

Mid Devon Local Plan Review 2013-2033
Hearing 1, 14th February (Vision, Spatial and
Development Strategy and Strategic Policies)
Statement for Gallagher Estates Ltd

January 2019

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Client
Gallagher Estates Ltd

Our reference
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1. Introduction

- 1.1 This hearing statement has been prepared on behalf of **Gallagher Estates Ltd** ["Gallagher Estates"] in response to Matter 1 of the **Mid Devon Local Plan Review 2013-2033** ["the Draft Local Plan"] examination.
- 1.2 Gallagher has land interests within Mid Devon, specifically at Willand, which includes part of site WI1 (Land east of M5, Willand) which is allocated for 42 dwellings within the Draft Local Plan. In addition to this Gallagher is promoting additional land beyond that which is proposed for allocation, which represents a further sustainable and deliverable opportunity for additional residential development.
- 1.3 Representations were previously submitted on behalf of Gallagher Estates to the Proposed Submission Local Plan in April 2015 and the Proposed Main Modifications in February 2017.
- 1.4 This hearing statement provides written responses in respect of those matters to be considered at Hearing 1 (14th February 2019) only. Gallagher Estates welcomes the opportunity to participate in the examination.

2. Response to Inspectors Questions (Hearing 1)

Question 2 - Is the OAN of 7860 (or 393 dwellings pa) (and thereby Draft Policies S2, S3 and S4) correct?

- 2.1 Included within the April 2015 and February 2017 representations submitted on the behalf of Gallagher Estates was a supporting document prepared by Turley Economics, titled 'Mid Devon Local Plan Housing Evidence Base Review' (April 2015).
- 2.2 This Review was prepared in the context of the evidence base available to inform the drafting of the Local Plan and primarily focusses on the proposed housing requirement. The relevant evidence base includes the following reports, to which reference is made throughout:
- Exeter Housing Market Area Strategic Housing Market Assessment – Final Report 2014/15 (SHMA); and
 - Mid Devon Employment Land Review, Final Report, January 2013
- 2.3 In general, it is considered that the SHMA represents a useful and robust evidence base prepared in the context of the existing National Planning Policy Framework (NPPF 2012) and the Planning Practice Guidance (PPG). The analysis within the Review has however highlighted a number of concerns regarding the translation of evidence into the concluded OAN range, and then subsequently the translation of this range into Policies S2 and S3. In summary:
- There is a need to adjust previous trend based projections (impacted by wider economic and market conditions) to reflect factors affecting local demography and household formation rates;
 - The SHMA uses a 30 year trend based projection in preference to the shorter trend-based period underpinning the 2012 SNPP (SNHP). Recent trends, i.e. the last ten years, show stronger levels of growth in Mid Devon than are projected forward. This further reinforces that the identified need for 7,620 homes based on a longer-term trend should be considered very much as a minimum position;
 - The implications of household formation rates on the adjusted population projections is particularly important in the context of the SHMA analysis which strongly highlights that affordability remains a central challenge in the area, with the need to address issues facing younger households;
 - It is not considered that the economic evidence presented within the SHMA provides a robust basis from which to reduce the level of need identified through the demographic analysis as is currently the case. It is apparent that the forecasts used within the SHMA suggest a notably lower level of employment growth than that used to inform the ELR (2013), which has subsequently been used to justify Policy S6. The failure to adequately ensure integration between these two policy agendas represents a challenge to the soundness of the plan. The evidence within this report highlights the volatility of economic forecasts and in this context it is considered that greater weight should be given to the

evidence in the ELR which sought to assess the potential of the economy in greater detail than that undertaken within the SHMA. It is also of concern that in seeking to establish a level of housing provision which is lower than that concluded in the SHMA related to demographic trends, that no consideration has been given to the implications of planned economic investment via the LEP, with this again serving to strengthen the positive approach taken through Policy S6. On this basis Policy S3 does not pass the test of soundness when considering Paragraph 14 of the NPPF which requires that there is 'sufficient flexibility to adapt to rapid change'; and

- Analysis of market signals and affordable housing need within the SHMA highlight the continued challenges for younger households in accessing property within the authority. Planning policy should seek to address this need through planning for an increased level of provision. At the very least this supports the need to plan at the upper end of the OAN range, despite this itself not representing a long term significant boost to rates of housing supply in the area. The failure to set a policy which seeks to respond to the NPPF's need to 'boost significantly' the supply of housing will simply serve to perpetuate historical market challenges and issues which in turn will have a significant detrimental impact on ensuring the area can realise economic growth.

- 2.4 Based on this assessment, it remains the position of Gallagher Estates that the current proposed housing requirement within the Local Plan should be expressed as a minimum figure (i.e. using the words 'at least'). This suggested amendment to Policy S2 will reflect the role of Chapter 5 of the 2018 NPPF to boost significantly housing land supply and ensure that the Local Plan is moving away from the minimum of the OAN range, identified in the SHMA.

Question 3 - Is the spatial distribution of housing soundly based in the light of possible alternatives?

- 2.5 No the spatial distribution of housing is not soundly based, in light of possible alternatives. In order to secure the delivery and growth that is required in the District, over the shorter and longer term, a greater range of small and medium sized housing sites are required to complement the long term strategic development planned within urban extensions/new settlements, the delivery of which will stretch beyond the end of the plan period.
- 2.6 As explained through the submission of both the April 2015 and February 2017 representations made to the Local Plan, the distribution of development across the District still remains unclearly justified, in relation to the location and scale of proposed housing. As such, in the context of the soundness test, the Plan and its strategy are therefore not justified through proportionate evidence that the most appropriate strategy has been adopted.
- 2.7 As stated within previous representations, the Local Plan should be focussing development within the most sustainable locations and main settlements to maximise opportunities to achieve sustainable development and balanced growth, in line with Government guidance and the proposed Local Plan Objectives, having regard to realistic expectations of delivery in the short and longer term.

