

## **LOCAL PLAN REVIEW: HEARINGS**

### **Written Statement from Persimmon Homes South West**

#### **1.0 Introduction**

1.1 I am Barry H James and I am the Strategic Planner for Persimmon Homes South West. I have been a Chartered Town Planner since 2000..

1.2 This Statement is submitted on behalf of Persimmon Homes South West (PHSW) for consideration as part of the Local Plan Review Examination Main Hearings. The initial submission from PHSW was dated 14<sup>th</sup> February 2017.

#### **2.0 Plan Sections referred to**

2.1 This Statement covers all the sections of the Plan that PHSW is opposed to, and provides commentary for the Inspector to consider when deliberating the soundness, or otherwise, of the submitted Plan.

2.2 PHSW's submission was summarised as:

2.2.1 *Persimmon Homes South West **opposes** in the strongest terms the proposed content and strategic strategies and policies as proposed within the Modification Version of the Mid Devon Local Plan. The Company does not consider that the current proposals are sound nor deliverable and has grave concerns on a number of fundamental matters including:*

- *Overall approach and duty to cooperate*
- *Housing Numbers.*
- *Strategic housing distribution and delivery*
- *Highways constraint and policy in respect of Junction 28 Cullompton*
- *Cromwell's Meadow Crediton*
- *Gypsy and traveller sites*

2.3 The sections referred to are (which correspond with the Local Plan Review Database):

- Vision, Development Strategy
- S3 – Meeting Housing Needs
- S11 – Cullompton Strategic Policy
- CU1 – CU6 – North West Cullompton
- CU7 – CU12 – East Cullompton
- CU13 – Knowle Lane

- CU14 – Ware Park and Footlands
- CU15 – Land at Exeter Road
- CU16 – Cummings Nursery
- TIV1 – TIV5 – Eastern Expansion (Tiverton)
- CRE3 – Cromwells Meadow

### 3.0 Vision, Development Strategy

3.1 The PHSW submission noted the following issues:

3.2 **Prematurity and lack of alignment with wider strategic policy**

**development:** there is a lack of consistency between the Local Plan Review and the timescale for development of the Greater Exeter Strategic Plan (GESP). Elsewhere within the GESP area – comprising of Exeter, Teignbridge, Mid Devon, East Devon – policy work has wisely stalled to ensure alignment. It was noted in paragraph 2.4 of the PHSW submission that Exeter City Council had stalled policy work until the GESP was consulted and adopted. Since that time Teignbridge’s Local Plan Review has made it clear it will ensure alignment between the end date of the reviewed Plan and the end date of the GESP i.e. 2040.

3.3 Even more recently East Devon District Council’s Strategic Planning Committee received a report on 29<sup>th</sup> January 2019 which (Item 12, paragraph 2.2): *“On account of the importance and implications of GESP it is not considered reasonable or viable to proceed with key stages of local plan production until GESP has made substantive progress and there is confidence and ultimately certainty about the final content of GESP. Ultimate confidence can only be established at the point that GESP is adopted (shown in the Gantt for April 2022). So for example we can plan to undertake public consultation on a draft version of a new local plan prior to GESP adoption (on assumption of expectations of what the GESP will ultimately say) but it is unlikely that it would be reasonable to go to the publication stage of local plan making until the time of or after GESP is adopted. In reality this means that there is likely to be a period of up to 18 months between when GESP is adopted and when a new local plan is adopted. With GESP adoption likely to be around April 2022 it would suggest a new local plan would be adopted in late summer/Autumn 2023”.*

3.4 The East Devon report goes on to say that consultation on a draft revised local plan will not take place prior to the stage GESP modifications are known, and they have timetabled consultation for February or March 2022. A Gantt chart is included (in Appendix 1) that shows a clear understanding of the influence of GESP upon the production of a draft revised East Devon Local Plan.

3.5 This is a logical and obvious approach to plan making that Mid Devon, as one of the partner authorities producing and delivering the GESP, should consider as a prudent approach. Having a Development Strategy

that does not take into account known activity within the Exeter Housing Market Area and the obvious major impact the GESP will have, renders the current Review process weak and likely to result in almost immediate subsequent review.

