letter inviting responses to this consultation says that the consultants (LUC) recommended that MDDC do further work to make the Sustainability Appraisal easier to understand. At Cabinet on 9 February, at least two Councillors said that they found the new documentation very difficult to navigate and asked questions that showed that this was the case. **Please will you comment on the view that the revisions in the 2018 Update have made it so dense and complex that it is now harder than ever for the public and others to be sure that the sustainability of policies and allocations has been established with all due transparency?**

4. I note that the letter inviting responses to this period of consultation on the *'Schedule of amendments to the SA Update 2017'* says that the Local Plan Review [sic] remains unchanged. This is ambiguous as the 'Review' is a process not a document. **Will you please confirm that MDDC is fully committed to Policy SP2 with every single one of its conditions within the emerging Local Plan, exactly as published in the *'Local Plan Review 2013 – 2033 Proposed Submission (incorporating proposed modifications) January 2017'* and with the extra 'minor modifications' published in the *'Schedule of Minor Modifications following 2017 modifications consultation' of March 2017?***

5. Page 73 of the Schedule refers to the site at Higher Town, Sampford Peverell. It records that the 2017 SA Update includes criteria to ensure protection of (inter alia) 'the conservation area'. **Will you please confirm that no iteration of the Sustainability Appraisal from 2014 to 2018 or Policy SP2 has ever recorded any reference to the Grand Western Canal Conservation Area when appraising or suggesting mitigation for the site at Higher Town (Policy SP2)?**

6. Page 8 of the Schedule refers to 'alternative(s) proposed' and 'new information received' on the Higher Town site. Page 73 of the Schedule refers to the Sustainability Appraisal Update (2017) and its text on that same site. That text states that the 'new information received' was the fact that *'Since the Proposed Submission Sustainability Appraisal there has been confirmation that access is achievable and therefore the uncertainty is removed'*. This changed the score for Infrastructure to 0 (neutral). This was the only change in scoring. The text also says that *'In comparison to the alternative considered during the Local Plan Review Proposed Submission (2015) this alternative scores more highly or the same in all aspects'*. The alternative referred to was the same site at Higher Town with its previous scoring that included 'uncertainty' over access. It is only

natural therefore that the scoring of the only so-called 'alternative' site improved. The critical point however is that the reason given for not selecting the Higher Town site in 2015 was (as page 73 of the Schedule reminds us) that it *'had the potential for greater landscape or visual impacts'*. This means that the changed scoring makes no difference to suitability or sustainability of the site in terms of the reason given for its non-selection in 2015. **Please will you explain why a changed 'Infrastructure' score for the Higher Town site in any way mitigates the problems of landscape and visual access that are given as the reasons for its non-selection in 2015?**

7. Page 73 of the Schedule notes that the reason given in the 2015 SA for not selecting the Higher Town site was that *'it had the potential for greater landscape or visual impacts'*. This judgment was reached after mitigation for the site's environmental impact had already been added to the 2015 SA and after scoring had been adjusted to reflect this. The 2015 mitigation required Policy DM1 on High Quality Design to be applied. That policy explicitly refers to aspects such as *'landscaping and green infrastructure'* (DM1, e, iv). The criteria in Policy SP2 that requires Green Infrastructure on the highest land at Higher Town is therefore a first step in providing that mitigation. The text on page 73 of the Schedule goes on to say that *'Criteria have now been included in the Policy [SP2] to ensure landscaping and design respects the setting and character of the area, conservation area and listed building'* as if this is something additional to the mitigation already required in the SA and that it somehow overcomes the problem noted when the site was not selected in 2015. **Will you please confirm that the 2015 SA for the Higher Town site already included mitigation for environmental impact by requiring Policy DM1 ('High quality design') to be enforced and that the criteria in Policy SP2 for 'landscaping and design' is simply a step on the way to fulfilling that mitigation requirement and so does nothing extra to overcome the obstacle to allocation noted in 2015 that, even with mitigation policies applied, the Higher Town site still 'had the potential for greater landscape or visual impacts'?**
8. Page 73 of the Schedule says that the reason given in 2015 for rejecting or 'not preferring' the site was that it *'had the potential for greater landscape or visual impacts'*. It then says that the 2017 Update includes *'criteria to ensure landscaping and design respects the character of the area, the conservation area [singular] and listed building'*. Officers at the Cabinet on 9 February 2018 (Audio – 36 minutes) clearly confirmed that their view was that the site would not have significant impact on the Grand Western Canal Conservation Area and so no mitigation was needed. **Since Policy SP2 provides no mitigation for the Grand Western Canal Conservation Area that starts just 50 metres away and c. 10-25m below the site, how has the reason given for rejecting – or 'not preferring' - the site in 2015 (landscape and visual impact) been fully overcome?**

9. The Schedule refers in several places to how evidence in the Historic Environment Appraisal (HEA) of December 2016 played an important part in the 2017 SA Update process. Paragraph 2.3 of the HEA states that it was written in response to concerns expressed by Historic England that the emerging Local plan was failing to protect the historic environment in ways required by the NPPF. Paragraph 2.1 says that Historic England responded to the 2015 consultation by remarking that *'Any site allocation and the implications should be informed by and provide a direct response [my emphasis] to the Historic Environment to ensure a positive and proactive strategy for the conservation and enjoyment of the historic environment (NPPF para.126) and we are unsure if this is the case [ie in MDDC's 2015 SA].'* Paragraph 3.5 of the HEA reminds readers that *'The NPPF [129] requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset'*. [My emphasis]. The Grand Western Canal Conservation Area, at its closest, lies just 50m away across open ground from the SP2 site but its existence is not even recorded in any SA including the 2018 update. At Cabinet on 9 February 2018, when the decision was made to accept the LUC Report and the proposed Schedule of Amendments, the Head of Planning and Regeneration told elected members that *'In relation to the Grand Western Canal Conservation Area, your officers did take it into account through this process. But the critical issue here is that it was not felt to have a significant impact – the development at SP2 was not felt to have a significant impact - upon it. Accordingly, it is not formed part of the written inclusions within the SA in relation to significant impacts because those impacts, as I've said, were not considered to be significant. Accordingly, it is also not referred to specifically within mitigation measures again because the impacts were not considered to be significant'* (Audio – 34 minutes 30 seconds). **Bearing in mind MDDC's conscious decision not to record in the HEA or the SA any direct assessment of impact on the Grand Western Canal Conservation Area from the Higher Town site, please will you explain how the assessment of SP2 is consistent with the NPPF's requirements for a 'direct response to the Historic Environment to ensure a positive and proactive strategy for the conservation and enjoyment of the historic environment' and 'to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset' (NPPF Para 129)? [My emphasis throughout].**
10. The Schedule shows the 2018 Update to the SA. The SA in question is the published version in 2015. Nowhere can I see any modification to the undertaking in paragraph 2.7 of the 2015 SA that *'The impact on heritage assets of development should be proportionally considered in relation to their significance'*. This is consistent with the very regular identification in the SA of the Grand Western Canal Conservation Area as site where possible impact is assessed. **Please will you confirm that Paragraph 2.7 of the 2015 SA still applies when it states that *'The impact on***

