

MID DEVON DISTRICT COUNCIL LOCAL PLAN REVIEW 2013-2033

HEARING STATEMENT

HEARING 1: VISION, SPATIAL AND DEVELOPMENT STRATEGY AND STRATEGIC POLICIES S1-S9

ON BEHALF OF LIGHTWOOD LAND

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared by Pegasus Group on behalf of Lightwood Land in respect of the Mid Devon District Council Local Plan Review (2013-2033).
- 1.2 This Statement seeks to respond to the questions raised by Mr Paul Griffiths (Inspector) in relation to Hearing 1: Vision, Spatial and Development Strategy and Strategic Policies.

2. HEARING STATEMENT

Q1. Is the Vision and Spatial Strategy for the area a reasonable one, and does Draft Policy S1 work? & Q3. Is the spatial distribution of housing soundly based in the light of possible alternatives?

- 2.1 Yes, Lightwood considers that the Vision and Spatial Strategy are reasonable and consider Policy S1 appropriate, and that the spatial distribution of housing is justified by the SA which considers all reasonable alternatives.
- 2.2 Mid Devon is a predominantly rural District which benefits from three market towns. Tiverton and Cullompton are the most sustainable within the District, followed by Crediton, given the range of employment opportunities and supporting services and facilities. The Local Plan Review continues to focus development to these settlements.
- 2.3 It is without question that much of the required growth should be focussed on the three market towns of Tiverton, Cullompton and Crediton.
- 2.4 However, compared to previous Local Plan's there is a shift in focus from Tiverton to Cullompton as the predominant location for strategic growth. It is considered necessary for this shift to take place if the Council is to achieve its spatial strategy which seeks to create a prosperous economy and to meet its objectively assessed housing need (as set out on Page 10 of the Local Plan).
- 2.5 Tiverton and Crediton are considered to be reaching their "*landscape limits*" (Paragraph 4.7 of Sustainability Appraisal) by virtue of their location in a natural topographical bowl. Accordingly, it is reasonable to consider that further significant expansion in these locations would result in significant landscape harm.
- 2.6 The most logical, as selected by the Council, is to focus development at Cullompton. Cullompton is well positioned geographically and benefits from its proximity to the strategic road network.
- 2.7 Cullompton itself, is also constrained beyond current commitments, but land to the east of the M5, is relatively unconstrained environmentally and is highly accessible given its proximity to the strategic road network making it ideally positioned to accommodate both residential and economic growth. Strategic Growth at

Cullompton also increases the likelihood of delivery of a future rail service which is an important local priority.

- 2.8 A solution to deal with the M5 constraint will be dealt with as part of a clear strategy which is already underway. Initially with an eastern relief road (a preferred route has been identified and funding bid already made) followed by a strategic solution in the form of a new motorway junction.
- 2.9 It should also be noted that there is strong local community support for Cullompton to accommodate additional development with land to the East being the preferred option from the host community.
- 2.10 Accordingly seeking to direct strategic growth to Cullompton is the most logical option.

Q2. Is the OAN of 7,860 (or 393 dwellings pa) (and thereby Draft Policies S2, S3 and S4) correct?

- 2.11 Yes, we consider that the OAN of 393 dwellings pa is correct and should form the housing requirement. Although not strictly applicable to this Plan it makes sense to adopt a figure that tally's with the 2014-based standard methodology output (of 366 homes, not including an additional policy-on an allowance for Junction 27) as the Greater Exeter Plan will need to be prepared on this basis in any case.
- 2.12 The SHMA indicates an annual affordable housing need of 124 dwellings per annum, or 2,480 dwellings over the plan period. The Plan as currently worded through Policy S3 and the supporting text (paragraphs 2.26-2.28) that the anticipated affordable housing provision will be 'over 2,000' dwellings. However, this remains too vague it is important for any anticipated shortfall to be acknowledged and it is a simple exercise to determine a more precise figure based on commitments and the approval of policy to allocations.

