

MID DEVON LOCAL PLAN REVIEW 2013-2033
MAIN HEARINGS

HEARING 2 FRIDAY 15TH FEBRUARY 2019
REPRESENTOR NUMBER 4675

PREPARED ON BEHALF OF WADDETON PARK LTD

JANUARY 2019



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MID DEVON LOCAL PLAN REVIEW 2013-2033

MAIN HEARINGS

HEARING 1 THURSDAY 14TH FEBRUARY 2019

REPRESENTOR NUMBER 4675

1. Introduction

- 1.1 PCL Planning are appointed by Waddeton Park Ltd who have property interests in Mid-Devon District. The comments set out below are drawn from responses to various stages of the evolution of the Mid-Devon Local Plan Review 2013-2033. These responses were made variously by Waddeton Park Ltd (T J Baker 24th April 2015), Bell Cornwell LLP, March 2015 and PCL Planning Ltd, 29th July 2014, 24th April 2015 and a submission to the Preliminary Hearings, August 2017.
- 1.2 Our client's position remains as set out in the PCL letters (see above), i.e. that a greater proportion of development should be provided at Tiverton than the plan currently provides for, irrespective of consideration of the 'Junction 27' matter and the related **SP2** and **TIV16** proposals.
- 1.3 The Local Plan Review Consultation response letter of 29th July 2014 sets out our concerns most succinctly and the submission by Waddeton Park (T J Baker) dated 24th April 2015 sets out funding and viability concerns over the proposed strategy, which we believe remain unanswered. (I presume you have copies of both, that are self-explanatory and, unfortunately, largely repetitive).
- 1.4 The repetitiveness underlies the consistency of our client's position – essentially that the spatial strategy of the plan is fundamentally flawed for the reasons set out in the previous submissions.

2. Comments

2.1 We make the following specific comments in relation to the Inspector's questions.

Q1 *Is the approach to Tiverton in Draft Policy S10 a reasonable one?*

2.2 The generalities of Policy S10 appear perfectly reasonable. As previously submitted the main thrust of our submissions is at the lack of scale of allocation at Tiverton, set against the proposed new community at Cullompton. Consequently, for the reasons previously set out and discussed as part of Matter 1 we do not support the proposed scale of dwelling allocation at Tiverton and recommend that it should be increased accordingly.

Q2 *Are the allocations and draft policies relating to Tiverton (Draft Policies TIV1 to TIV15) workable?*

2.3 Our comments with regard to TIV policies are restricted to Policies TIV1 -5 and TIV 16 (formerly TIV9). With regard to the latter we have already made a submission for the Preliminary Hearing which is not repeated here. That submission also included reference to the omission site at Hartnoll Park.

2.4 Policies TIV1-5 facilitate potential further extension to the Eastern Urban Extension. We support the general provision of these Policies but believe their provisions should be extended to include Hartnoll Park for the strategic housing delivery reasons we have already set out.

2.5 There are good reasons for further development at Tiverton in this plan period, irrespective of the outcome of considerations of the J27 matter. Our clients have worked with the Council to prepare SPD for the Eastern Urban Extension site, and planning permissions have been granted for the majority of the allocation. There is obvious potential to further extend that site (via the Hartnoll Park omission site that we propose) and the draft

application submission documents that have been submitted explain, in some detail, how that site can be satisfactorily developed.

2.6 The Hartnoll Park site is plainly 'better performing' than the TIV 16 site (formerly TIV 9), that has been inappropriately 'resurrected'. In our view, and on the basis of available evidence, it is wholly inappropriate to allocate that site, in preference to the Hartnoll Park site.

2.7 Why the council have chosen to re-allocate the site now is somewhat unclear, bearing in mind that better, and more deliverable, alternatives were available to them as set out in the report to the Council's cabinet of September 2016 (ED03). In our view enlarging the Eastern Urban Extension to include Hartnoll Park makes best use of existing infrastructure and resources.

Q3 *Is the approach to Cullompton in Draft Policy S11 a reasonable one?*

2.8 We believe the evidence the Council has presented in support of the new community option at Cullompton in support of such a shift in strategic approach flawed. New settlements are notoriously delayed beyond plan periods. They are subject to viability and critical mass issues and require significant public investment in order to overcome the substantial up front infrastructure costs, which are not fully identified. (Submission T J Baker 24th April 2015)

2.9 We would also draw attention to the Interim Sustainability Appraisal (SA) of January 2014, Policy S3 Amount and Distribution of Development, pages 5-10, which shows a clear sustainability advantage in maintaining the CS Spatial Strategy (Option 1). Notwithstanding, the January 2015 SA is based on Option 2 and scores some elements of the SA in a markedly different way without a proper explanation for the change. The weightings adopted at this stage were carried through to the SA dated January 2017.

2.10 We can trace no evidence of these matters being reviewed between the publication of the Proposed Submission Plan (in April 2015), and the

subsequent amendment (in February 2017). Accordingly, we do not accept that the proposal (or the plan, bearing in mind the inclusion of designated flood plain land in the Cullompton [CU7-CU12] allocation) has been prepared in accordance with Government policy. We consider that our client's site (Hartnoll Park) has been prejudiced by the lack of any comparative assessment review in accordance with Government policy (due to the clear existence of sequentially preferable sites).

2.11 Furthermore, it is our view that the proposals, **if delivered**, would create a bi-polar town with the two halves separated by a corridor containing the M5, a significant flood plain and a main line railway. The hope that a (as yet to be determined) public transport solution will knit the two halves together and deliver relief and economic regeneration of the town centre (Policy S11 b, c & d) is fanciful.