***heritage assets of development should be proportionally considered in relation to their significance'* and explain why you felt that the Grand Western Canal Conservation Area at Higher Town was insufficiently significant to warrant a recorded assessment ever since the first appraisals of sites were made in 2013-2014?**

11. At Cabinet on 9 February 2018, when passing this Schedule to go forward to consultation, the Project Manager of the SA independent review process stated in relation to the site at SP2 that *'the historic environment appraisal did consider the Grand Western Canal and did not identify any substantial harm'*. (Audio c. 37 minutes, 40 seconds). **Please would you quote the exact words from the HEA and/or the SA that makes its assessment of any potential harm to the GWC CA from the Higher Town site?**
12. The Schedule refers in several places to evidence in the Historic Environment Appraisal (HEA) of December 2016 so it is clearly felt to be a significant document in the SA process. The assessment of SP2 is the only occasion in the HEA where a conservation area (the GWC CA) is noted without any explicit assessment of impact being made. **The HEA includes c.10 site appraisals* where proximity to a conservation area was noted and 'no anticipated impact' was recorded. Why was no such record made for the potential impact of the Higher Town site on the GWC CA? (*CRE1, CRE4, CB1, CF1, CF2, CL1, SP1, SA1, SI1, SI2).**
13. Page 96 of the Schedule discusses SP2 and says that *'Since the SA [presumably of 2015] there has been confirmation that access is achievable'*. **Please will you confirm that you have been unable to provide written, dated evidence showing the correspondence that led up to and provided 'confirmation' that access to the SP2 site is achievable and that the local Highway Authority had to provide this written assurance retrospectively in February 2017 following a request from myself?**
14. Page 92 of the Schedule shows that Policy S2 was amended to reflect the allocation of Policy J27. Without this textual change, the allocation at J27 that would otherwise have broken the previous version of Policy S2 that required development to be concentrated at Tiverton, Cullompton and Crediton. The wording used makes no mention of housing. The same page (92) notes that changes to Policy S3 will reflect need following the J27 allocation. But those changes to S3 are only about the number of dwellings not the location. **Will you please confirm that the Schedule shows that Policy S2 has been changed to justify the inclusion of Policy J27 but that Policy S3 has not been changed to justify the allocation of 60 houses in a rural area?**
15. Page 50 of the Schedule sets out the process by which sites for extra housing were allocated in the event of a J27 allocation. It says that

officers considered individual sites that (they believed) met certain criteria and that these selected sites were then presented to Cabinet. (It later says that the Planning Policy Advisory Group played a part in recommending sites that went forward to Cabinet. The sequence, role and level of detail used and by whom is unclear). Page 50 also lists the criteria applied to selecting sites that were deemed to be suitable. These include 'compliance with the Local Plan Review Distribution Strategy'. Page 74 of the Schedule seeks to justify the allocation of 60 houses at Higher Town by saying that the number is 'proportionate in scale' to the village of Sampford Peverell, just beyond which the site is located. This is the only appeal to this criterion in the Schedule of amendments or in the whole emerging Local Plan. I can find no reference to it within the 'Distribution Strategy' as set out in Policy S2 of the 2017 Local Plan Proposed Submission. **Where in the emerging Local Plan or its evidence base is the principle of proportionality given as a criterion for deciding on the extent of housing development in a rural location?**

16. The Planning Policy Advisory Group met on 5 September to recommend sites to be allocated for extra housing in relation to J27. This is clearly a highly influential group within the Local Plan process. I have made a Freedom of Information Request concerning this group and, at the time of writing, I have yet to receive a response. I invite the Inspector to consider any response that is provided and any follow-up comments that I may make. In the absence of that information **will you please confirm that the Mid Devon District Council Constitution (August 2017) never mentions the Planning Policy Advisory Group, that its membership is not made known publicly, that its meetings are not shown on the MDDC calendar online, that it never publishes minutes and that its terms of reference are not available to the public?**

17. Page 22 of the Schedule refers to the framework used to assess sustainability in the SA process. It is shown in the 2017 and 2018 Sustainability Appraisal Updates on pages 7 and 33 respectively. **Please will you confirm that the framework used to assess sustainability in the SA process defines small scale housing allocations as 1-19 dwellings?**

18. Page 76 of the Schedule refers to 'limited development' allowed in rural areas. MDDC's existing Policy COR17 and emerging Policy S13 list villages, including Sampford Peverell, that are designated as suitable for 'limited development'. In terms of housing, the policy only allows allocations for 'small scale' housing within settlement limits. Responding to public questions at the Council meeting on 21 February when the LUC Report and revised SA Update (2018) was approved to go out to consultation, the Head of Planning and Regeneration confirmed that *'The Local Plan is read as a whole and any planning proposal will have to have regard to all other relevant planning policies'* (Audio 2 hours, 37 minutes and 15 seconds). This is clearly the case as many policies require eg Policy DM2 to be applied to ensure mitigation is required of developers. Applying the officer's stated

principle that the Local Plan is to be read as a whole, it is not clear how Policy SP2 for 60 dwellings to be built beyond the current settlement limits of Sampford Peverell has regard to Policies S13 and S14 that require *'limited development'* in rural areas and allow only *'small scale allocations'* within settlement limits for housing. **On which of its published policies does MDDC claim that 60 houses on Grade 2 agricultural land outside Sampford Peverell is 'limited development' or a 'small scale' housing allocation as required by its published criteria in Policy S13, S14 and in the SA Update framework used to assess sustainability?**

19. Page 76 of the Schedule suggests that 60 houses at Higher Town meets the Local Plan's spatial strategy. The Overall Strategy (page 12 of the Local Plan Proposed Submission) clearly states that villages such as Sampford Peverell will 'be locations for limited development'. It follows that MDDC believes that 60 houses in a village is 'limited development'. The more detailed Policy (S13) limits village allocations to small scale housing'. The Town and Country Planning (Development Procedure) (England) Order 2015 defines a 'major development' as one where *'the number of dwellinghouses to be provided is 10 or more'*. **On what authority does MDDC seek to overturn or avoid the definition of 'major development' given in the 2015 Order in asserting that the allocation of 60 houses at the SP2 site is consistent with the 'small scale' or 'limited development' required for rural areas by its own policies S2, S13 and S14?**
20. Page 76 of the Schedule considers 'reasonable alternative sites' at Sampford Peverell. It says of these that *'it would not be realistic to seek to artificially subdivide sites to limit the number of units'*. The original September 2013 SHLAA recommendation for the Higher Town site had been 108-180. It was cut to 60 in the December 2013 publication and the reason given was that 'the land is elevated'. It follows that the decision to artificially sub-divide the Higher Town site to ensure that there would be no development on its highest land had already been made by September 2016 when it was said to be unrealistic to do the same for any other reasonable alternative. This was inconsistent and unfair. **Please will you confirm that Policy SP2 itself does (quite appropriately) artificially divide the site at Higher Town to limit the number and location of units (dwellings) as required by the SHLAA report of December 2013 and explain why this principle of using just part of a site has not been applied when considering other 'reasonable alternatives'?**
21. The Schedule and the LUC report are in response to legal concerns that all relevant alternative sites and modifications may not have been properly considered in 2015-2017. During the consultation of January and February 2017, an alternative to Higher Town was put forward that showed how a reduced Mountain Oak Site would meet all requirements for the extra housing proposed in SP2 and would avoid all the reasons for rejection given on pages 78-79 of the Schedule. **Are MDDC's legal**

advisers confident that the Inspector will find that the authority acted properly in never once acknowledging receipt or assessing the merits of a very specific, alternative, modified proposal for the Mountain Oak site which passes without mention in the summary of 2017 consultation responses published by MDDC as part of its evidence base?