- 3.6 PHSW expects a consistency in approach and overall strategic direction through the GESP, and whilst the Mid Devon “Duty to Cooperate Statement March 2017” makes it clear that cooperation does not necessarily mean agreement, the direction of travel – and therefore presumably the production of relevant policy – across the GESP area is expected to be consistent. The GESP will bring strategic clarity however the Mid Devon approach already threatens that goal, even before a draft GESP has been produced.
- 3.7 It is anticipated that GESP will expect additional growth in areas around the city of Exeter due to the constraints it faces to accommodate the growth its Housing Market Area creates. The draft Local Housing Needs Assessment 2018 expect 2,633 dwellings per annum to be delivered across the GESP area. It is hard to understand, as noted in paragraph 3.3 above, why this Review is continuing seemingly regardless of the wider spatial policy development which will add further development requirements upon the Mid Devon area.
- 3.8 A report by Lichfields in January 2019 “*Planned up and Be Counted*” emphasises the need to ensure that Local Plans are up to date and address the nation’s need for more homes. The analysis in the report – which is submitted as Appendix A – raises many pertinent points:
  - 3.8.1 Almost half (46%) of Plans have had to increase their housing figures during examination
  - 3.8.2 Failing to comply with the Duty to Cooperate was the main reason Plans were withdrawn from examination, however inadequate housing number provision was also an important reason
  - 3.8.3 Providing for increased housing requirements will present a challenge for local authorities
- 3.9 Following the submission of representation to the Local Plan Review in 2017, in April 2017 a revised Housing and Land Availability Assessment (HELAA) Methodology was produced for the GESP area, updating previous year’s documents.
- 3.10 It is appreciated that much of the above has occurred after the submission of the Plan, and that the revised NPPF’s Standard Method for assessing Housing Need will not apply. The Local Authority could not have foreseen these developments at the time of submitting the Local Plan for Examination.
- 3.11 However, given the almost immediate changes that will need to be done to ensure an up to date and valid Local Plan in Mid Devon as a result of

other policy development, and the Council's acknowledgement that these policy developments will have such a significant impact upon planning in the Plan area, the Inspector is respectfully asked whether the Local Authority's time and effort would be better spent focusing on the production of the GESP, **or** acknowledging the impending situation and increasing housing numbers/allocations within the Local Plan to meet anticipated additional need by allocating further sites, **or** postponing work on the Local Plan Review until there is more clarity.

3.12 The development of the GESP and progress towards growth across the sub-region is clearly understood by Mid Devon and its partners. Mid Devon's Local Development Scheme published in November 2018 states the GESP will:

- 3.12.1 set an overall vision and strategy for the development of the area in the context of national and other high level policy;
- 3.12.2 include overarching, cross-boundary and strategic targets, policies and proposals for development and conservation;
- 3.12.3 guide the overall level and distribution of development;
- 3.12.4 make strategic development and infrastructure proposals;
- 3.12.5 contain other strategic policies necessary to implement the vision and strategy; and
- 3.12.6 cover the period 2020 to 2040.

3.13 It is probable that the LDS states that "**The Greater Exeter Strategic Plan will provide the overall vision and strategy for development in Mid Devon**". Given this acceptance by the Council that a more strategic document takes precedence it appears prudent to re-think this Review and to re-assess the potential levels of growth for Mid Devon based upon GESP requirements.

3.14 **Approach to Housing delivery:** the Plan states that 7,860 dwellings are required to be delivered over the Plan period, equating to 393 dwellings per year. The Plan makes provision for 774 dwellings over and above the expected requirement. Since that time we have the benefit of a further period of housing delivery and the most recent Annual Monitoring Report, which indicates Mid Devon demonstrated a 5 year housing land supply of 4.15, 619 dwellings under construction and 304 completed in 16/17. Only 31 affordable dwellings were delivered. The annual target for the main towns of Mid Devon was not achieved, and only 112 dwellings were delivered on allocated sites.