Q4 *Are the allocations and draft policies relating to Cullompton (Draft policies CU1 to CU21) sound?*

2.12 We are broadly content with Draft Policies CU1 to CU6, North West Cullompton, with the proviso that in our view this area contains greater capacity and could deliver in the order of 1500 dwellings.

2.13 Draft Policies CU7 to CU12: Our starting position is clearly that the strategy leading to the scale of provision at East Cullompton is flawed. We have already made reference in previous submissions and our response to Matter 1 of the viability issues. (Submission T J Baker 24th April 2015). This is notwithstanding our previously stated concerns over the inherent delays in bring forward new communities and the need to resolve significant technical matters relating to flood risk and traffic.

2.14 In our opinion it is plain that the allocation, as proposed, is not deliverable. In their efforts to overcome this deliverability problem the Council are keen to commit to a larger scale of development at this location. The recent consultation exercises upon:

- A supplementary planning document (East Cullompton Masterplan, copies of relevant documents attached as appendix 1)
- A 'Vision & Concept' document for in relation to a potential allocation in the forthcoming (yet to be published) Greater Exeter Strategic Plan [GESP] (copies of relevant documents attached as appendix 2)

2.15 In relation to the first consultation exercise there may well be issues of lawfulness of subjugating to an SPD policies that have to be examined (see appendix 3).

2.16 The second consultation exercise raises profound issues of prematurity. It is evident (from the report to Cabinet dated 03/01/19) that the concept is plainly of a much larger development than is proposed in the current examination (as it needs to be to have an opportunity to be viable). 'Phase 2' is, in our opinion, a pre-requisite for the delivery of 'phase 1', and those 'phase 2' proposals lie outside of the scope of this examination.

2.17 This prematurity concern simply highlights the strategy and sustainability concerns that we have set out in our statement to Hearing 1. Put simply, it makes no sense (or stands up to scrutiny in sustainability concerns), to seek to develop a car based development, when sites proximate to the existing (well served) rail station at Tiverton (Parkway), are available and deliverable.

2.18 With regard to Policy CU12 we do not believe that the proposals are sufficiently far advanced for any phasing strategy to contain a meaningful timeline.

2.19 Critical to the delivery of these proposals is the delivery of the transport strategy including proposals for Junction 28. These are described as "emerging". Evidence of the time taken to agree and deliver the previous/recent improvements to J28 do not set a hopeful example of the Councils and Agencies ability to deliver in a manner consistent with the policies in the Draft Submission.

2.20 We support the allocations set out in Policies CU13 to CU18 and CU21 in so far as they are capable of delivering the alternative strategy set out in Option 1 of the Local Plan review Consultation.

2.21 Policy CU19: We support the ability of this proposal to provide environmental relief in various forms to the town centre and in particular users of the town centre. We are concerned that the funding of such a proposal could be loaded onto the remaining housing allocation on the west side of the motorway. In view of the fact that previous consents for the majority of development have not contributed towards this proposal we believe it should be identified in the CIL list.

APPENDIX 1

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

**PHASE 1, CULM GARDEN VILLAGE – EAST CULLOMPTON MASTERPLAN SPD:
ISSUES, OPPORTUNITIES AND CONCEPTS**

Cabinet Member Cllr Richard Chesterton
Responsible Officer Jenny Clifford, Head of Planning, Economy and
Regeneration

Reason for Report:

1. To submit information on the East Cullompton Masterplan SPD Issues, Opportunities and Concepts document and seek approval for Stage 1 public consultation on the material.

RECOMMENDATION:

1. That the document at Appendix 2 is approved for Stage 1 public consultation.
2. That Cabinet approves the proposed amendments to the document set out in Appendix 1.
3. That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise consultation material.

Relationship to Corporate Plan: The garden village project contributes to all four corporate priorities of economy, homes, community and environment and is central to the delivery of many of the aims identified within the Corporate Plan. It is a significant strategic project with a national profile.

Financial Implications: This significant project requires financial resources to continue progress towards delivery. Capacity funding from Homes England's Garden Villages and Towns Programme to advance the project has been received over the past two years. Continued financial support from capacity funding is critical to adequately resource the project. This capacity funding is conditional on progress being made with the project in line with the Council's place making aspirations and to meet the Government's requirements.

Legal Implications: None anticipated at this time.

Risk Assessment: If progress on masterplanning the garden village is delayed, the Council may become vulnerable to speculative planning applications being submitted which do not accord with the Council's aspirations for the garden village and which could lead to unsustainable and uncoordinated development which would not meet policy requirements for essential infrastructure, open space and local services. One of the Government's priorities is the delivery of housing, the achievement of which is

increasingly linked to future success of funding bids. The ability to show progress against key milestones in the delivery plan for the project is of increasing importance.

Establishment of a comprehensive vision and concepts for the development are considered vital to achieving the Council's aspirations for the garden village in terms of community, place making and quality. The absence of such an approach would represent a significant risk to achieving the desired quality outcomes.

Equality Impact Assessment: No equality issues are identified for this report at this stage.