22. Pages 42-43 of the Schedule reports how, on 1 December 2016, Council approved the Sustainability Appraisal as it had been presented to cabinet the week before. I cannot see the full SA document nor a list of proposed amendments to SA text anywhere in the Public Report Pack for that meeting so Councillors. There was just a general reference to the SA in paragraph 5.1 of the pack. **Will you please confirm that if Council approved the SA on 1 December 2016, it did so without sight of the SA document or even a clear list of amendments and updates?**
23. At that same meeting (1 December 2016) Council also debated a proposed amendment that would have kept SP2 out of the Local Plan proposed submission. In that debate, even Councillors who voted to defeat the amendment made many statements that indicated less than full commitment to the allocation of Higher Town as Policy SP2. Similarly, on 21 February 2018, when Council passed the resolution to accept the LUC report and to publish the Schedule of Amendments to the SA update (2018), Councillors who either voted for that resolution and one who abstained also made statements that displayed lack of confidence in the SP2 site allocation. Appendix A provides extracts from Councillors' speeches that show how reluctant many were to include SP2 within the plan. These are not the words of opponents to Policy SP2 but of those who voted in ways that allowed the policy to proceed. In 2016, one even suggested that he believed the allocation he voted to retain would not actually be given planning permission when that point was reached. NPPF 182 says that sound plans should be 'positively prepared' and 'justified'. **How does MDDC claim that the inclusion of Policy SP2 is 'positively prepared' and 'justified' when even many of those who voted to allow its inclusion were doing so for negative reasons associated with meeting supposed deadlines or avoiding problems caused by the lack of a five year housing land supply, problems that had been caused by MDDC itself?**
24. Page 40 of the Schedule discusses the Implications Report on an allocation at Junction 27. This was sent to cabinet and Council in September 2016. It says that *'The Sustainability Appraisal was not mentioned in the Implications Report; however there is an apparent synergy in the reasons set out in the Implications Report and the Sustainability Appraisal (2015)'*. Nor is there any record in the minutes of the Sustainability Appraisal being mentioned in the September meetings of Cabinet and Council. It follows that there is no documented evidence that the SA was used to inform decisions between various alternative extra housing sites in September 2016, either at the PPAG or the September

meetings of Cabinet and Council. Even the ‘apparent synergy’ that LUC accepted is very questionable (see 25 below). **There is no record of the SA being used to inform the selection of extra housing sites in September 2016. Is MDDC confident that the Inspector will accept that an ‘apparent synergy’ is reason enough to accept that the choice of extra housing sites in 2016 was properly ‘justified’ in terms of NPPF 182 that requires that ‘the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence’.**

25. I believe the Schedule makes a claim that is unjustifiable and that went unchecked by LUC as the consultants’ brief was too limited. When properly examined, the unjustifiable claim shows that the consideration of the alternative sites (to SP2) was flawed. **Page 75-76 of the Schedule refers to ‘reasonable alternative sites’ in Sampford Peverell that are ‘part of more extensive tracts of land’. These are said to have ‘similar landscape or heritage assets characteristics’. Context suggests that this must mean similar to SP2. Please will you justify that statement, drawing on the 2017 or 2018 SA Update and the Historic Environment Appraisal?** When making the comparison to justify the statement, please refer explicitly to these phrases used about landscape and heritage assets at Higher Town (SP2) in those documents:

- a. *‘the rise above [the road] is significant;*
- b. *‘there are far-reaching views to and from the site’; ‘*
- c. *if access could be achieved’;*
- d. *‘steep gradients’;*
- e. *‘conservation area to the north’;*
- f. *‘canal conservation area ... to the south’ [HEA];*
- g. *‘listed building’;*
- h. *‘important unlisted buildings’ [HEA];*
- i. *‘stone wall ... retain this feature’ [HEA].*

I attach a table below that shows a comparison of the relevant sites in terms of ‘landscape and heritage assets’ that, says the Schedule, are ‘similar’. The words are all taken from the SA 2017 Update and the HEA.

As page 39 of the Schedule of Amendments to the SA Update (2018) says that being ‘proximate to the development proposal at Junction 27’ was also a criterion in site allocation in September 2016, I have added an extra row at the end of the table showing straight-line distances from the notional centre of each site to the likely entrance to a J27 development.

Phrases used to describe Sampford Peverell sites in the 2017 SA Update and the HEA. The sites shown are Higher Town (SP2) and others that are ‘part of more extensive tracts of land’ as referred to on pages 75-76 of the Schedule.

Aspect	Higher Town	Land off Whitnage Road	Mountain Oak Farm	Morrells Farm (larger site)
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considered				
Elevation of land	'The overall rise above [the road] is significant'	'low lying flat (west) ... particularly low-lying (east)'	NA	'not elevated or particularly prominent'
Visibility over long distance	'Far reaching views to and from the site'	'no far-reaching views'	NA	NA
Access	'Steep gradients ... access may not be achievable'	'an adequate site access is achievable but would require widening'	'could be accessed from Lower Town [if] 30mph limit ... extended'. [NB this is now agreed with DCC]	'Adequate accesses are achievable'
Conservation Area (Village)	'adjacent to Sampford Peverell Conservation Area'	NA	NA	NA
Conservation Area (Canal)	'the Grand Western Canal Conservation Area lies some distance to the south'. [HEA]	'The Grand Western Canal ... Conservation Area runs along some of the north side of the site'	'Site runs up to edge of Grand Western Canal Country Park'	NA
Listed buildings	'42 Higher Town a Grade II listed former farmhouse'	NA	NA	NA
Other heritage assets	'44 and 46 Higher Town ... important unlisted buildings' [HEA] AND 'stone boundary wall ... Any scheme should be designed to retain this feature' [HEA]	NA	NA	NA
Quality of land	'Grade 2 very good quality'	'Grade 3 good / moderate quality'	'Grade 3 good / moderate quality '	'mainly Grade 3 good / moderate & some Grade 4 poor quality'
Proximate to Junction 27 development (centre of site to entrance to J27 land, as crow flies)	2350 metres	1700 metres	1400 metres	1150 metres

APPENDIX A

Statements on SP2 by Councillors in debates in Full Council.