3.15 PHSW submission referred to the shift in the spatial strategy of focusing more development around Cullompton rather than Tiverton, which has historically been a focus for development in the district. North West Cullompton and East Cullompton, now known as the Culm Garden Village.

3.16 The Plan's Strategy includes the following statement:

- 3.16.1 *“Meet objectively assessed needs for development, guided to locations which are or can be made sustainable, achieving a suitable balance of housing, employment, facilities and other uses within towns, villages, neighbourhoods and rural areas”*
- 3.17 Deliverability is a key issue upon which the Council has to satisfy itself, and the Council is expected to make a robust assessment of deliverability. The 2012 NPPF states in footnotes 11 and 12 to Paragraph 47 (it is noted that the definition of deliverability has changed in the revised NPPF of 2018):
- 3.17.1 *11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.*
- 3.17.2 *12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viable developed at the point envisaged.*
- 3.18 Paragraph 173 “Ensuring Viability and Deliverability” states:
- 3.18.1 *Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*
- 3.19 Paragraph 2.8 of the submitted Plan notes:
- 3.19.1 *All the housing sites in the Local Plan have been subject to the Strategic Housing Land Availability Assessment and have been deemed to be deliverable. However, the plan has to be able to deal with uncertainty, reflecting that changes in the housing*

*market or other circumstances may prevent allocated sites from being delivered at the rate the Council has forecast.*

- 3.20 The submitted Plan goes on to reflect on the need to deal with uncertainty, and this is addressed by over provision of 774 dwellings; reference to an anticipated delivery of 104 windfall dwellings per year; and release of two contingency sites if housing delivery is insufficient.
- 3.21 It follows that if the SHLAA's assessment is correct, and the NPPF's definition is met, then the relevant sites included within the plan will be deemed deliverable and development commenced within 5 years. As is noted below in the paragraphs relating to Cullompton, and the fact that the trajectory of housing delivery indicates otherwise, there are serious concerns that this assumption is incorrect and that the Plan fails to deliver sustainable development (as defined in Paragraph 7 of the NPPF: "a social role") or the requirements of Paragraph 47 relating to housing delivery – in particular due to a lack of certainty over deliverability.
- 3.22 It therefore follows that the Plan fails to accord with Paragraph 182 as it fails to have been positively prepared (due to concern about the development strategy's reliance on a small number of major sites), effective (as there are significant concerns about deliverability and the effectiveness of joint working on cross-boundary strategic priorities), and consistency with national policy (due to the lack of adherence to the NPPF's advice).
- 3.23 Potential options for a way forward are included in Paragraph 3.11. We consider that a positive approach would be to re-assess the development strategy, the deliverability of allocations, and in all likelihood increase the number of other sites allocated to de-risk the delivery of the Plan.

#### **4. Meeting Housing Needs – Policy S3**

- 4.1 PHSW is concerned that strategic policy relating to housing needs is unrealistic and will result in an undeliverable Plan. The key concern is that major strategic sites will not deliver as anticipated in the submitted Plan.
- 4.2 The proposed trajectory of 393 dwellings per annum is welcomed, being significantly greater than the most recently recorded delivery (304 in 2016/17). This number of dwellings per annum requires allocated sites to deliver as expected. As noted below in Paragraphs relating to Cullompton, it is unrealistic to expect the development strategy employed to ensure that this has the best chance to occur.
- 4.3 Paragraph e) states explicitly that a "*five year supply of gypsy and traveller pitches will be allocated on deliverable sites within Mid Devon to ensure that the predicted need for traveller sites will be met*". The Policy

goes on to say “A further supply of developable sites or broad locations for growth will be identified equivalent to a further ten years of predicted growth”. PHSW disagrees with the assertion that requiring new traveller sites on allocated land is the best way to ensure the predicted need is met. PHSW suggests that there should be much more flexibility in how and where sites are delivered. Whilst there may be opportunities for provision of traveller sites within allocations in some cases, viability, market forces and a realistic approach to delivery suggests that inflexibility in policy could result in a reduced speed of delivery or a sterilised site/part of a site crucial to Mid Devon’s development strategy.