1.0 INTRODUCTION

- 1.1 Policies CU7-CU12 of the Mid Devon Local Plan Review allocate 160 hectares of land to the east of Cullompton for up to 1,750 homes and associated development within the period up to 2033 (with at least 850 houses thereafter). This allocation is intended to form part of a larger garden village proposal. The Local Plan Review has been submitted for examination and hearings are likely to take place in the first part of 2019, with adoption in the summer of 2019 (subject to Planning Inspectorate timetable). Policy CU7 of the Local Plan Review requires comprehensive masterplanning of the development including at least two stages of public consultation, and adoption of the masterplan as a Supplementary Planning Document before any planning application is determined. This report is in respect of Stage 1 of this formal consultation.
- 1.2 Culm Garden Village was one of 14 areas awarded garden village status by the Government in January 2017 following a successful expression of interest by the Council. The background to this was summarised and included within the report considered by Cabinet on 6th July 2017.
- 1.3 With Culm Garden Village receiving garden village status, there is a clear intention and direction of travel towards a garden village of significantly greater scale and covering substantial additional land to that currently proposed to be allocated by policy CU7 of the Mid Devon Local Plan Review.
- 1.4 The draft Cullompton Neighbourhood Plan was published for consultation in March 2017 and supports the idea of the wider garden village beyond the local plan allocation conditional upon establishing a joined-up and locally led approach that ensures physical and social 'integration' of existing and new development enabling development to the east of the M5 to become an integral part of the community of Cullompton.
- 1.5 The Greater Exeter Strategic Plan (GESP) is intended as the policy vehicle to allocate the remainder of the Garden Village, subject to the requirements of that plan making process. The garden village project team has been working closely with the GESP team on initial site analysis, emerging policy making and conceptual masterplanning that could enable the delivery of the balance of homes (up to 5,000 homes in total) and associated development. Public

consultation on the draft Plan is expected to take place in the summer of 2019.

- 1.6 Masterplans bridge the gap between planning policy aspiration and its implementation in order to achieve high quality design and create successful places. They also set out key principles that planning applications will need to have regards to in order to be considered acceptable. Additionally, as masterplans often relate to large strategically important sites that are to be delivered in phases over what may be a long time period, they also need to contain flexibility in order to respond to changing circumstances.
- 1.7 Supplementary Planning Documents provide more detail to planning policies and can only be developed in support of adopted planning policies. Whilst they do not form part of the Development Plan, they are a material consideration in the determination of planning applications.
- 1.8 As the garden village is to be allocated through two different plans that are at different stages of development (the GESP is at a very early stage of development), it is not possible to masterplan the whole of the garden village within one masterplan SPD document. At this stage, it is therefore proposed only to develop a detailed Masterplan SPD for the part of the garden village to be allocated under the Mid Devon Local Plan Review (policies CU7-CU12), "East Cullompton".
- 1.9 However, the Council has an aspiration to masterplan the whole of the garden village as one, rather than in parts. This is difficult as only part of the garden village has an emerging allocation, and the boundaries of the whole are not yet known.
- 1.10 In looking to respond positively to this context, the opportunity is being taken now to develop and determine the key choices and decisions for the initial East Cullompton Masterplan SPD area at the same time as establishing a clear picture and understanding of the broader, longer term concept for the wider garden village. This approach should offer benefits to the overall outcomes and placemaking by better informing key decisions and choices in the Masterplan SPD document.
- 1.11 It is therefore proposed to bring two documents to Cabinet to go out for stage 1 public consultation at the same time:
 - A) A draft Vision and Concept document for the whole garden village; and
 - B) An Issues, Opportunities and Concepts document relating to Stage 1 consultation on a Masterplan SPD for the East Cullompton allocation only.

This report is in respect of document B) a Stage 1 Issues and Opportunities document in respect of a Masterplan SPD for the East Cullompton allocation (**Appendix 2** to this report).

Draft document A) is subject to a separate Cabinet Report.

2.0 BACKGROUND WORK AND ENGAGEMENT TO DATE

- 2.1 A range of studies have been carried out by the land promoters in order to establish the constraints of the site. The following is a list of background information that has informed the production of the Masterplan SPD Issues and Opportunities document. This background material will be available on the website to inform the consultation process.
- Strategic site options landscape and visual appraisal by Peter Brett Associated dated September 2014 (prepared for the Local Plan Review)
 - Landscape and visual impact appraisal by Pegasus Group dated September 2017
 - Phase 1 habitat survey by DBRC dated June 2014 (Prepared for the Local Plan Review)
 - Preliminary ecological appraisal by Ethos Environmental Planning dated September 2016
 - Archaeology and built heritage statement by Pegasus Group dated July 2017
 - Preliminary flood risk and drainage by Aecom dated December 2017
- 2.2 Two workshops have been held with technical stakeholders such as landscape architects, ecologists, highways officers, urban designers, flood risk and drainage specialists, education and housing officers, and leisure and health professionals. The first of these looked at the constraints of the wider garden village area based on background work carried out by the technical stakeholders, for example, green corridors, heritage assets, biodiversity assets, and flood zones. The second built on this first workshop, looking at how the development of the garden village might be informed by these constraints, for example starting with the landscape. The second workshop also considered a potential vision and started to think about key principles by which the garden village should be developed.
- 2.3 Two workshops were also held with the Culm Garden Village Community Stakeholder Forum. The Forum is attended by representatives from organisations such as Cullompton Town Council, Kentisbeare Parish Council, Cullompton Neighbourhood Plan Steering Group, sports clubs, local health providers, local schools, arts groups and faith groups. The first workshop looked at a potential vision and key principles, and the second looked at how the garden village might develop.
- 2.4 The outputs from these workshops formed the basis of the Vision and Concept document the subject of a separate report, as well as informing the work carried out on the Masterplan SPD Issues, Opportunities and Concepts document, the subject of this report.