The following are brief extracts from the audio recording of the meetings held on 1/12/16 and 21/2/18.

All the councillors quoted here voted to keep SP2 within the Local Plan, except the very last entry where the Councillor abstained. These extracts give some of their reasoning for doing so. Many made other arguments not shown here but these quotations show a theme of Councillors at least accepting that the arguments for removing SP2 had merit, but they chose to dismiss these as they were more concerned to move the Local Plan forward.

It should be noted that the first debate (1/12/16) came at the end of a period of over 18 months of delay in processing the Plan. The second (21/2/18) came after a delay of five months caused by MDDC's call for an adjournment. Objectors to Policy SP2 did not cause either of these delays.

NPPF requires that Local Plans be 'positively prepared' and 'justified'. These qualities are not shown in these remarks. I suggest that the reasons put forward by these Councillors for choosing not to vote to remove SP2 have more to do with short-term tactics (ie getting the Plan to submission) than with evidence-based site allocation.

1/12/16 – Full Council

Councillors were debating a proposed amendment to take out Policy SP2 following representations made by villagers.

References to time-scales etc stem from remarks by the Chief Officer for Planning and Regeneration early in the meeting where she insisted that there was a Ministerial statement that said all LPAs must submit Plans by the end of March 2017. I have strongly disputed that assertion since then (eg in my representation to consultation in February 2017) but it clearly carried weight on the day.

The numbers before each entry show the approximate point on the audio recording of the meeting at which the person spoke the words quoted here.

1.52.05 –

'I have considerable sympathy for the residents of Sampford Peverell but if you take SP2 out, you will cause a delay to the Local Plan because we won't be able to get it out to consultation in time ...'

2.19.10 –

'I would love to agree with the public speakers ... but they cannot come up with additional housing within a time-scale which will stand up to scrutiny by the planning inspectorate ...'

2.22.00 –

'I was one of the ten signatories that supported this amendment, I now realise that in doing so I am putting the Local Plan seriously at risk. ... I don't think we are going to see building there for quite a long while and who knows what may happen in the future so I will not be supporting the amendment.'

2.26.55 –

'The second thing that I find worrying about (the proposed amendment to remove SP2) is the potential for delay to the Local Plan ... we are now at a point where, if there is any more delay, we are going to miss the final date for submission of the Plan ... I shall not be supporting this because I do not wish to risk any further delay to the Local Plan.'

2.28.50 –

'I was one of the signatories to the amendment but having looked into it in great detail and also listening to the debate tonight, I will not be supporting the amendment ... I think adding the sixty houses in that area will probably be too heavy, I don't think it will get through planning anyway.'

2.32.11 –

I too was a signatory to this amendment. I thought at first it would solve the problem at Sampford Peverell, but ... although it is good for Sampford Peverell if we do this, it could risk the Local Plan ... People from Sampford Peverell are saying what a terrible site this is ... If that's the case, developers won't want to build on it so it might take itself out by that method.

2.38.45 –

'[The Chief Planning Officer] says we cannot meet the time-scale if we pass the amendment. That for me alone is a good enough reason for not passing this amendment ...'

2.40. 20 –

I had wanted to be able to take this site out if there had been a way to do it in a sound way, to keep the site sound. Overall the soundness of the plan is key and the timescales of the plan is also absolutely key.

21/2/2018 – Full Council,

At this meeting, the Council was voting to approve the report by LUC into aspects of the Sustainability Appraisal Update and to put the Schedule of Amendments (2018) forward for consultation. Local residents had submitted c.19) questions indicating that Policy SP2 was unsound and that the LUC report had not considered these.

2.45.45 –

When you look at the Sampford Peverell site it does seem that the Mountain Oak site seems to be the more logical one because it's close to Junction 27, closer to the A361 and it's going to reduce the traffic going through the town so they have my every support. But the problem is that we haven't had a Plan for so long now that ... we just can't not have a Plan ... I'm voting in favour of this in order to get a Plan into place'.

2.48.00 –

I have a lot of sympathy with my residents in Sampford Peverell, I can see some real issues, but the time has come to move forward, to get the show back on the road. And I will respond to that consultation, putting the views of my residents in it and then I will be able to speak to an Inspector. If the worst predictions come true and the Inspector finds fault with it, so be it and we will have to work with that ...So I will be supporting this and I will also be supporting my residents at the consultation'

2.50.10 –

We all have all sympathies for the residents. I am a resident myself. But we have to get the plan on track and then from that we can look to being in touch with the Inspector.

2.53.00 –

Now is the time to move forward. I would congratulate those people that stood up today for Sampford Peverell. I thought they were very informative ... I do have a huge sympathy. Unfortunately, we have to as Members, to look at the wider Plan and we desperately now need to get that in front of the Inspector and make our arguments there. I'm very sorry, but ... I will be voting for this.

2.53.40 –

I stand before you with some considerable trepidation. Yes we want the Plan, but are we absolutely certain? If the boot were on the other foot, and my ward were facing some of the problems that have been faced by the residents of Sampford Peverell, I wouldn't take very kindly to people saying 'well we've got to push the Plan through anyway' ... I proffer my humble apologies to the Group and to the Leader, but I don't know if I can support this. I'm so sorry.

Timeline of significant events in the place of Higher Town site within the Mid Devon Local Plan Review

This is put forward as a potential Statement of Common Ground between MDDC and myself, **Jamie Byrom of 16 Pullet, Sampford Peverell, EX16 7TA**. It seeks to set out the chronology of events and issues that have played a part in the allocation of Policy SP2 within the emerging Local Plan. I welcome a response from MDDC including any proposed amendments it would wish to make.

NB - Where no precise date is known, the month and year are given as on published documents.

Row	Date	Event	Key points with regard to Higher Town and/or Sampford Peverell
1	May 2013	Call for sites - landowners asked to put forward land for possible development within Local Plan Review	<ol style="list-style-type: none"> Higher Town site put forward by owners (Cottrell , Pearce, Burns, Upham)
2	September 2013	SHLAA (Strategic Housing Land Availability Assessment) - first site appraisals published. (See December 2013 for full report).	<ol style="list-style-type: none"> Higher Town: full field identified for possible development; Max - 180, Min 108 houses; Notes that <i>'although the site is next to the village boundary, the character and topography of the site sets it apart from the village'</i> Notes that development would have <i>'significant landscape impact, a significant negative effect'</i>. Notes that <i>'The field was planted with maize at the time of the site visit, so there was no opportunity to walk around the site'</i> Everything else is retained in 2014 SA Interim Report. No reference is made to the Grand Western Canal Conservation Area (GWC CA) or listed building and associated assets.
3	December 2013	SHLAA Report	<ol style="list-style-type: none"> Higher Town 'access limitations' are noted The housing yield is reduced to 60 as land is elevated and development needs to reflect the surrounding development.