- 2.8 The Council's revised housing requirement (as contained in the submitted plan) maintains the same distribution across the different areas of the District as set out in the originally published plan. As such, Cullompton remains the main strategic focus for new housing development across the Plan period, followed by Tiverton and Crediton as the secondary focus. A smaller overall percentage of development should be directed to Cullompton within the Plan period, due to serious concerns relating to the feasible deliverability of these sites, as addressed within Question 4 of this Hearing Statement, and to be covered further at the hearings based on any up to date position presented by the Council.
- 2.9 As a consequence of this and the Council's acknowledgement of constraints within Crediton and Tiverton affecting their ability to accommodate further growth, a higher percentage of growth should be directed to Rural Areas and more particularly to those most sustainable settlements within the Rural Areas (such as Willand). Where there exists a substantial existing community and there is potential to improve the services and facilities available in step with further development. There are further deliverable sites for housing in these locations.
- 2.10 Within the settlement distribution for new housing, the Local Plan relies heavily on three large strategic sites to deliver a substantial amount of dwellings (4,700 dwellings) across the Plan period (60% of the overall proposed housing requirement (7,860 dwellings) and 96% of the remaining residual housing requirement (4,924 dwellings)).
- 2.11 The over reliance on these significant three strategic allocations is of great concern due to their inherent long lead in times and the viability issues which they face due to the high infrastructure costs, as it risks the delivery of the Plan as a whole and the maintenance of a five year housing land supply.
- 2.12 Two of three strategic allocations (Eastern Tiverton and North West Cullompton) have been allocations since January 2011, both of which still do not benefit from planning permission, let alone started delivering much needed housing. Eastern Tiverton is the subject of a planning application but North West Cullompton is not.
- 2.13 Information published as part of the Council's monthly Planning Committee Papers confirms that the three pending Outline planning applications (for 200 dwellings each) that are key parts of the NW Cullompton allocation have been under consideration by the Council for between 75 and 80 weeks, with seemingly no clear timescale in order to resolve these. There will then remain a further time lag whilst pre-commencement conditions and other matters are dealt with, Reserved Matters approval is sought and achieved and development commenced on site. We welcome the opportunity to review any updated trajectory information to be presented as part of the Council's Examination Statements, although remain significantly concerned that the ongoing delays with the delivery of this development so no signs of being positively resolved in order to contribute in a timely way and to the extent required by the plan strategy.
- 2.14 The delay in delivery of large strategic sites is common place and the typical issues will be well known to the Inspector. It is incumbent on the Council to demonstrate through robust evidence that its strategy is sound, and this has not occurred to date - there remains great concern over the delivery of the Cullompton strategic sites.

- 2.15 It is considered that the over reliance on the three large strategic sites and the risk to the delivery of the Plan as a whole, means that the Plan has not been positively prepared as it is not based on a sound strategy which will ensure that the objectively assessed development and infrastructure needs will be effectively met.

Question 4 - Will the spatial distribution of housing be effective, given questions about viability?

- 2.16 No – the spatial distribution of housing will not be effective as it is over reliant on a small number of very large strategic sites. Greater diversity should be provided to help ensure minimum levels of delivery are achieved, alongside progress on the strategic scale opportunities. This strategy would better reflect evidence that points towards higher levels of development being necessary to help address affordability issues, and other demographic factors.
- 2.17 Policy CU6 (North West Cullompton Phasing) requires the “*provision of M5 access improvements before any dwellings are occupied*”. Furthermore, the delivery of the employment element of the allocation is also dependent upon the provision of the M5 access improvements along with 500 dwellings. Policy CU12 (East Cullompton Phasing) also requires that the “*first phase of comprehensive M5 access improvements*” are required before any dwellings are occupied.
- 2.18 The funding and implementation of the critical M5 access improvements is unclear from the available evidence base. Given how critical and essential this infrastructure is to unlocking both strategic and non-strategic allocations at Cullompton (which the Plan is heavily reliant upon), it is highly important to ensure and clearly evidence the required works, how they are to be funded, whether they are deliverable and when they will be delivered.
- 2.19 This much needed information regarding the delivery of the necessary infrastructure is absent from the evidence base and as such renders the plan unsound, in this respect, as there is no certainty that the allocations at Cullompton (including two of the three strategic allocations) will be deliverable within the Plan period to the extent that is anticipated (i.e. bringing into question the effectiveness of the Plan). As discussed further below (Question 5) the housing trajectory presented in the submitted plan is already out of date, and requires rectification in order to present a sound plan and ensure that the policies supporting it are effective and justified.

Question 5 - Will it maintain a 5 year supply of deliverable housing sites initially and looking forward?

- 2.20 The housing supply and trajectory figures that are presented in the plan are now out of date, and it is therefore expected that the Council will be publishing an updated position in order to inform the examination hearings. Accordingly we look forward to reviewing any updated position which is presented by the Council, and remain concerned to ensure that with respect to NW Cullompton and East Cullompton specifically the trajectory presented is realistic in terms of likely delivery that will contribute in the next five year period (as part of securing the required deliverable housing land supply), and over the full plan period, to ensure that the plans vision for housing growth to 2033 will actually be met by the sites which it has identified. The trajectory should be based on robust and realistic evidence of deliverability of the sites

(and parts of sites) that make up the key parts of the plan strategy; an overly optimistic position, may lead the plan to fail after any adoption, reverting the Council into the position of not being able to demonstrate a deliverable five year housing land supply.

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