

Local Plan Review Consultation  
Forward Planning  
Mid Devon District Council  
Phoenix House  
Tiverton  
EX16 6PP

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Via email: [localplanreview@middevon.gov.uk](mailto:localplanreview@middevon.gov.uk)

13<sup>th</sup> February 2019

Dear Sir/Madam

## **MID DEVON LOCAL PLAN REVIEW PROPOSED SUBMISSION (INCORPORATING PROPOSED MODIFICATIONS) CONSULTATION**

Highways England (HE) is responsible for operating, maintaining and improving the Strategic Road Network (SRN), which in Mid Devon comprises the M5, namely junctions 27 and 28. Highways England has provided previous consultation responses in respect of the Local Plan Review, the last being dated 31<sup>st</sup> January 2019. Within our most recent position statement we referred to meeting with both Mid Devon District Council (MDDC) and Devon County Council (DCC) to discuss necessary modifications the Local Plan to ensure that current evidence is accurately reflected.

Further to our position statement, dated 31<sup>st</sup> of January 2019, Highways England are requesting a number of Minor modifications, as detailed below to the local plan policies and supporting text. This position statement does not supersede HE's opinion as set out in the previous statement dated 31<sup>st</sup> January, however seeks to further enhance the plan to ensure it accurately reflects the updated transport evidence base now available. Consequently, we (HE, DCC and MDDC) have agreed textual changes which strengthen/clarify those policies which relate to the delivery of necessary highway improvement schemes on the SRN, and where there is linked intervention, the Local Road Network (LRN). These changes are necessary to ensure that development will proceed in a way that does not result in severe transport impacts in terms of highway safety and capacity.

### **Modifications sought by Highways England**

Highways England is requesting a number of minor modifications to the policies and text of the local details. These minor modifications, are appended to this Position statement and, were discussed at a meeting between Mid Devon County Council, Highways England and Devon County Council on 29<sup>th</sup> January they are necessary in order to :-

- 1) Accurately reflect and signpost the transport evidence that has been made available since the submission of the Local Plan for examination,

- 2) To reflect the fact that one of the Cullompton schemes (M5 J28 signalisation) has already been implemented,
- 3) To adequately manage the risk of severe transport impacts arising due to any delays in the availability of necessary infrastructure.

Devon County Council are also requesting some minor modifications to the policies and details of this will be supplied to the Inspector with their submission.

The modifications are appended to this position statement and are requested to be considered alongside our previous position statement.

In relation to HE's current position on the Local Plan, we confirm that the transport evidence has now been completed to a suitable degree and subject to the policy wording changes recently agreed with MDDC, we are content that the development set out in the plan can proceed such that severe transport impacts will not arise on the SRN.

I trust this update is useful, and helps inform you of progress made since our last response.