			<p>3. Still no reference to the GWC CA or listed building despite the methodology involving <i>'a site visit, desktop review of known constraints and a request for comments from third parties (such as the Highways Agency, Devon County Historic Environment Record, etc.)'</i></p>
4	January 2014	Interim Sustainability Appraisal January 2014	<p>1. Para 2.8 says heritage assets should be 'proportionally considered in relation to their significance'.</p> <p>2. Still no mention of GWC CA at Higher Town. This is a designated heritage asset and NPPF paragraph 132 says that <i>'When considering the impact of a proposed development on the significance of a designated heritage asset, <u>great weight</u> should be given to the asset's conservation'</i>. [My emphasis].</p> <p>3. The listed requirements of a SA include:</p> <ol style="list-style-type: none"> a. 2.11 - 'optimum use' of land; b. 2.15 - safe sustainable transport; c. 2.18 - baseline information. <p>4. 2.50 – notes that Mid Devon has 3.45% Grade 1 and 11.01% Grade 2 land (in 1960s)</p> <p>5. Some phrases used here are dropped in later iterations without explanation or mitigation eg</p> <ol style="list-style-type: none"> a. The reference to 11.01% Grade 2 land in Mid Devon b. The primary school is said to have <i>'some limited spare capacity'</i> and is on a <i>'constrained site'</i> with <i>'very limited capacity to expand'</i>.
5	May 2014	Summary of representations to LPR options consultation, following the consultation	<p>1. c.1200 responses.</p> <p>2. 'Votes' For/Against Sampford Peverell sites as follows:</p> <ol style="list-style-type: none"> a. Higher Town F-2, A-3; b. Whitnage Rd F0, A1;

		that started in January 2014.	<ul style="list-style-type: none"> c. Mt Oak F-0, A - 1; d. Morrells Farm F-1, A 3. <p>3. Votes for Higher Town came from one owner and the Parish Council who said in capital letters they would accept maximum of 20-25 houses there. This means, in effect, that voting was 4-1 against this site being used as it has been.</p>
6	June 2014	SHLAA Preferred Sites list published	<ul style="list-style-type: none"> 1. Only one Sampford Peverell site is on the list - The old Parkway Hotel site for 18 houses. (The Parish Council would not have known of this possibility when it said it could support Higher Town for 20-25 houses - see Row 5.3 above). 2. The sustainability appraisal of this new site notes the village conservation area 'a little way to the west' and records the assessment that there will be 'no anticipated impact'. 3. At its closest point, the village CA is between 50m and 60m away from this old Parkway Hotel site, on about the same level as the site with several buildings between the two. 4. At its closest point, the GWC CA is about 50m from the Higher Town at about 8-10m below the lowest point on the site with open ground between the two. 5. Unlike its wording of the appraisal of the old Parkway Hotel site, MDDC's sustainability appraisal of the Higher Town site has never noted the existence of the GWC CA c.50m away and has never recorded that there would be 'no anticipated impact' on it.
7	January 2015	Proposed Local Plan Submission 2015 consultation	<ul style="list-style-type: none"> 1. No Higher Town allocation 2. Sampford Peverell is still in Policy S13 for '<i>limited development</i>' within settlement limits through 'small scale' housing allocations.

8	January 2015	2015 Sustainability Appraisal published alongside proposed submission.	<ol style="list-style-type: none"> 1. Paragraph 2.7 of the SA repeats the January 2014 version's insistence that <i>'The impact on heritage assets of development should be proportionally considered in relation to their significance'</i>. 2. Higher Town appraisal is included but the site was not selected as it is 'elevated and therefore has the potential for greater landscape or visual impacts'. 3. This conclusion was made <u>after</u> mitigation has been applied by reference to Policy DM1 on high quality design and environment. 4. Scoring of the Higher Town site was made more favourable by this mitigation. 5. No mention is made of the listed building or GWC CA. 6. The only reference to the canal assesses the likelihood of its waters flooding the site. 7. Mitigation by requiring a SUDS scheme also improved the scoring. 8. The reference to only 11% of land in Mid Devon being Grade 2 is removed. So is the reference to the constrained nature of the Primary School site. 9. As in 2014, the SA refers to uncertainty over access given the topography (ie elevation above roads). 10. Notes that creating visibility for access would involve a 'substantial' loss of hedgerow.
9	6 April 2015	Response to consultation from Historic England (HE)	<ol style="list-style-type: none"> 1. HE noted c.10 sites as being 'unsound' on various inadequacies relating to assessment and / or mitigation of heritage assets and / or settings. 2. Higher Town could not be subject to HE scrutiny at this point as it was not allocated at that time. 3. Comments by HE on sites CU1-6 included: <i>'We can see no evidence that suggests understanding of heritage and its setting. The evidence</i>

			<p><i>base should ideally be used to inform whether allocation is appropriate'. Similar comments elsewhere suggest that HE felt that MDDC was not always thorough in identifying and recording assets and likely impact before making allocations.</i></p> <p>4. HE's final paragraph stated '<i>A number of points call into question the strategy employed by the Council</i>'.</p>
10	27 April 2016	Council votes (by chair's casting vote) to ask officers to prepare implication reports into allocation of site at J27.	<p>5. Officers say preparing reports will not affect timings of Local Plan being submitted unless an allocation is made ie they will expect to submit in August 2016 if no allocations.</p> <p>6. If do allocate J27 would have housing (and other) implications.</p>
11	August 2016	EDGE Analytistics report into housing implications of J27 allocation	<p>1. This Edge Analytistics report seems to have triggered officer investigations into housing allocations in late August.</p> <p>2. It is not publicly known exactly when consideration for housing allocations linked to an allocation at Junction 27 began.</p>
12	5 September 2016	MDDC's Policy Planning Advisory Group (PPAG) met	<p>1. The PPAG recommended housing allocations re J27.</p> <p>2. It is not publicly known who attended the PPAG and what alternatives were considered in what depth or with what supporting evidence. There are no agendas, minutes or public report packs for PPAG meetings.</p> <p>3. PPAG recommended Higher Town and a site near Blundells in Tiverton (Tiv16) as new housing allocations.</p> <p>4. Officers sent these to Cabinet in papers sent out c.8 September.</p>

