

Mid Devon Local Plan Review 2013 – 2033

Proposed Submission (incorporating proposed modifications)

Examination in Public

Hearing 5a:

Policies J27 & SP2 (20/02/2019)



1. 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?

No comment.

2. Similarly, could the wording of Draft Policy SP2 (Higher Town, Sampford Peverell) be made more clear, and precise?

Brief commentary to the question is set out below with amendments sought highlighted in underlined text.

Following preliminary hearings held in September 2018, it was concluded that

*"In terms of Policy SP2, I recognise the strong feelings it has generated amongst the local community. Nevertheless, and bearing in mind that such exercises inevitably involve matters of judgment, **I do not share the view, expressed by some, that the process by which the site was selected over others was flawed.** In particular, **I am content that the Council's conclusion that development of the site proposed for allocation could take place with very little or no harmful impact on the setting or the significance of the Grand Western Canal Conservation Area is not an unreasonable one.** There are some aspects of the detailed wording of the policy that I will want to return to in one of the Main Hearings".*

In addition;

*"On the basis of the useful discussion, and contributions made by the EA, **the allocation of the Policy TIV16 site is soundly based, and there is no need for a tie within it to Policy J27**".*

Policy SP2 (as submitted) states the following;

"A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, to come forward following the commencement of development of the M5 Junction 27 allocation, subject to the following:

- a) No more than 60 dwellings with 30% affordable housing;*
- b) No development until the completion of improved access works to the A361;*
- c) Landscaping and design which respect the setting and character of the area, conservation area and listed building;*
- d) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;*
- e) Mitigation of any wildlife impact including protection of hedgerows;*
- f) Archaeological investigation and appropriate mitigation; and*
- g) 2 hectares of Green Infrastructure laid out and managed with landscaping and open space".*

Minor mods dated March 2017 amended (g) to 2.5ha and included an additional criterion requiring *"improved access to the village for pedestrians and cyclists"*.

In the Devon County Council response dated 14/02/17, the formal view on the detailed wording of Policy SP2 was as set out in the extract below.

With regard to Policy SP2 (b, Page 146) we would advise that the slip road improvements at the Sampford Peverell junction, A361, have been removed from the North Devon Link Road project and it is unlikely that the Junction 27 development site will provide a contribution towards these. As a result the policy wording which states that the site will *'come forward following the commencement of development of the M5 Junction 27 allocation'* would seem unreasonable.

In line with the conclusion drawn following preliminary hearings in respect of Policy TIV16 (which was allocated at the same time and for the same reason as SP2, i.e. increased housing need associated with employment led strategy based on delivery of J27) there is no need for a tie within the policy wording to Policy J27. To do otherwise would be perverse.

Reference to a tie with J27 should be removed, as should the reference to delivery of highway improvements to the A361. Neither policy reference is supported by the highways authority. It is worth noting that the current application has been supported by the local highways authority without any highway works to the A361 or link to J27.

With regard to the limitation of development of a 6 ha site to 60 dwellings, this is inefficient and not the best use of land (see NPPF(122)). Bearing in mind that, historically and not that long ago, the minimum density for housing schemes was 30 dwellings to the hectare (dph), this policy limitation equates to 17dph (or 6.7 dwellings per acre) which is, by definition, inefficient. We acknowledge the rural location that would indicate a sensitive approach to density, but the site could achieve delivery of around 90-100 units at a low density. The figure of 60 is arbitrary and unnecessary in the context of the policy requirement to respect the character and appearance and the statutory duty to address heritage matters appropriately. Reference to an arbitrary limit on numbers is arguably precise and clear, but this fact does not make it an appropriate policy response. Interests of acknowledged importance, listed buildings, conservation areas, character and appearance, design, etc, are all covered by development management policy elsewhere within the plan and the clumsy tool of an arbitrary numerical limit is unnecessary.

Reference to a limitation of numbers to 60 should be deleted. If it is thought prudent to refer to 60 dwellings, the text should be amended to state that Policy SP2 seeks delivery of “around 60 dwellings”.

Reference to low-density should be deleted from the policy wording as development management policies within the plan should guide the decision maker to an appropriate density and type of development without vague reference to the density being low, especially where there is no definition of this (other than the inference that the excessively low density of 17dph is the uppermost figure that can be tolerated)

With regard to criterion (g), it is unnecessary for Green Infrastructure to be laid out and managed. It is necessary for it to be Green Infrastructure though. The NPPF defines this as “*a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities*”.

Criterion (g) is amended to require incorporation of 2.5ha of GI, with deletion of reference to it being laid out and managed.