Q4. Will the spatial distribution of housing be effective, given questions about viability?

- 2.13 Yes, Lightwood considers the spatial distribution of housing to be effective.

- 2.14 Paragraph 182 of the NPPF (2012) outlines that for Plans to be “Effective” they should be deliverable over the plan period and be based upon joint working on cross boundary strategic priorities.
- 2.15 It is recognised by the Council and Lightwood that the full implementation of East Cullompton will require the delivery of additional motorway junction capacity, in the form of Junction 28(A). Engineering designs for a new junction to the south of the existing Junction 28, have been prepared and modelled in collaboration with Highways England and the Environment Agency.
- 2.16 The estimated cost of Junction 28A will be upwards of £50m. However, it will not be possible for development East Cullompton to fully pay for the junction and be policy compliant in respect of the provision affordable housing. A level of public subsidy must be assumed, that is unsecured at the current time. This does not render the Plan unsound.
- 2.17 The Planning Practice Guidance (PPG) states that:

“Where plans are looking to plan for longer term growth through new settlements, or significant extensions to existing villages and towns, it is recognised that there may not be certainty, and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. In these circumstances strategic policy-making authorities will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged”.

PGG ‘Plan-making’, Paragraph: 055 Reference ID: 61-055-20180913

- 2.18 Therefore, an ‘effective’ spatial strategy in respect of this test of soundness can be demonstrated via a ‘reasonable prospect’ assessment.
- 2.19 The PPG subsequently advises LPA’s (*at Paragraph: 056 Reference ID: 61-056-20180913*) how to satisfy the ‘reasonable prospect’ test. Engagement with infrastructure providers is required to ensure that they are aware of the nature and scale of proposals, and collaborative working is needed to ensure that requirements are not beyond what could reasonably be considered to be available in planned timescales.

- 2.20 Mid Devon Council is able to demonstrate significant engagement with the agencies relevant to Junction 28A (Highways England, Environment Agency, Network Rail) both before and following the submission of the Plan. In addition, one of the benefits of East Cullompton being part of the Garden Village programme, as set in the March 2016 Prospectus (para 33), is that CLG *'can play a key role across government in helping local authorities overcome barriers to delivery, and broker solutions to unblock any issues that arise'*.
- 2.21 The housing trajectory of the Plan takes account of the likely lead-in time for securing funding and subsequently implementing Junction 28A. The level of funding required for 2,600 homes can be achievable for this scale of development (See para 2.33).
- 2.22 In order to set investment in the Strategic Road Network (SRN) the government publishes a multi-year 'Road investment strategy' (RIS). The second RIS (RIS2) covers 2020/21-2024/25, and the third RIS (RIS3) will cover 2025/26-2029/30. A RIS3 bid from Devon CC in 2023, with successful determination by the end of 2024 would allow Junction 28 to be operational in 2027/28. That would allow three years for planning and construction.
- 2.23 There is also scope for an earlier Housing Infrastructure Fund (Forwarding Funding) bid for Junction 28A. The current HIF period is 2017/18 - 2020/21 and for this period Devon CC prioritised a £44.7m expression of interest for the South West Exeter urban extension of 2,500 houses. This was shortlisted by CLG in March 2018. Devon CC agreed submitted a full bid (for £46.7m) in July 2018. A further HIF round could take place from 2021/22- 2024/25, with expressions of interest in 2021. However, the housing trajectory is, justifiably, aligned with the later RIS3 process.
- 2.24 The delivery trajectory at East Cullompton is forecasts 550 completions by the end of 2026/27. Lightwood understand that Devon County Council currently seek to limit completions at East Cullompton to 500 until Junction 28A is operational. However, a further 200 completions are forecast for 2027/28 itself. Lightwood consider that it is desirable to enable continuity of delivery and that up to 750 completions should be allowed for before the junction is operational, if it is under construction.