3.0 **SCOPE AND PURPOSE OF THE DOCUMENT**

- 3.1 As required by the Council's Statement of Community Involvement, two formal stages of consultation will take place on the Masterplan SPD. This document represents a 'Stage 1' consultation. The document outlines the emerging local planning policy context and the initial vision and principles for the site, before going on to summarise the masterplanning evidence base to date and the subsequent issues that have been identified. The document then

proceeds to outline initial development opportunities for delivery of the vision and principles.

- 3.2 To ensure that the garden village is planned holistically, a Vision and Concept document for the entire garden village has also been prepared and will be published for consultation alongside the East Cullompton Masterplan SPD Issues, Opportunities and Concepts document. The Masterplan SPD draws on these principles and concepts and ensures that the 'East Cullompton Masterplan' delivers appropriate parts of the overall Culm Garden Village vision, whilst also delivering a cohesive place within the emerging allocation area and statutory policy context.
- 3.3 Feedback from public consultation will help to shape the final version of the Masterplan SPD which, when adopted, will support the Local Plan, to help guide the development of the proposed allocation and the wider garden village.
- 3.4 A formal 'Stage 2' consultation is programmed for late Summer 2019, and will draw on the comments received, further engagement, evidence gathering and options testing to propose a full and final version of the Masterplan SPD.

4.0 **ISSUES, OPPORTUNITIES AND CONCEPTS**

- 4.1 The draft East Cullompton Masterplan SPD Issues, Opportunities and Concepts document is set out within 6 sections.
- 4.2 Section 1 sets out the scope and purpose of the document and outlines the relationship of the Masterplan SPD to the garden village Vision and Concept document, and the relevant planning policy.
- 4.3 Section 2 sets out the emerging Vision, Principles and Concept for the wider garden village as these also relate to and inform the design of the East Cullompton allocation.
- 4.4 Section 3 briefly summarises and maps each of the background studies listed in Section 2 of this report, and shows these individual elements on a composite constraints plan.
- 4.5 Section 4 sets out masterplanning opportunities and concepts in relation to a number of topic areas that link to the key principles outlined in the Vision and Concept document:
- Masterplanning opportunities and concepts
 - A well connected and integrated new place – travel and movement
 - Creating a healthy living environment
 - Locally distinctive and community focussed with well-designed neighbourhoods, places and great homes
 - Ambitious employment opportunities
 - Delivery & stewardship
 - Future proofed – smart and sustainable

Section 4 also outlines a potential scope of content for the draft Masterplan SPD.

4.6 Section 5 sets out how to comment on the document.

4.7 Section 6 repeats and sets out on one page all the consultation questions asked throughout the document.

5.0 PUBLIC CONSULTATION ARRANGEMENTS

5.1 Stage 1 public consultation is proposed to take place over a 6 week period from 18th January 2019 until 1st March 2019.

5.2 Means of consultation will include staffed events in Cullompton and Kentisbeare, and non-staffed exhibition material displays to be left in place for the entire consultation period (venues to be confirmed).

5.3 At least one permanent exhibition is proposed during the consultation period and consultation material will also be posted on the Culm Garden Village website.

5.4 Publicity arrangements are to include press releases, social media posts, video on Devon Live, posters, and letters to residents within and adjoining the proposed garden village area.

5.5 A detailed consultation plan is being drawn up including actions on how to reach all members of the community, including hard to reach groups.

6.0 SUGGESTED AMENDMENTS TO THE DOCUMENT

6.1 The draft Masterplan SPD Issues, Opportunities and Concepts document has been presented to the following meetings:

- Community Stakeholder Forum on 10th December 2018
- Cullompton Town Council and Kentisbeare Parish Council on 10th December 2018
- Informal Cabinet on 13th December 2018
- Planning Policy Advisory Group on 13th December 2018.

At these meetings points were raised that have resulted in a number of suggested amendments to the document. These suggested amendments are set out in **Appendix 1** to this report. Cabinet are requested to consider these amendments and it is recommended that they are incorporated into the document before public consultation commences.

7.0 CONCLUSIONS

7.1 East Cullompton Masterplan SPD Issues, Opportunities and Concepts document outlines the emerging local planning policy context and the initial vision and principles for the site, before going on to summarise the masterplanning evidence base to date and the subsequent issues that have

been identified. The document then proceeds to outline initial development opportunities for delivery of the vision and principles.

7.2 The Masterplan SPD Issues, Opportunities and Concepts document will be published alongside a Vision and Concept document that will be used to set the ambition for the entire garden village and ensure that it is delivered in a way that meets local expectations.

7.3 Feedback from public consultation will help to shape the final version of the Masterplan SPD which, when adopted, will support the Local Plan, and guide the development of the proposed allocation.

Contact for any more information	Tina Maryan, Area Planning Officer 01884 234336 tmaryan@middevon.gov.uk
Background Papers	Cabinet report 9 th June 2016 DCLG prospectus locally led garden villages, towns and cities https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508205/Locally-led_garden_villages_towns_and_cities.pdf Culm Garden village Expression of interest https://www.middevon.gov.uk/media/342814/culm-garden-village-mid-devon-eoi-submission_low-res2.pdf Cabinet report 6 th July 2017
File Reference	None
Circulation of the Report	Councillor Richard Chesterton, Cabinet Member for Planning & Regeneration

PHASE 1, CULM GARDEN VILLAGE – EAST CULLOMPTON MASTERPLAN SPD: ISSUES, OPPORTUNITIES AND CONCEPTS

APPENDIX 1 - LIST OF SUGGESTED AMENDMENTS

1. That the potential location of the country park is shown on the Concepts Plan on page 37 and that reference is made within the document to early delivery of a country park. It is recommended that the following suggested wording is added to page 29:

Complementary proposals outside the allocation will bring forward a country park, potentially a water park, to the north of the East Cullompton allocation. Whilst it is outside the East Cullompton allocation, it is envisaged that the country park is delivered alongside development of the allocation.