Yours faithfully



**Lisa McCaffrey**

South West Operations – Highways Development Management  
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	Policies and Paragraphs as printed in the Mid Devon Local Plan Review 2013 -2033 January 2017	<b>PROPOSED MODIFICATIONS SOUGHT BY HIGHWAYS ENGLAND.</b> DELETIONS <del>IN RED</del> HIGHWAY ENGLAND MODIFICATION INSERTIONS <b>IN DARK BLUE</b>
Policy S8	<p>The location, scale and form of development will be guided by the need for community facilities and any existing infrastructure deficiencies. The Council will work with providers and developers to ensure that new development is served by necessary infrastructure in a predictable, timely and effective fashion. Development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. The Council will set out key infrastructure and facility requirements for new development in an Infrastructure Plan, taking account of existing provision and cumulative impact of new development. Developers will be expected to contribute fairly towards, or bear the full cost of, new or improved infrastructure and facilities where it is appropriate for them to do so, subject to viability assessment where appropriate.</p>	<p>The location, scale and form of development will be guided by the need for community facilities and any existing infrastructure deficiencies. The Council will work with providers and developers to ensure that new development is served by necessary infrastructure in a predictable, timely and effective fashion. Development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. The Council will set out key infrastructure and facility requirements for new development in an Infrastructure Plan, taking account of existing provision and cumulative impact of new development. Developers will be expected to contribute fairly towards, or bear the full cost of, new or improved infrastructure and facilities where it is appropriate for them to do so, subject to viability assessment where appropriate. <b>Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be subject to satisfactory mitigation having regard to the latest infrastructure plan</b></p>
Paragraph 2.55	<p>2.55 There is currently a significant infrastructure funding gap and the Council will also seek external sources of funding to deliver key infrastructure. More information about the means of funding infrastructure can be found in the Infrastructure Plan (2014) and the ‘Regulation 123’ list for CIL, available on the website at <a href="http://www.middevon.gov.uk/cil">www.middevon.gov.uk/cil</a>. CIL is also accompanied by a policy setting out the circumstances in which Section 106 agreements are to be used. It is anticipated that CIL will be adopted at the same time as the Local Plan.</p>	<p>2.55 There is currently a significant infrastructure funding gap and the Council will also seek external sources of funding to deliver key infrastructure. More information about the means of funding infrastructure can be found in the <b>most recent</b> Infrastructure Plan <del>(2014)</del> and the ‘Regulation 123’ list for CIL, available on the website at <a href="http://www.middevon.gov.uk/cil">www.middevon.gov.uk/cil</a>. CIL is also accompanied by a policy setting out the circumstances in which Section 106 agreements are to be used. It is anticipated that CIL will be adopted at the same time as the Local Plan.</p>

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Policy S11 Clause a)	a) Make any <del>necessary improvements to the M5 motorway including junction 28</del> to maintain highway capacity and safety;	a) Make any necessary <del>improvements to the M5 motorway including junction 28</del> <b>strategic mitigations</b> to maintain highway capacity, safety, <b>integrity, and sustainability including the M5 and local highway network in conjunction with current and relevant infrastructure plans.</b>
Paragraph 3.70	There are severe traffic congestion problems on Cullompton High Street and at its junction with Tiverton Road, having an adverse effect on air quality, living conditions and the attractiveness of the town centre. This development will be required to provide a road linking Tiverton Road to Willand Road, not only diverting traffic from the new development away from the town centre but also providing an alternative route for other vehicles. <b>Traffic management measures on Willand Road and Tiverton Road will also be required. Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact upon the junction's capacity through implementation of an improvement scheme, either to the existing junction or in the form of more extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under policy CU7.</b>	There are severe traffic congestion problems on Cullompton High Street and at its junction with Tiverton Road, having an adverse effect on air quality, living conditions and the attractiveness of the town centre. This development will be required to provide a road linking Tiverton Road to Willand Road, not only diverting traffic from the new development away from the town centre but also providing an alternative route for other vehicles. <b>Traffic management measures on Willand Road and Tiverton Road will also be required. Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact upon the junction's capacity through implementation</b> <del>of an improvement scheme, either to the existing junction or in the form of more extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under policy CU7.</del> <b>of the Cullompton Town Centre Relief Road.</b>
Policy CU2 Clause h)	h) Financial contributions towards capacity improvements at junction 28 M5.	h) <del>Financial contributions towards</del> Capacity improvements at junction 28 M5. <b>to deliver a strategic highway improvement as demonstrated by a Transport Assessment completed to assess the impact of the traffic generated from the site.</b>
Paragraph 3.75	The provision of appropriate transport infrastructure is a key requirement of the development. This can ensure that it is an	The provision of appropriate transport infrastructure is a key requirement of the development. This can ensure that it is an

