

MID DEVON LOCAL PLAN REVIEW EXAMINATION HEARING STATEMENT

HEARING 5A: 20 FEBRUARY 2019

AVIVA LIFE AND PENSIONS UK LIMITED (RESPONDENT NO. 3781)

January 2019

J27 and SP2

In the light of conclusions that flowed from the Preliminary Hearings, is the wording of Draft Policy J27 (Land at Junction 27 of the M5 Motorway) too restrictive?

1. This hearing statement has been prepared by Rapleys LLP on behalf of Aviva Life and Pensions UK Ltd (herein Aviva). It should be read in conjunction with the representations made on behalf of Friends Life Ltd (now Aviva) in February 2017 (Proposed Submission Incorporating Proposed Modifications) and the Examination hearing statements dated August 2017 in relation to Matter Policy J27. This statement responds directly to the question above in light of the Inspector's conclusions dated 29 October 2018 (ID08) following the preliminary hearings and the Inspector's confirmation that the principle of the allocation covering Land at Junction 27 is sound based on the evidence presented by the Council and examined in September 2018. This submission responds to the Inspector's question specifically and takes into consideration matters raised and discussed at the oral hearings, including points made by respondents opposed to the draft allocation.
2. Aviva maintains its support for the Council's objective of delivering a tourism, leisure and retail destination at the motorway junction that will help to achieve a step-change in the tourism and leisure economy within Mid Devon and the wider sub-region. Aviva, in partnership with the Eden Project, continues to promote an exceptional tourism and leisure led destination on land to the east of Junction 27 of the M5 Motorway.
3. In accordance with the (archived) version of NPPF 2012 (para.15) policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. In this regard, local plans should proactively drive and support sustainable economic development and respond positively to wider opportunities for growth. They should be prepared with sufficient flexibility to adapt to rapid change.
4. While the Mid Devon Local Plan Review is being examined under transitional arrangements (Annexe 1 to the NPPF 2018), the NPPF 2018 also makes clear that Local Plans should be succinct, containing policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Policies should serve a clear purpose, avoiding unnecessary duplication.
5. Critically, in order to be found sound, the Local Plan must be positively prepared, justified, effective and consistent with national policy.
6. Within its representations to the Proposed Submission Plan (February 2017) Aviva recommended minor modifications to the wording of Policy J27 to assist in achieving greater flexibility within the policy wording to ensure that the allocation could be delivered effectively and efficiently within the Plan period. Having regard to the Inspector's conclusions following the September 2018 preliminary hearing sessions, and the matters discussed at the hearings, it is acknowledged that further modifications to the policy may be justified. Specifically it is noted that the Inspector is concerned to ensure that the policy is not unduly restrictive regarding the precise nature of the land uses comprised within the allocation, or the identity of the developer of the land, taking into consideration the requirements at paragraphs 153 and 157 (bullet point 5) of the NPPF 2012.

7. The modified wording recommended below responds directly to the Inspector’s question about the detailed and specific nature of the policy as drafted, and the apparent focus within the drafting on a particular scheme, as opposed to a more generic tourism/leisure/retail based development the delivery of which would achieve the Council’s objectives (canvassed within the Tourism Study) and which could be delivered by an alternative operator/developer during the life of the Local Plan (to 2033). Such modifications would support the delivery of development within a clearly defined policy framework, while allowing flexibility to respond to changing circumstances.

Policy J27

Land at Junction 27 of the M5 Motorway

A site of approximately 71 hectares adjoining the south bound carriageway of the M5 motorway, adjacent to junction 27 is identified for major development. The land, which lies to the south of the A38, is allocated for the provision of a major high quality regional tourism, leisure and retail attraction supported by ancillary roadside services and supporting infrastructure.

The allocation makes provision for the following elements:

- Roadside/ Motorway Service Area to include hotel***
- Regional Visitor Centre to include ancillary retail floorspace, food and drink uses, and hotel***
- Outdoor sports and recreation***
- Outlet (controlled goods) retail floorspace***

The development is subject to the following:

- a) Provision of supporting access roads, parking and infrastructure/landscaping;***
- b) Provision of transport improvements to ensure appropriate accessibility for all modes, including new or improved access and egress onto the M5 motorway and pedestrian and sustainable transport links to Tiverton Parkway railway Station;***
- c) Environmental protection and enhancement including necessary noise mitigation measures;***
- d) A comprehensive phasing programme;***
- e) Mitigation measures for the Culm Grasslands Special Area of Conservation together with a timescale for their provision and a mechanism for their maintenance.***

Development of the site should be informed by a comprehensive public engagement strategy including at least two stages of public consultation. Planning applications(s) should be made in accordance with the terms of a site wide masterplan.

8. In addition to the modified wording set out above, Aviva recommends modifications to the wording contained within the supporting text to Policy J27. In this regard, Aviva’s representations dated February 2017 (p. 34 - 38 incl.) remain relevant and have not been re-produced here.