2. The keys to the maps on pages 28 and 37 should make it clearer that the locations of the strategic motorway intervention and town centre relief road are indicative only. The following wording is suggested:

Potential strategic motorway access solution and town centre relief road, subject to option choices being finalised.

3. On page 21, under the heading “Electricity Transmission Lines”, reference should be made to considering non-residential uses closest to the pylon runs.
4. On page 22 under the heading “Access and Movement”, the references to the time it takes to drive to Forge Way car park should be deleted. “Forge Lane” should be corrected to read “Forge Way”.
5. On page 30 under the heading “Locally distinctive and community focussed with well-designed neighbourhoods, places and great homes”, the fourth paragraph relating to the local centre should include reference to medical facilities and worship space.
6. The Concepts Plan on page 37 and related text on page 36 should be moved to before the page on Potential Scope and Content of the Final SPD.
7. On page 38, “Have Your Say” should include Facebook as an option for feedback on the proposals.
8. All references to Garden City Principles within the document should be amended to read “Garden Community Principles” to avoid confusion.
9. Very small text, for example within the keys to the maps, should be increased in size for ease of reading.
10. Consider overall legibility of documents for colour blind and non-colour blind readers.

APPENDIX 2

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

CULM GARDEN VILLAGE – VISION & CONCEPT DOCUMENT

Cabinet Member Cllr Richard Chesterton
Responsible Officer Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report:

1. To submit information on the Culm Garden Village Vision and Concept document and seek approval for Stage 1 public consultation on the material.

RECOMMENDATION:

1. That the document at Appendix 2 is approved for Stage 1 public consultation.
2. That Cabinet approves the proposed amendments to the document set out in Appendix 1.
3. That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise consultation material.

Relationship to Corporate Plan: The garden village project contributes to all four corporate priorities of economy, homes, community and environment and is central to the delivery of many of the aims identified within the Corporate Plan. It is a significant strategic project with a national profile.

Financial Implications: This significant project requires financial resources to continue progress towards delivery. Capacity funding from Homes England's Garden Villages and Towns Programme to advance the project has been received over the past two years. Continued financial support from capacity funding is critical to adequately resource the project. This capacity funding is conditional on progress being made with the project in line with the Council's place making aspirations and to meet the Government's requirements.

Legal Implications: None anticipated at this time.

Risk Assessment: If progress on masterplanning the garden village is delayed, the Council may become vulnerable to speculative planning applications being submitted which do not accord with the Council's aspirations for the garden village and which could lead to unsustainable and uncoordinated development which would not meet policy requirements for essential infrastructure, open space and local services. One of the Government's priorities is the delivery of housing, the achievement of which is increasingly linked to future success of funding bids. The ability to show progress against key milestones in the delivery plan for the project is of increasing importance.

Establishment of a comprehensive vision and concepts for the development are considered vital to achieving the Council's aspirations for the garden village in terms of community, place making and quality. The absence of such an approach would represent a significant risk to achieving the desired quality outcomes.

Equality Impact Assessment: No equality issues are identified for this report at this stage.

1.0 INTRODUCTION

- 1.1 Policies CU7-CU12 of the Mid Devon Local Plan Review allocate 160 hectares of land to the east of Cullompton for up to 1,750 homes and associated development within the period up to 2033 (with at least 850 houses thereafter). This allocation is intended to form part of a larger garden village proposal. The Local Plan Review has been submitted for examination and hearings are likely to take place in February 2019, with adoption in the summer of 2019 (subject to Planning Inspectorate timetable). Policy CU7 of the Local Plan Review requires comprehensive masterplanning of the development including at least two stages of public consultation, and adoption of the masterplan as a Supplementary Planning Document before any planning application is determined.
- 1.2 Culm Garden Village was one of 14 areas awarded garden village status by the Government in January 2017 following a successful expression of interest by the Council. The background to this was summarised and included within the report considered by Cabinet on 6th July 2017.
- 1.3 With Culm Garden Village receiving garden village status, there is a clear intention and direction of travel towards a garden village of significantly greater scale and covering substantial additional land to that currently proposed to be allocated by policy CU7 of the Mid Devon Local Plan Review.
- 1.4 The draft Cullompton Neighbourhood Plan was published for consultation in March 2017 and supports the idea of the wider garden village beyond the local plan allocation conditional upon establishing a joined-up and locally led approach that ensures physical and social 'integration' of existing and new development enabling development to the east of the M5 to become an integral part of the community of Cullompton.
- 1.5 The Greater Exeter Strategic Plan (GESP) is intended as the policy vehicle to allocate the remainder of the Garden Village, subject to the requirements of that plan making process. The garden village project team has been working closely with the GESP team on initial site analysis, emerging policy making and conceptual masterplanning that could enable the delivery of the balance of homes (up to 5,000 homes in total) and associated development. Public consultation on the draft Plan is expected to take place in the summer of 2019.
- 1.6 Masterplans bridge the gap between planning policy aspiration and its implementation in order to achieve high quality design and create successful places. They also set out key principles that planning applications will need to

have regards to in order to be considered acceptable. Additionally, as masterplans often relate to large strategically important sites that are to be delivered in phases over what may be a long time period, they also need to contain flexibility in order to respond to changing circumstances.