- 4.4 This point is noted in Paragraphs 3.35 onwards; the point is made that this issue has to be taken into account in the planning process and viability assessment.
- 5. Policies CU1-CU6 – Development of Cullompton:** the PHSW submission recognises the strategic shift of major development in Mid Devon towards Cullompton. In terms of trajectory, the Plan states that North West Cullompton (1350 dwellings) was expected to start delivering completions in 2017/18 (and should deliver 87 dwellings by the end of March 2019), and East Cullompton (2100 dwellings over the plan period) expected to start delivering residential development in 2024/25.
- 5.1 PHSW has serious concerns about the deliverability of major allocations in Cullompton. The delivery of significant infrastructure is linked to these sites and without sufficient certainty that major improvements such as the M5 Junction 28, or the Cullompton Town Centre Relief Road, will take place it puts the delivery of the allocated developments in jeopardy.
- 5.2 To deliver these allocated sites as part of the housing market in and around Cullompton multiple sales outlets would be required to operate at the same time, potentially competing against each other for the available purchasers. No evidence is available that multiple sales outlets operated by a small number of developers around one town is a sustainable approach to housing that will deliver what the District Council expects. PHSW is a major part of the delivery of these dwellings and given we are raising these concerns it is entirely legitimate that the Council reviews its approach to satisfy itself – or otherwise – that the intention can realistically be delivered.
- 5.3 Without sufficient evidence to suggest otherwise PHSW does not consider that the approach being taken i.e. making Cullompton the focus of such major development with two huge allocations in the current circumstances, is the best approach to planning the delivery of housing during the Plan period. This concern is emphasised due to such uncertainty around the delivery to two major highway improvements.
- 5.4 The north west expansion of the town is not considered to have as significant an impact as its size is not as overwhelming as the eastern “Culm Village” proposal, which relies on the improvement of Junction 28

to provide adequate highway infrastructure to serve it (there are questions about its viability and how this may be assessed however). The PHSW submission refers to the unfairness and opaque nature of linking the two developments together in terms of impacts and therefore need for contributions towards infrastructure improvements.

5.5 The Plan refers (in paragraph 2.11) to two contingency sites, one in Tiverton and one in Cullompton. If the Plan is to deliver on its intention to ensure sustainable development then PHSW suggests the Council would be better served by reviewing its development strategy and allocates a number of major sites say up to 300 to 500 units each, across the Plan area, in a sustainable and well measured growth of the more significant settlements and therefore contribute to their own evolution and self-sustenance. Such an approach will afford the development market a better opportunity to bring a suitable number of dwellings to the market in well planned locations.

6. **The ability to deliver Gypsy and Traveller Sites within major urban expansions:** Mid Devon District Council has expressed inflexibility to consider this issue objectively. The absolute requirement for gypsy and traveller pitches to be provided within urban expansion sites has not so far taken into account the potential impact of such an allocation upon land value, development viability and potentially the confidence of a scheme being delivered.

6.1 The need to meet objectively assessed need is understood, and the “*Devon Partnership Gypsy and Traveller Accommodation Assessment 2015*” provides Mid Devon District Council with a basis for meeting its statutory duty to facilitate provision of sufficient traveller pitches.

6.2 PHSW, other developers and land valuers, are clear that by insisting upon providing pitches within an urban expansion there is an impact upon land value, viability and scheme delivery. PHSW is clear that any viability work, to be accurate and therefore useful, has to include consideration of this issue. If the District Council continue to pursue their intransigent position and fail to acknowledge that there is an issue to be considered it puts the delivery of the Plan at risk.

6.3 Mid Devon is largely relying upon a small number of very large allocations to deliver its housing numbers and ensure the Plan as a whole is considered sound. As noted above, this is a precarious position to find itself in when the Council offers no flexibility upon how gypsy and traveller pitches are provided. The Annual Monitoring Report of 2017 indicated that the Council was on target to deliver its number of pitches; this performance is prior to the adoption of the current inflexible policies which could have the impact of throttling development of key sites.