13	15 September 2016	Cabinet voted to allocate land for development at J27 and for extra associated housing at Higher Town in SP2 and Tiverton in Tiv16.	<ol style="list-style-type: none"> 1. The Public Report Pack for Cabinet (para 5.23) says '<i>PPAG considered the options set out below</i>' referring to a table showing just five sites, one of which is Higher Town but no other Sampford Peverell sites are shown. (The February 2018 Schedule of amendments seems to suggest on pages 75-81 that the other Sampford Peverell sites were formally considered at this time). 2. The Cabinet Member who leads on Planning and Regeneration can be heard on the audio of the meeting describing the group's recommendation for an allocation at Higher Town as having been '<i>on the cusp</i>'. (Audio - 1 hour 9 minutes and 45 seconds) 3. Paragraph 5.18 in the public report pack for this Cabinet meeting says <ol style="list-style-type: none"> a. Higher Town is elevated and would require landscaping and mitigation measures. b. Highways say the site should only be developed after '<i>improved access to the A361</i>' near village. c. the Higher Town '<i>development is proportionate in scale to the existing village</i>' thus implying a new criterion for housing allocations (ie proportionality).
14	22 September 2016	Council voted to ask officers to write up the modified Local Plan with J27 and SP2 and Tiv16 and other changes from 2015.	<ol style="list-style-type: none"> 1. Officer told public and members that the Highway Authority had no issues with regard to creation of safe access. 2. Without J27 etc could submit at end of November 2016. 3. With J27 etc, could submit in March 2017.
15	November 2016	Publication of the Schedule of Minor [sic] modifications to the 2015 Local Plan proposed submission.	<ol style="list-style-type: none"> 1. The date of November 2016 is on the cover. 2. If it is accurate, it pre-dates the full Council meeting on 1 December when the vote to approve Cabinet's recommendation to allocate J27, SP2 and Tiv16 etc was made. 3. The document includes SP2 and the conditions agreed on 1 December

			<p>at Council.</p> <p>4. It follows from 1-3 above that either this document was drawn up ahead of the voting or its date is wrong.</p>
16	21 November 2016	Cabinet meeting voted to include allocations for J27, SP2 and Tiv16 (and other modifications from 2015) in the Local Plan proposed submission that would go to Council.	<ol style="list-style-type: none"> 1. The Public Report Pack, including proposed wording for new policy SP2, still makes no mention of the GWC CA or the listed building. 2. Proposed new policy SP2 refers to 'some loss of hedgerow' even though the 2015 and 2017 SAs has referred to 'substantial hedgerow and earth removal'. 3. Following the September discussions, Green Infrastructure at the highest land at the site is to be included. 4. Also, in response to request from public, Cabinet agreed to consider making development dependant on J27 going ahead as it accepts that the housing was only needed in response to a J27 allocation. 5. The minutes record that the Head of Planning said '<i>... access issues were not so severe as to prevent an allocation</i>'
17	1 December 2016	Council voted to include allocations at J27, SP2 and Tiv16	<ol style="list-style-type: none"> 1. In this meeting, the inclusion of Green Infrastructure land on the highest parts of the Higher Town site was confirmed. 2. So was the condition that the site must remain undeveloped until work starts on the J27 site. 3. The officer who is Head of Planning referred to '<i>the Government's requirements [sic] of plan submission by March 2017</i>'. (Audio 1hr 27 minutes 20 seconds). 4. She also amended her original statement that a pedestrian footpath goes from Turnpike to the bridge over the canal. She clarified that the footpath '<i>does indeed stop short of the sharp bend and the bridge as you get to the eastern end of Turnpike</i>'. (Audio: 1hr 31 mins 30 seconds). 5. The wording in the SA that claims this footpath leads '<i>into the village</i>'

			<p>has, however, never been changed and it still asserts that the footpath leads into the village.</p> <ol style="list-style-type: none"> 6. The officer told councillors that the Higher Town site <i>'scored better, higher than the other sites that the SHLAA panel also assessed'</i>. SA introductions have always insisted that aggregate scoring is not to be used when comparing sites. 7. In debate, two members of the PPAG publicly acknowledged that they regretted having supported the recommendation to include Higher Town as an additional housing site. <ol style="list-style-type: none"> a. They said they had changed their minds now that they had more information about the site. (Audio - 1hour 47minutes and 2 hours and 44 minutes). b. One specifically mentioned that the Higher Town site is Grade 2 agricultural land as if he had not known this at the PPAG. c. That fact about Grade 2 land is within the SA. It may be that the SA was not used to inform the site selection process at the PPAG.
18	December 2016	The Historic Environment Appraisal was published, according to the date on its cover. This was first seen by the public as part of the evidence available during consultation in Jan-Feb 2017.	<ol style="list-style-type: none"> 1. The HEA introduction (1.1 and 2.1) explains that it is written in response to the Historic England Representation submitted in April 2015 (see Row 9 above). 2. Paragraph 1.1 says that the HEA <i>'provides an assessment of heritage assets affected by proposed development allocations, assesses the level of harm arising and any mitigation proposed'</i>. 3. Paragraph 2.3 refers to the site at Junction 27 and says <i>'Though this this has not been proposed by the Council as an allocation, an appraisal of the impact on the historic environment has been undertaken to address the issues raised in the representation'</i>. [My emphasis]. 4. Clearly a J27 allocation was agreed on 1 December 2016 so this text

			<p>appears to have been left unedited from an earlier version of the document.</p> <ol style="list-style-type: none">5. The HEA does assess SP2 which was approved as an allocation at the same time as J27. In the light of paragraph 3 above, it seems very likely that this historic environment assessment of SP2 was done as a very late amendment whereas other sites had presumably been worked on since April 2015 or soon afterwards.6. Whereas most other sites assessed in the HEA could take into account responses made by Historic England (HE) in its April 2015 representation, the SP2 assessment was done without any such lead from HE.7. The HEA notes for Higher Town that the site is adjacent to the village conservation area. That has been in all SAs since 2014.8. It also notes that there is a listed building at 42 Higher Town, a fact NOT considered in earlier SAs or when site scoring was done.9. 42 Higher Town was subsequently mentioned in Policy SP2 and in the January 2017 SA Update without any change to scoring in category B (historic environment).10. The HEA also noted other features at Higher Town still not mentioned in the SA Update or the Policy:<ol style="list-style-type: none">a. there is a stone wall on its western boundary saying that '<i>any scheme should retain this feature</i>';b. the properties attached to 42 Higher Town (44 and 46 Higher Town) are '<i>important unlisted buildings (equivalent to heritage assets)</i>'.c. '<i>The Grand Western Canal Conservation Area lies some distance to the south</i>' but there is no written assessment made of impact on this second conservation area either in the HEA, the SA or the policy itself.
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			<p>d. The actual distance between the site and the GWC CA at its nearest point is actually c.50 metres. The canal itself is c. 180 metres south of the southern boundary of the site.</p> <p>11. When considering sites, the HEA document makes reference at least 27 times to conservation areas and on every occasion - except for the Higher Town site - possible impact is recorded.</p> <p>a. On 10 occasions that record is to say there is 'no anticipated impact' on the site, a phrase not used about SP2/Higher Town.</p> <p>12. None of the HEA features noted in a, b or c above resulted in a change to scoring for Higher Town's SA in category B, historic environment.</p>
19	21 December 2016	DCC Highways 'Preliminary Transport Position Statement'	<p>1. This Highways response raises points about aspects of transport provision in the Proposed Local Plan submission that need consideration, but says nothing about the A361 slip road condition in policy SP2.</p>
20	January 2017	Publication of Local Plan Review 2013-33 Proposed Submission incorporating proposed modifications. Consultation from January to February.	<p>2. The Higher Town allocation is included as Policy SP2</p> <p>a. 60 houses (30% affordable);</p> <p>b. 6ha with 2ha GI so no development on highest land;</p> <p>c. no development until J27 work commences</p> <p>d. no development until A361 improved access works (previously defined as west-facing slip roads) are in place;</p> <p>e. requires landscaping which respects the setting and character of the area, conservation area and listed building;</p> <p>f. requires SUDS provision;</p> <p>g. requires wildlife mitigation including hedgerows;</p> <p>h. requires archaeological investigations and mitigation.</p>