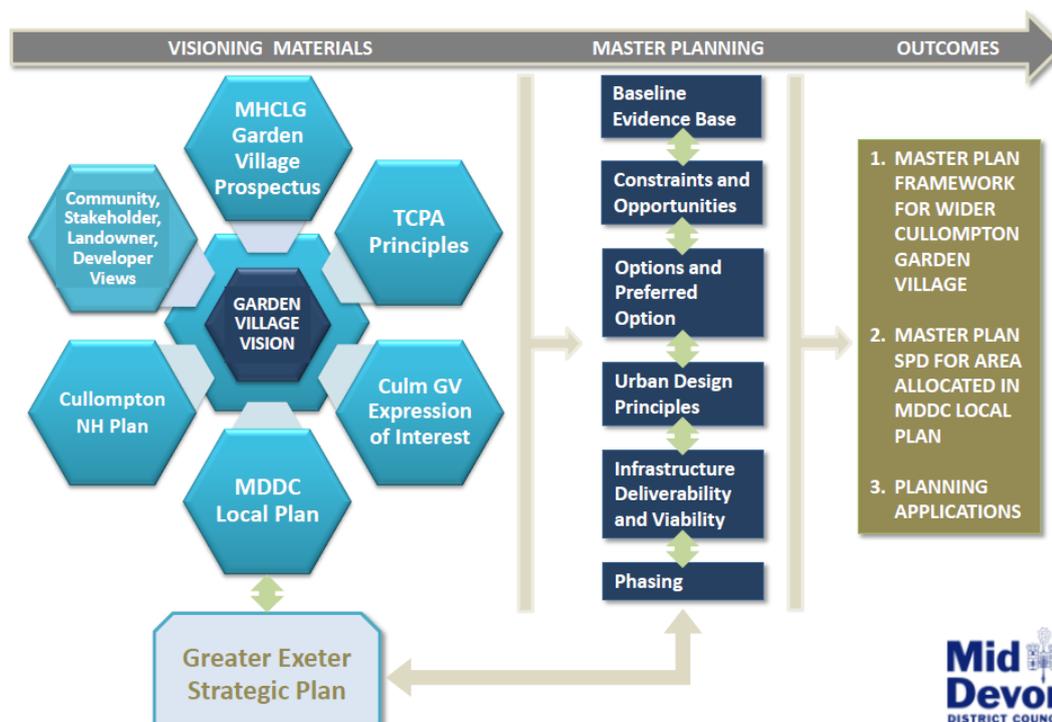
- 1.7 Supplementary Planning Documents provide more detail to planning policies and can only be developed in support of adopted planning policies. Whilst they do not form part of the Development Plan, they are a material consideration in the determination of planning applications.
- 1.8 As the garden village is to be allocated through two different plans that are at different stages of development (the GESP is at a very early stage of development), it is not possible to masterplan the whole of the garden village within one masterplan SPD document. At this stage, it is therefore proposed only to develop a detailed masterplan SPD for the part of the garden village to be allocated under the Mid Devon Local Plan Review (policies CU7-CU12).
- 1.9 However, the Council has an aspiration to masterplan the whole of the garden village as one, rather than in parts. This is difficult as only part of the garden village has an emerging allocation, and the boundaries of the whole are not yet known.
- 1.10 In looking to respond positively to this context, the opportunity is being taken now to develop and determine the key choices and decisions for the initial Masterplan SPD area at the same time as establishing a clear picture and understanding of the broader, longer term concept for the wider garden village. This approach should offer benefits to the overall outcomes and placemaking by better informing key decisions and choices in the Masterplan SPD document.
- 1.11 The process of creating this Vision and Concept document for Culm Garden Village will also provide an important source of evidence and community and stakeholder input to inform the consideration of the potential future allocation of Culm Garden Village in the Greater Exeter Strategic Plan.
- 1.12 It is therefore proposed to bring two documents to Cabinet to go out for stage 1 public consultation at the same time:
 - A) A draft Vision and Concept document for the whole garden village; and
 - B) An Issues, Opportunities and Concepts document relating to Stage 1 consultation on a Masterplan SPD for the East Cullompton allocation only.

This report is in respect of document A) a draft Vision and Concept document (**Appendix 2** to this report).

Draft document B) is subject to a separate Cabinet Report.

The diagram below shows the relationship between the two documents and the background work that has taken place in the production of the two documents.

Review of Local Vision and Ambitions



2.0 BACKGROUND WORK AND ENGAGEMENT TO DATE

- 2.1 Two workshops have been held with technical stakeholders such as landscape architects, ecologists, highways officers, urban designers, flood risk and drainage specialists, education and housing officers, and leisure and health professionals. The first of these looked at the constraints of the site based on background work carried out by the technical stakeholders, for example, green corridors, heritage assets, biodiversity assets, and flood zones. The second built on this first workshop, looking at how the development of the garden village might be informed by these constraints, for example starting with the landscape. The second workshop also considered a potential vision and started to think about key principles by which the garden village should be developed.
- 2.2 Two workshops were also held with the Culm Garden Village Community Stakeholder Forum. The Forum is attended by representatives from organisations such as Cullompton Town Council, Kentisbeare Parish Council, Cullompton Neighbourhood Plan Steering Group, sports clubs, local health providers, local schools, arts groups and faith groups. The first workshop looked at a potential vision and key principles, and the second looked at how the garden village might develop.
- 2.3 The outputs from these workshops formed the basis of the Vision and Concept document. Some of the key findings from this engagement are set out on page 10 of the document.

3.0 SCOPE AND PURPOSE OF THE DOCUMENT

3.1 New garden settlements are intended to be a modern take on traditional garden cities which were developed around a number of key principles. The Town and Country Planning Association has updated these principles to reflect modern requirements. Whilst the quote below references garden cities, it is equally applicable to planning garden communities at different scales, including this smaller garden village project.