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	attractive location for new development, that it minimises the impact on adjoining uses and accords with the need to promote sustainable development. <b>The development will need to mitigate its impact upon capacity at junction 28 of the M5 by financial contribution towards junction improvements.</b> The provision of a road through the site linking Tiverton Road to Willand Road will alleviate traffic congestion at the junction of Tiverton Road and High Street, and in the town centre generally. Combined with bus service enhancements and design which encourages non-car modes of travelling, this should reduce air pollutants in the town centre.	attractive location for new development, that it minimises the impact on adjoining uses and accords with the need to promote sustainable development. <b>The development will need to mitigate its impact upon capacity at junction 28 of the M5.</b> <del>by financial contribution towards junction improvements.</del> The provision of a road through the site linking Tiverton Road to Willand Road will alleviate traffic congestion at the junction of Tiverton Road and High Street, and in the town centre generally. Combined with bus service enhancements and design which encourages non-car modes of travelling, this should reduce air pollutants in the town centre
Policy CU6 Clause i)	<b>i) Provision of M5 access improvements before any dwellings are occupied and thereafter broadly in step with development.</b>	<del>i) Provision of M5 access improvements before any dwellings are occupied and thereafter broadly in step with development.</del> <b>Occupation of no more than 600 dwellings prior to the completion of the Cullompton Town Centre Relief Road.</b>
Paragraph 3.94	3.94 The creation of a through route linking Tiverton Road and Willand Road will serve an important function connecting the site to the wider highway network, providing a bus route and serving as a link from south west Cullompton to the north. A through route should be completed before the occupation of the <del>500</del> <b>300</b> <sup>th</sup> dwelling. <b>Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact upon the junction's capacity through implementation of an improvement scheme, either to the existing junction or in the form of more extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under policy CU7.</b>	3.94 The creation of a through route linking Tiverton Road and Willand Road will serve an important function connecting the site to the wider highway network, providing a bus route and serving as a link from south west Cullompton to the north. A through route should be completed before the occupation of the <del>500</del> <b>300</b> <sup>th</sup> dwelling. <b>Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak.</b> <del>The development will need to mitigate its impact upon the junction's capacity through implementation of an improvement scheme, either to the existing junction or in the form of more extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under policy CU7.</del> <b>No more than 600 dwellings should be occupied before the Cullompton Town Centre Relief</b>

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		<b>road is completed and open to traffic. The provision of the Town Centre Relief Road provides increased capacity at J28 M5.</b>
Policy CU7 Clause f)	f) Transport provision to ensure appropriate accessibility for all modes, including a new or improved access and egress onto the M5 motorway and pedestrian and cycling links across the motorway to the existing town;	f) <del>Transport provision to ensure appropriate accessibility for all modes, including a new or improved access and egress onto the M5 motorway</del> <b>Provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to M5 Junction 28</b> and pedestrian and cycling links across the motorway to the existing town;
Policy CU8 Clause a)	a) Provision of mitigation measures to ensure only acceptable impacts occur to J28 of the M5 as a result of traffic generated from the site;	a) <del>Provision of mitigation measures to ensure only acceptable impacts occur to J28 of the M5 as a result of traffic generated from the site;</del> <b>Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by an appropriate Transport Assessment to assess the impact of the traffic generated from the site.</b>
Policy CU12	f) Provision of the first phase of comprehensive M5 access improvements before any dwellings are occupied, followed by strategic highways infrastructure broadly in step with development; and	f) <del>Provision of the first phase of comprehensive M5 access improvements before any dwellings are occupied, followed by strategic highways infrastructure broadly in step with development;</del> <b>Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by an appropriate Transport Assessment to assess the impact of the traffic generated from the site; and</b>
Paragraph 3.116	3.116 The provision of transport links and improvements is a key element of the development. In addition to the need to minimise traffic generation from new development, it will also be necessary to carry out improvements to existing infrastructure to ensure that there is sufficient capacity available in order to cope with increased usage. Improved access onto the motorway will be required early in the development at substantial cost, which may cause some delay in the provision of other forms of infrastructure.	3.116 The provision of transport links and improvements is a key element of the development. In addition to the need to minimise traffic generation from new development, it will also be necessary to carry out improvements to existing infrastructure to ensure that there is sufficient capacity available in order to cope with increased usage. Improved access onto the motorway will be required early in the development at substantial cost, which may cause some delay in the provision of other forms of infrastructure.