6.4 Mid Devon District Council is within the GESP area and therefore a level of strategic consistency should be expected from the Councils involved on issues such as provision of gypsy and traveller pitches. In December

2018 Teignbridge District Council, another Council within the GESP area, recently considered planning application 18/01759/FUL: Alterations to existing gypsy and traveller site including the relocation of 1 existing pitch and creation of 7 additional pitches (8 pitches in total), amenity buildings, landscaping and surface water drainage. The Officer report refers to the need for additional pitches in the Teignbridge area, and in paragraph 3.8 states:

6.4.1 *“there is a need for 70 pitches over the life of the Plan and it was anticipated, at the time of adoption, that those pitches would, in part, be delivered through the strategic allocations at South West Exeter and West of Newton Abbot”.*

6.5 The Report (see Appendix B) goes on to say:

3.9 *Through the application process at South West Exeter, it has been determined that the provision of gypsy and traveller pitches could be on site or could be through off-site delivered provision elsewhere.*

3.10 *The subject proposals are a partnership looking to meet a portion of the need arising from that allocation.*

3.11 *The off-site provision is required as a consequence of funding/financial constraints not only on the developers but also potentially on mortgagees. This is a difficulty that Officers are looking to resolve more widely but timescales do not permit resolution at this stage.*

6.6 It is clear that other Councils are grasping the fact that rigid insistence of on-site provision of gypsy pitches has an impact upon viability and deliverability of key sites. It is submitted that Mid Devon District Council need to have a more realistic and pragmatic approach to this issue if they want their key allocations to be delivered, and by introducing a) flexibility into the policy and b) reasonable consideration in viability assessments they have a better chance of ensuring deliver of their development strategy.

6.7 *“Planning Policy for Traveller Sites”*, DCLG publication from August 2015, sets out the Government’s policy on traveller sites and aims to facilitate the traditional and nomadic way of life of travellers while respecting the needs of the settlement community. Paragraph 4 notes:

- (g) notes that Local Plans need to have fair, realistic and inclusive policies;
- (i) to reduce tensions between settled and traveller communities in plan making;
- (j) to enable provision of suitable accommodation;
- (k) for local planning authorities to have due regard to the protection of local amenity and local environment.

- 6.8 The DCLG document refers to the deliverability of sites and the need for there to be clear evidence that sites will be developed within the stated period. There is reference to the relocation, temporary or otherwise, of sites to enable the delivery of major development, however it is silent on the potential for major allocations to include an allocation for a traveller site as part of its mix of uses.
- 6.9 It is a relatively simple task to provide suitably worded policies within the Plan that affords flexibility to all concerned yet also ensures delivery of traveller sites. The Inspector is respectfully asked to consider this issue, the impact upon development viability and the delivery of the Plan's development strategy, and seek to introduce pragmatism and realism into ensuring the delivery of the identified need for pitches.
7. **Cullompton Strategic Policy S11:** this strategic policy endorses Cullompton's position as an integral part of the development strategy for Mid Devon. PHSW has raised concerns that relies upon the improvement of key infrastructure to facilitate the expected development, with developer contributions expected to pay. The policy makes it clear that Cullompton will be a fast growing settlement; this is on the proviso of the certainty of much needed transport infrastructure improvements being made.
8. **East Cullompton Policies CU7 – CU12:** as has been noted in the PHSW submission the deliverability of this major site is uncertain and therefore brings the deliver of the Plan into question.
- 8.1 The Plan's delivery with regard to East Cullompton is reliant on the infrastructure improvements. Its designation as a Garden Village may assist its delivery; however, the underlying concerns about deliverability and of putting too many development eggs in one basket remain and are clear to see.
9. **Cullompton, Policies CU13 (Knowle Lane), CU14 (Ware Park and Footlands), CU15 (Land at Exeter Road):** as noted in the PHSW original submission and supplemented by comments above, these housing allocations are all constrained by the same requirements for no further development to take place until significant improvements on Junction 28 have been implemented. Potentially therefore a lack of junction improvements puts in jeopardy all of the applications at Cullompton, leading to a Plan which cannot in any way be considered to have been prepared positively.
- 9.1 The point is made again that by shifting the emphasis of the delivery strategy from Tiverton to Cullompton during the lifetime of this Local Plan there should be a clear contingency plan that allows for flexibility and/or adaptability should highway junction improvements not be workable or undeliverable at certain times in the plan periods.