'A Garden City is a holistically planned new settlement which enhances the natural environment and offers high-quality affordable housing and locally accessible work in beautiful, healthy and sociable communities. The Garden City Principles are an indivisible and interlocking framework for their delivery, and include:

- *Land value capture for the benefit of the community.*
- *Strong vision, leadership and community engagement.*
- *Community ownership of land and long-term stewardship of assets.*
- *Mixed-tenure homes and housing types that are genuinely affordable.*
- *A wide range of local jobs in the Garden City within easy commuting distance of homes.*
- *Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food.*
- *Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience.*
- *Strong cultural, recreational and shopping facilities in walkable, vibrant, sociable neighbourhoods.*
- *Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.'*

3.2 The Government's aim is for all garden communities to develop their own vision and principles. These will be embedded into the project as it develops.

3.3 The key purpose of this document is to establish a Vision for the garden village and set out the key principles that will guide development and deliver the Vision. The document will also begin to add shape to the garden village in the form of an initial Concept Plan that sets out spatially how the garden village may be developed.

3.4 The document sets out:

- a proposed Vision as a statement of intent to guide development of the envisaged garden village;
- a set of 9 Key Principles which will form the basis of the delivery of the proposed Vision; and
- an emerging Concept Plan for the garden village which sets out spatially how the garden village embodies the Vision and Principles.

3.5 This document is, therefore, the first key step in a series of stages of development of a comprehensive masterplan for Culm Garden Village. Further stages with associated engagement and consultation will take place over the coming months.

4.0 **VISION AND KEY PRINCIPLES**

4.1 The draft Vision statement for Culm Garden Village has been informed by a wide range of existing material including Mid Devon Council's emerging Local Plan, the draft Cullompton Neighbourhood Plan and the original Expression of Interest to Government for a garden village at Culm. Allied to this has been engagement with community and technical stakeholder groups to ensure the masterplanning process is locally led.

4.2 A draft Vision has emerged, which is proposed to form part of the consultation material:

“Culm Garden Village will be a new settlement in the exceptional Mid Devon countryside that will become a distinctive, vibrant and inclusive place that is physically and socially integrated with the historic market town of Cullompton. Residents will feel a strong sense of shared identity, civic pride and community ownership. The garden village will carefully and imaginatively use the outstanding natural environment to create a successful and sustainable place set in a beautiful landscape setting. New infrastructure, parks and open spaces connect local people to a range of jobs, facilities, recreation and services that are accessible to all. In this green setting, Culm Garden Village will promote active, healthy, fun and safe lifestyles. It will deliver high quality, well designed and affordable homes, new work places, streets and neighbourhoods that use innovation and technology to support sustainable approaches to living, working, and travelling.”

4.3 This draft Vision is supported by 9 draft key principles which are set out and elaborated on within the document. They are:

1. Embed the countryside within the garden village
2. A well connected and integrated new place
3. Creating a healthy living environment
4. Locally distinctive with well-designed neighbourhoods and places
5. Community focused
6. Great homes
7. Ambitious employment opportunities
8. Future proofed – smart and sustainable
9. Delivery and stewardship

4.4 The public consultation will ask whether people consider the draft Vision and Principles to be the right ones for the garden village.

5.0 **CONCEPT PLAN**

5.1 Whilst the full extent of the Garden Village is not yet known and will need to be identified and consulted upon and then allocated in future plans, potentially through the emerging Greater Exeter Strategic Plan, the conceptual work

done to date has identified some natural boundaries to what might be the potential developable area. These include areas of woodland, ridgeline, flood zone, M5 motorway and railway, and the need for a green buffer between the Garden Village and Kentisbeare. Working with the constraints of the site and the opportunities that arise from these provides a framework for development.

- 5.2 The preparation of the Vision and Principles for Cullompton Garden Village and the engagement and discussions with the local community and stakeholders has informed the evolution of an initial Concept Plan and a set of proposals that are illustrated on the Concept Plan.
- 5.3 There are policy requirements for the East Cullompton allocation that might be quite different from the policy requirements for the entire garden village. For example, an urban extension of 1,750 new dwellings is unlikely to need a secondary school, whereas development at the scale of the wider garden village will. The secondary school is not required for the Local Plan Review allocation so has to be placed outside the allocation boundary, but for good placemaking reasons needs to be close to the centre of the garden village. Likewise, the neighbourhood centre should be located centrally within the garden village, but the centre of the whole garden village is likely to be different to the centre of the East Cullompton allocation. The concepts plan for the East Cullompton allocation has been developed with this longer term aspiration in mind and to ensure that a comprehensive, coordinated approach to the overall scheme is taken.
- 5.4 The document summarises the initial conceptual proposals which seek to articulate what type of place Culm Garden Village could be and which will be used to steer the development of Culm Garden Village and its masterplan in due course.

6.0 PUBLIC CONSULTATION ARRANGEMENTS

- 6.1 Stage 1 public consultation is proposed to take place over a 6 week period from 18th January 2019 to 1st March 2019.
- 6.2 Means of consultation will include staffed events in Cullompton and Kentisbeare and pop-up exhibitions in busy locations.
- 6.3 At least one permanent exhibition is proposed during the consultation period and the material will be posted on the Culm Garden Village website. Publicity arrangements are to include press release, social media posts, video on Devon Live, posters and letters to residents within and adjoining the proposed garden village area.
- 6.4 A detailed consultation plan is being drawn up including actions on how to reach all members of the community, including hard to reach groups.