21	January 2017	Sustainability Appraisal Update January 2017	<ol style="list-style-type: none"> 3. The 2017 SA sets its appraisal of the Higher Town site under the heading 'Additional Appraisals for Sampford Peverell allocations' - but there is only one ie for Higher Town. 4. The SA notes that Policy SP2 requires respect for '<i>the setting and character of <u>the area</u>, conservation area and <u>listed building</u> ...'</i>. The underlined are new additions. 5. Despite the HEA recording that the GWC CA lies some distance to the south of the site, the entry for Higher Town in the SA still does not mention the GWC CA and therefore includes no mitigation for any impact on it. 6. The treatment of Higher Town above contrasts with eg Policy Tiv1-Tiv5 on page 54 of the 2017 SA Update. 7. The HEA's specific insistence that the wall on the western boundary should be retained in any development is not mentioned. 8. Nor is the fact that the HEA says that 44 and 46 Higher Town are to be respected as '<i>important unlisted buildings, (equivalent to heritage assets)</i>'. 9. The summary of the Higher Town site in Annex 2 of this 2017 SA Update, wrongly states that '<i>Criteria have been included in the policy to ensure landscaping and design respects the setting and character of the area, conservation area and listed building. <u>These elements were already noted in the proposed submission SA as such most of the scores remain the same</u></i>'. The underlined text refers back to the 2015 SA and is important for two reasons: <ol style="list-style-type: none"> a. It is not true to say 'these elements were already noted' in 2015 - the SA had never noted the listed building. b. The need for landscaping and design had already been noted but had not been enough to stop concerns over elevation and visual impact being given as reasons for not using the site in
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			<p>2015. The scoring in 2015 already included mitigation through policies on design and environment that had been included by then. By keeping the scoring unchanged from 2015, the 2017 SA acknowledges that the inclusion of GI in Policy SP2 simply responds to that mitigation requirement. Nothing additional and significant has been done to provide extra mitigation to overcome the reason given in 2015 for not selecting Higher Town for an allocation ie its elevation and potential for landscape and visual impacts.</p> <p>10. The reference in the 2015 SA (and all earlier iterations) to Turnpike being '<i>a dangerous road for pedestrians</i>' has been cut from the 2017 SA Update with no explanation and no suggested mitigation: it simply disappears from the 'Infrastructure' section.</p> <p>11. '<i>Confirmation ... received that access is achievable</i>' makes the Infrastructure score change from -1? to 0</p>
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22	9 February 2017	Email communications between myself and an officer at MDDC.	<ol style="list-style-type: none">1. Following discussions at the Sampford Peverell village consultation, an officer confirmed by email that the Council's PPAG had met on 5/9/16 to discuss housing allocations in the light of the J27 allocation.2. This suggests that papers with that group's recommendations would have been sent to Cabinet just two days later.3. Recommendations about housing allocations were made very late and were given very little time compared with research into an allocation at Junction 27.4. The same officer told me in an email that it was <i>'the Highway authority who advised that it is technically feasible for an access to be formed onto Higher Town [sic], exact details and levels will need to meet the current design standards set out in the Devon design guide and Manual for Streets'</i>. I immediately checked with him that the reference to <i>'onto Higher Town'</i> here meant onto the site at Higher Town, not the road that has that name. The officer responded saying: <i>'Yes 'onto Higher Town' refers to the allocation of SP2 rather than the narrow lane towards the top of the property'</i>. This is of significance in relation to new criteria added to SP2 following the consultation.
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23	March 2017	Publication of the Summary of Responses to Consultation on Proposed Local Plan Submission 2017	<ol style="list-style-type: none"> 1. The summary omits any acknowledgement that an alternative proposal for use of the Mountain Oak site was submitted with appropriate design detail and support from the landowners and others. 2. Page 32 refers to a criterion of 'proportionality' when seeking to justify the allocation in SP2 ie saying that the development would be proportionate to the existing village. 3. MDDC declared itself amenable to extending the GI. 4. It also adds a new criterion / condition that there be 'improved access to the village for pedestrians and cyclists' adding that 'This proposed change is supported by the Highway Authority'. 5. The wording used on improved access is exactly the same as the wording used in the email correspondence quoted above (See 9/2/17) about access onto the Higher Town site from Turnpike. <ol style="list-style-type: none"> a. The public's assumption has been that MDDC wants to create a new pedestrian access onto the road named Higher Town but the quotation used refers to access from and to the Higher Town <u>site</u> from Turnpike. b. The summary says that DCC supports the new criterion of 'improved access' to the village, but we do not know if this support is for improved access in general or a specific pedestrian and cyclist route onto the Higher Town road to the north. 6. The MDDC commitment to the A361 slip road construction before development at SP2 can take place is retained although MDDC says that 'we understand that more information [re the A361 work] will be available in the lead-up to the examination'. 7. On page 134, MDDC refers to the original 'voting' on site selection that followed the January 2014 interim report (see May 2014 above).
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			<ul style="list-style-type: none"> a. MDDC states that the Higher Town site received more support than any other in the village at that time. b. It does not state that the site had 2 votes in support and 3 against. c. The two supporters for the Higher Town site were one of the land-owners and the parish council who very clearly said there support was for a maximum of 25 houses and who did this before they knew that site SP1 would come into play. <p>8. For some reason there was no response from Historic England to this consultation on the proposed Local Plan Submission. There has been no HEA commentary on the SP2 policy.</p> <p>9. On page 204 of the summary, in response to public comments about the impact of SP2 on the GWC CA, MDDC states that 'The impact would not be significant'.</p> <ul style="list-style-type: none"> a. There is no assessment of impact of the SP2 site on the canal conservation area anywhere in the SA or even in the HEA that attempted to remedy such errors and omissions. b. The summary report has added its authors' assessment of the site in a way not reflected in the documentary evidence base.
24	March 2017	Schedule of Proposed Minor Modifications to the 2017 Proposed Local Plan Submission.	<ul style="list-style-type: none"> 1. This includes <ul style="list-style-type: none"> a. extra Green Infrastructure at SP2 (from 2.0 to 2.5ha); b. 'improved access to the site for pedestrians and cyclists'; c. a revised map showing the increased GI. 2. While not part of the 2017 SA Update, the summary is to be forwarded to the Inspector to indicate that MDDC wishes to make these amendments to Policy SP2.