- 9.2 The Plan could be considered unsound as growth is predicated on infrastructure improvements at one settlement with the timing of deliver being unknown, impacting on the deliverability of a large number of allocations.
- 10. Eastern Expansion of Tiverton, Policies TIV1 to TIV5:** PHSW has concerns about the deliverability of the eastern expansion of Tiverton. It is noted that progress has stagnated due to an insistence on provision of a traveller site as part of the development; the Council is therefore requested, as noted above, to revisit its intransigent and inflexible position it has adopted in the Local Plan review.
- 11. Policy CRE3: Cromwells Meadow, Crediton** – the PHSW submission raised opposition in the strongest terms to the changes proposed. The submitted Plan indicates 12 dwellings to be delivered in 2018/19, and 23 in 19/20, a total of 35 on a site with a net developable area of 1.44 hectares. This equates to a density 24.3 dwellings to the hectare, just 9.84 to the acre across the net developable area. The policy indicates a requirement for 28% Affordable Housing. As was raised in the PHSW submission the supporting paragraphs are silent on the reduction. The Strategic Housing Land Availability Assessment of 2013 indicated a yield of 58 on this site. The previous allocation was for 50, as reflected in the 2014 SHLAA. In the SHLAA Panel Meeting minutes from Friday 6<sup>th</sup> June 2014 (one of the Evidence Documents for this Review) there appears to be reference to a reduced density for this site to 40, although there is a lack of additional information.
- 11.1 PHSW acquired an interest in this land with the expectation of complying with policy. Optimising the effective use of land is an established principle of the planning system and this unjustified reduction in density does not accord with previous consideration of the site's capacity and ability to deliver residential development. The adopted Local Plan was considered sound. This site was assessed and duly considered acceptable for an allocation of 50 dwellings. The reduction to 35 dwellings is therefore strongly opposed, and it is submitted that the site can accommodate the allocated number. The Company's testing layout (previously submitted) shows even with the identified constraints the site can easily accommodate 50+ units.
- 11.2 The Development Plan provides certainty for developers to make investment decisions, which lead to delivery of the Plan's objectives. The fact the site which is the subject to CRE3 has been the subject of change without clarity given to the developer with interest in the land is not conducive to positive planning, which is a cornerstone of the NPPF.
- 12. Conclusions**
- 12.1 Mid Devon is relying upon a small number of very large allocations to deliver its housing numbers and ensure the Plan as a whole is considered sound. Its delivery of housing and publicised under

performance means the Plan needs to provide a realistic strategy to future development to correct past/current under performance; the submitted Plan fails to do so for the reasons given above.

- 12.2 The Council's persistent under-delivery is demonstrated in its Annual Monitoring Report (April 2016 to March 2017) which states in relation to its own performance "*Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. Mid Devon applies the buffer by seeking to demonstrate a supply figure in excess of 120%*".
- 12.3 PHSW objection to the items identified above is directed at the Council's lack of recognition of the emerging new strategic coordination of growth as represented by the Greater Exeter Plan.
- 12.4 Major allocations are reliant upon major infrastructure works and there is a lack of flexibility and/or adaptability in the plan if this doesn't get delivered as expected.
- 12.5 The ability of the major allocation sites to deliver in accordance with the Council's intentions is sufficiently questionable, and it is submitted that the Plan requires a re-assessment of its development strategy to ensure that it can meet the thrust of Government guidance requiring the facilitation of adequate housing supply, and the delivery of much needed housing stock.