7.0 SUGGESTED AMENDMENTS TO THE DOCUMENT

- 7.1 The draft Vision and Concept document has been presented to the following meetings:

- Community Stakeholder Forum on 10th December 2018
- Cullompton Town Council and Kentisbeare Parish Council on 10th December 2018
- Informal Cabinet on 13th December 2018
- Planning Policy Advisory Group on 13th December 2018.

At these meetings points were raised that have resulted in a number of suggested amendments to the document. These suggested amendments are set out in **Appendix 1** to this report. Cabinet are requested to consider these amendments and it is recommended that they are incorporated into the document before public consultation commences.

8.0 CONCLUSIONS

- 8.1 The Vision and the 9 Key Principles will be used to set the ambition for the garden village and ensure that the garden village is delivered in a way that meets local expectations. The document will also begin to add shape to the garden village in the form of an initial Concept Plan that sets out spatially how the garden village may be developed.
- 8.2 The Vision and Concept document will be subject to 6 weeks' public consultation at the same time as the Masterplan SPD Issues, Opportunities and Concepts document in respect of the East Cullompton allocation (Phase 1 of the garden village). The Masterplan SPD is the subject of a separate Cabinet report.
- 8.3 Cabinet is asked to consider the consultation material and approve it for public consultation.

Contact for any more information	Tina Maryan, Area Planning Officer 01884 234336 tmaryan@middevon.gov.uk
Background Papers	Cabinet report 9 th June 2016 DCLG prospectus locally led garden villages, towns and cities https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508205/Locally-led_garden_villages_towns_and_cities.pdf Culm Garden village Expression of interest https://www.middevon.gov.uk/media/342814/culm-garden-village-mid-devon-eoi-submission_low-res2.pdf Cabinet report 6 th July 2017
File Reference	None

Circulation of the Report	Councillor Richard Chesterton, Cabinet Member for Planning & Regeneration

CULM GARDEN VILLAGE – VISION & CONCEPT DOCUMENT

APPENDIX 1 - LIST OF SUGGESTED AMENDMENTS

1. The following question is added to the Concept Plan on page 32:

The Concept Plan shows a green landscape area to act as a buffer between the potential extent of the garden village and the village of Kentisbeare.

Where do you consider the boundary of this landscape buffer area and the garden village should be located?

What type of facilities would be acceptable within the green buffer, for example, sports pitches?

2. Amend concept proposal plan on page 32 to show the area between Horn Road and Dead Lane as hatched and annotated as 'Proposed use query – development area or green landscape buffer'.
3. The first paragraph on page 17 under the heading "a) Physical connections and integration" should be amended to include improved connection to the M5 motorway as well as over the M5 motorway.
4. The first paragraph on page 19 under the heading "a) Active lifestyles" should be amended to include reference to improved bridleways.
5. On page 32, the key to the Concept Plan should include reference to the dashed green lines as green links.
6. On page 35, "Next Steps" should include Facebook as an option for feedback on the proposals.
7. All references to Garden City Principles within the document should be amended to read "Garden Community Principles" to avoid confusion.
8. Very small text, for example within the keys to the maps, should be increased in size for ease of reading.
9. Consider overall legibility of documents for colour blind and non-colour blind readers.

APPENDIX 3

Relevant Regulations

1.1 Regulations 5 and 6 of The Town and Country Planning (Local Planning) (England) Regulations 2012 ("**the 2012 Regulations**") provide, insofar as relevant:

- "(1) ...the documents which are to be prepared as local development documents are -
 - (i) the development and use of land which the local planning authority wish to encourage during any specified period;
 - (ii) the allocation of sites for a particular type of development or use;
 - (iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and
 - (iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission;

- (2) For the purposes of section 17(7)(za) of the Act the documents which, if prepared, are to be prepared as local development documents are -
 - (i) relates only to part of the area of the local planning authority;
 - (ii) identifies that area as an area of significant change or special conservation; and
 - (iii) contains the local planning authority's policies in relation to the area; and

6. Any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b) is a local plan."

1.2 The significance of a document having to be prepared as a DPD is, firstly, that it must follow the statutory process for the adoption of DPDs (including submission to the Planning Inspectorate for examination in public) and, secondly, that once adopted it forms part of the development plan for the purposes of s.38(6) of the Planning and Compulsory Purchase Act 2004.

Relevant Case Law

- 1.3 Regulations 5 and 6 of the 2012 Regulations have been the subject of recent consideration by the High Court in ***R (Skipton Properties Ltd) v. Craven DC*** [2017] JPL 825 and ***R (William Davis Ltd) v. Chanwood Borough Council*** [2017] EWHC 3006 (Admin). In each case, the Court found that the Council had acted unlawfully in adopting a document as something other than a DPD. These judgments, which consider the earlier case-law on the subject, represent the latest word on how the regulations are to be interpreted and applied.

Legal Compliance Conclusions

- 1.4 Having regard to the intended nature and function of the proposed documents currently being consulted upon it is our opinion that the documents may only lawfully be adopted as a DPD.
- 1.5 Given the significance which the Council intends to place on the document in future development control decisions the mischief identified by Gilbert J. in ***William Davis*** is also applicable here, namely that the policies in the document need to be tested through the statutory process for preparing DPDs, including submission for examination by an independent Inspector.
- 1.6 Accordingly, if the Council continue on their current course it will be acting unlawfully and the adoption of either document is likely to suffer the same fate in an application for judicial review as the documents that were the subject of the High Court challenges in ***Skipton Properties*** and ***William Davis***.