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	Devon County Council's Strategic Highways Option Report (2014) sets out an initial assessment of the various elements phasing of transport infrastructure needed to service the site. <del>A scheme, referred to in the report and scheduled to be delivered during 2014/15, only provides sufficient capacity for the allocations contained with the previous Local Plan.</del> A signalisation scheme at junction 28 of the M5 was undertaken in 2015. However this scheme does not produce junction capacity to accommodate this development. The first phase referred to in criterion (f) above therefore only relates to the subsequent highway works set out in the Devon County Council report. <b>The Council has been working closely with statutory consultees to ensure emerging proposals for junction 28 M5 improvements are appropriately designed.</b>	Devon County Council's Strategic Highways Option Report (2014) sets out an initial assessment of the various elements phasing of transport infrastructure needed to service the site. <del>A scheme, referred to in the report and scheduled to be delivered during 2014/15, only provides sufficient capacity for the allocations contained with the previous Local Plan.</del> A signalisation scheme at junction 28 of the M5 was undertaken in 2015. However this scheme does not produce junction capacity to accommodate this development. <del>The first phase referred to in criterion (f) above therefore only relates to the subsequent highway works set out in the Devon County Council report.</del> <b>The Council has been working closely with statutory consultees to ensure emerging proposals for junction 28 M5 improvements are appropriately designed.</b>
Policy CU17 Clause g)	g) <b>Provision of M5 access improvements before any commercial floorspace is brought into use.</b>	g) <del>Provision of M5 access improvements before any commercial floorspace is brought into use.</del> <b>Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by an appropriate Transport Assessment completed to assess the impact of the traffic generated from the site;</b>
Policy CU18 Clause g)	g) <b>Provision of M5 access improvements before any commercial floorspace is brought into use.</b>	g) <del>Provision of M5 access improvements before any commercial floorspace is brought into use.</del> <b>Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by an appropriate Transport Assessment completed to assess the impact of the traffic generated from the site;</b>
Paragraph 3.143	3.143 Cullompton is facing the same traffic issues now as it was when the previous Local Plan was being prepared. Additional housing development has now taken place at Knowle Lane and	3.143 Cullompton is facing the same traffic issues now as it was when the previous Local Plan was being prepared. Additional housing development has now taken place at Knowle Lane and

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	Tiverton Road, contributing to Junction 28 improvements and funding for the Town Centre Relief Road, but work on the road has not yet commenced. The delivery of the road depends upon the delivery of the North West and East urban extensions and development elsewhere. The road is likely to be funded by either developer contributions or Community Infrastructure Levy as well as external sources of funding sought by the Council.	Tiverton Road, contributing to <b>the delivered</b> Junction 28 improvements and funding for the Town Centre Relief Road, but work on the road has not yet commenced. The delivery of the road depends upon the delivery of the North West and East urban extensions and development elsewhere. The road is likely to be funded by either developer contributions or Community Infrastructure Levy as well as external sources of funding sought by the Council.
Paragraph 3.149	<p>3.149 <del>If this site comes forward for development, it must contribute to the provision of offsite highways infrastructure.</del> Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Devon County Council has therefore stipulated that development should only take place providing there is sufficient network capacity. If released, the site will need to be phased to come forward after further M5 access improvements are implemented. Any application for development must undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no significant adverse impacts which cannot be mitigated. Site commencement will also need to be deferred until after the completion of the through route linking Willand Road to Tiverton Road, which is being provided as part of the North West Cullompton allocation. The site is expected to contribute to the provision of off-site highways infrastructure. <del>Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route.</del> The</p>	<p>3.149 <del>If this site comes forward for development, it must contribute to the provision of offsite highways infrastructure.</del> Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. <b>Devon County Council has therefore stipulated that development should only take place providing there is sufficient network capacity. If released, the site will need to be phased to come forward after further M5 access improvements are implemented.</b> Any application for development must undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no significant adverse impacts which cannot be mitigated. Site commencement will also need to be deferred until after the completion of the through route linking Willand Road to Tiverton Road, which is being provided as part of the North West Cullompton allocation. The site is expected to contribute to the provision of off-site highways infrastructure. <del>Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route.</del> The</p>



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	development would also be expected to provide two points of access from Siskin <del>s</del> -Chase.	development would also be expected to provide two points of access from Siskin <del>s</del> -Chase.
Policy J27 Clause b)	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 cycling link across the motorway to Tiverton Parkway Railway Station;	<del>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 cycling link across the motorway to Tiverton Parkway Railway Station</del> <i>Provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to M5 Junction 27 and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station;</i>