25	15 September 2017	MDDC sought and won an adjournment to the Inspector's hearings.	<ol style="list-style-type: none"> 1. The adjournment is ongoing 2. The Inspector's examinations may take place in late summer or early autumn.
26	2 February 2018	LUC report and associated papers published ahead of cabinet meeting on Local Plan Review progress	<ol style="list-style-type: none"> 1. This has led to a re-structuring and some re-wording of the SA and inclusion of new text. 2. LUC noted in paragraphs 1.36 and 1.37 of its report that Cabinet and Council papers from September 2016 when extra housing allocations were allocated, made no reference to the Sustainability Appraisal and concluded that <i>'It is therefore unclear how the SA fed into the decision making process about which additional sites to allocate'</i>. 3. Paragraph 1.8 shows that LUC relied on MDDC to provide additional information from beyond the SA or the rest of the evidence base to support its account of how assessments of alternatives were made in September 2016. 4. This has allowed MDDC to submit extra material eg from papers provided at Cabinet and Council meetings and from un-minuted meetings such as that of the PPAG that would not otherwise be in the evidence base. These are part of the pack produced by MDDC in response to LUC's investigations. They have not yet been subject to public consultation.
27	9 February 2018	Cabinet Meeting - voted that the LUC Report and accompanying papers should be put to full Council and recommended that they be put out to consultation as they stand.	<ol style="list-style-type: none"> 1. In the audio of the meeting, MDDC officers can be heard to state that: <i>'In relation to the Grand Western Canal Conservation Area, your officers did take it into account through this process but ... the SP2 development was not felt to have a significant impact upon it. Accordingly it has not formed part of the written conclusions within the SA because those impacts were not considered to be significant. Accordingly, it is also not referred to specifically in mitigation measures because the impact was</i>

			<p><i>not felt to be significant</i>'. (Audio c.34 minutes, 30 seconds).</p> <ol style="list-style-type: none">2. The project manager for the LUC investigation process added that the impact was not 'substantial'. He said that '<i>the Historic Environment Appraisal did consider the Grand Western Canal Conservation Area and did not assess that there would be substantial harm to the SA</i>' [sic - presumably he meant CA?]. (Audio c. 37 minutes, 40 seconds).3. He draws on the HEA which is not part of the SA and which uses no language of assessment in relation the GWC CA when considering the Higher Town site.4. The Head of Planning confirmed that the condition about A361 improvements still applies.5. The Sampford Peverell Parish Council made clear its complete disapproval and rejection of the Higher Town allocation but said that, should extra housing be needed in the event of J27 proceeding, it would support an allocation for up to 60 houses at a site in the east of the village.6. Members of the public were encouraged by members to allow the Inspector to consider individual sites in detail ie such as SP2.7. The reasons given to LUC for rejecting other sites at Sampford Peverell when the Higher Town allocation was made are given on Page 73 of Annex 4 of the pack.<ol style="list-style-type: none">a. MDDC says that the reason why Higher Town was not selected in 2015 was that there would be '<i>potential for greater landscape and visual impacts</i>'. [Presumably greater than other Sampford Peverell sites, particularly SP1, but this is not explicit].b. It suggests that the criteria added in Policy SP2 now deal with the landscape and visual impacts. This contrasts with the words of the officer quoted in point 1 above, who stated that
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			<p>no mitigation is provided for the Grand Western Canal Conservation Area which lies to the south ie in the direction of those views.</p> <p>8. The summary of alternative sites on Page 76 in Annex 4 also states that it would not be realistic to artificially subdivide sites that might otherwise be viable alternatives.</p> <ul style="list-style-type: none">a. MDDC has artificially divided SP2 to limit the number and location of dwellings there.b. The original September 2013 SHLAA recommendation for the Higher Town site had been 108-180 dwellings. It was cut to 60 in the December 2013 SHLAA publication and the reason given was that 'the land is elevated'.c. The two fields that make up the Higher Town site are divided by a 'north-south' boundary hedge, but to ensure that the elevated sections will not be developed, an 'east-west' artificial division is needed.d. It follows that the decision to artificially sub-divide the Higher Town site to ensure that there would be no development on its highest land had already been made well before September 2016 when it was said to be unrealistic to do the same for any other reasonable alternative. <p>9. The summary in Annex 4 shows MDDC dismisses Higher Town's location to the west of the village as a minor disadvantage</p> <p>10. MDDC did not reassess scores using proximity to J27 as an explicit criterion in site selection even though that was a prime consideration in 2016 but had not been in play when the original site scoring was made in 2014-15.</p>
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28	19 February 2018	Two members of the public met the Cabinet Member for Planning and Regeneration and officers to propose an alternative site at Mountain Oak to replace SP2.	<ol style="list-style-type: none"> 1. The Councillor who is the Member for Planning and Regeneration said he had no recollection of ever having seen this reduced Mountain Oak site before. It had been included as an alternative site proposal with a representation in the consultation process of January 2017. (See Row 23, 1 above).
29	21 February 2018	Council meeting voted through the LUC report and Annex 4 (the schedule of proposed amendments made to the SA Update 2017).	<ol style="list-style-type: none"> 1. The Head of Planning and Regeneration reminded members that <i>'they [LUC] did not look at the site assessment process, they did not re-run that but they advised that they had not felt that it was necessary to do that because the Sustainability Appraisal work that had been undertaken by the Council had already considered reasonable alternatives'</i>. 2. The LUC report, paragraph 1.8, by contrast, says <i>'... a full review of the whole SA process for the Local Plan (as recorded in other documents) has not been undertaken as it lies outside the scope of this commission'</i>. 3. LUC did not assess the quality of the assessment of the Higher Town site or alternatives, including the Mountain Oak reduced site that has never been acknowledged by MDDC. (See Row 28 above). 4. Responding to public questions in this Council meeting, the Head of Planning and Regeneration confirmed that <i>'The Local Plan is read as a whole and any planning proposal will have to have regard to all other relevant planning policies'</i> (Audio 2 hours, 37 minutes and 15 seconds). The rest of her response at this point assured members that Policy SP2 was consistent with Policy DM25 as it required mitigation for <i>'significant impact that has been identified'</i>. 5. Policy DM 25 nowhere mentions mitigation: it concerns <u>identification and assessment of impact</u> on heritage assets and their settings, which was the focus of the question asked. MDDC has still to answer the argument that its inclusion of Policy SP2 without any recorded

			<p>assessment of the impact of development on the GWC CA is contrary to its own Policy DM25.</p> <p>6. Applying the officer's stated principle that the Local Plan is to be read as a whole, it is not clear how Policy SP2 for 60 dwellings beyond the current settlement limits of Sampford Peverell has regard to Policies S13 and S14 that require '<i>limited development</i>' in rural areas and allow only '<i>small scale allocations</i>' within settlement limits for housing.</p> <p>11. By means of posing a question at this meeting, the Parish Council repeated its complete disapproval and rejection of the Higher Town allocation but said that, should extra housing be needed in the event of J27 proceeding, it would support an allocation for up to 60 houses at a site in the east of the village.</p>
30	27 February 2018	Letters and emails announce start of a six week consultation on Schedule of proposed amendments to the Sustainability Appraisal Update (2017).	<p>1. The consultation continues.</p>