- 2.25 The potential enlargement of East Cullompton to 5,000 homes (or higher) is not a matter for the examination of the Mid Devon EiP. However, it does form the basis of the Garden Village bid and will be tested against alternatives as part of the preparation and examination of the Greater Exeter Strategic Plan (GESP). The current timetable envisages the GESP being submitted for examination in September 2021 with adoption in 2022.
- 2.26 An increased scale of development at East Cullompton would improve the overall viability dynamics, meaning that land value uplift could pay for a greater share of strategic infrastructure. A HIF or RIS3 'grant' bid would be lower and/or a loan facility could be investigated i.e. Homes England Homes Building Fund. Any HIF or RIS3 bid or HE loan 'ask' would almost certainly be made after the submission and/or adoption of the GESP. Given that the Garden Village bid was supported by DCC and the LEP, there is a reasonable prospect that the GESP will expand East Cullompton (subject to a proper SA process).
- 2.27 The PPG (Paragraph: 056 Reference ID: 61-056-20180913) advises that "*future plan reviews can be used as an opportunity to provide greater certainty about the delivery of the agreed strategy*"
- 2.28 There is of course the potential for a negative bidding or planning outcome. The PPG recognises this and advises that if the delivery of the preferred strategy cannot be secured that alternative strategies should be considered in plan review. The GESP and bidding processes will have concluded before Mid Devon needs to adopt its own plan review, enabling the allocation of additional sites to 2033 (and beyond) if necessary. The current Plan is therefore 'effective'.
- 2.29 Lightwood's position is that the development of East Cullompton, prior to the completion of 750 homes does not require the implementation of a town centre relief road. Devon CC's position is understood to be that that 500 homes can be built at East Cullompton following the completion of the relief road and before Junction 28A is operational. We expand on this phasing point in our Matter 2 statement.

Q5. Will it maintain a 5-year supply of deliverable housing sites initially and looking forward?

2.30 Lightwood's has no overall view, but confirms that its planning and delivery programme, if met, will enable first 50 completions in 2022/2023 (x2 housebuilders completing units from September 2023) and 100 completions in 2022/23. The production of a master plan SPD, which already underway, will assist.

2.31 Lightwood observes that elsewhere, where very large strategic sites are relied on, the Liverpool method, or a stepped housing trajectory has sometimes been deployed. Garden Village status invites the Council to discuss planning freedoms with CLG.

Q6. Will Draft Policies S5 and S8 have a tolerable effect on housing delivery?

2.32 No, we consider that Policy S5 will have not have tolerable effect on housing delivery. However, we consider that Policy S8 is acceptable in this regard.

2.33 Lightwood maintains its objection that the policy as currently worded is too inflexible and fails to provide enough explanation as to the different open space typologies expected.

2.34 Equally, Lightwood object to the absolute exclusion of sustainable urban drainage systems being classified as public open space as set out in supporting text (paragraph 2.35). This is because appropriately designed SUD's schemes can become and play an important part in public open space and can have dual utility and function if designed correctly.

Q7. Why is there no provision for Gypsies and Travellers?

2.35 Provision for 10 pitches are included as part of the provisions at East Cullompton. We refer to this in our Matter 2 statement.

Q8. Is the approach to commercial development (and Draft Policies S2 and S6) reasonable?

2.36 Yes, Lightwood considers the approach within Policies S2 and S6 in respect of commercial development are reasonable.

2.37 The definition of what constitutes employment space is acceptable and will allow the Council to respond proactively to the changing employment market over the plan period and to take advantage of opportunities where necessary.

Q9. Do Draft Policies S7 go far enough to protect the town centres identified therein?

2.38 Yes, we consider that the policy goes far enough to protect existing centres.

2.39 However, we remain concerned regarding the interaction of S7 with CU10 which sets out a requirement for 2ha for local centre uses at East Cullompton.

2.40 Sequential testing should not be required of application for up to 2ha of local centre uses at East Cullompton. We maintain our suggested amendment which for criterion C, would read:

“Outside of the town centres..... and sites allocated for town centre uses”.