

# Public Document Pack

Mid Devon District Council

Cabinet

Thursday, 31 January 2019 at 10.00 am  
Cullompton Town Hall, Cullompton

Next ordinary meeting  
Thursday, 7 February 2019 at 2.15 pm

Those attending are advised that this meeting will be recorded

## Membership

Cllr C J Eginton	Leader and Environment
Cllr R J Chesterton	Deputy Leader and Planning and Economic Regeneration
Cllr P H D Hare-Scott	Finance
Cllr C R Slade	Community Well Being
Cllr Mrs M E Squires	Working Environment and Support Services
Cllr R L Stanley	Housing

## A G E N D A

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

- 1. Apologies**  
To receive any apologies for absence.
- 2. Public Question Time**  
To receive any questions relating to items on the agenda from members of the public and replies thereto.
- 3. Declarations of Interest under the Code of Conduct**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 4. Minutes of the Previous Meeting (Pages 3 - 12)**  
Members to consider whether to approve the minutes as a correct record of the meeting held on 3 January 2019.
- 5. Cullompton Town Centre Relief Road Route (Pages 13 - 432)**  
To receive a report of the Head of Planning, Economy and Regeneration considering the outcomes of the recent public consultation over route options for a town centre relief road for Cullompton and to update Members on the status and outcomes of further technical work

undertaken or in the process of taking place. The report also makes recommendations over a preferred route subject to further technical verification work and next steps which lie principally with Devon County Council over the drawing up of a planning application, together with supporting material including environmental statement to meet the requirements of environmental impact assessment.

**Stephen Walford**  
Chief Executive

Wednesday, 23 January 2019

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

There is time set aside at the beginning of the meeting to allow the public to ask questions.

If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 3 January 2019 at 2.15 pm

### **Present**

#### **Councillors**

C J Eginton (Leader)  
R J Chesterton, P H D Hare-Scott,  
C R Slade, Mrs M E Squires and  
R L Stanley

### **Also Present**

#### **Councillor(s)**

Mrs H Bainbridge, R Evans, Mrs B M Hull, F W Letch,  
F J Rosamond and Mrs N Woollatt

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Pritchard (Director of Operations), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jenny Clifford (Head of Planning, Economy and Regeneration), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Tina Maryan (Area Planning Officer), Nick Sanderson (Acting Manager Director of 3 Rivers Development Ltd), Paul Brockway (Culm Garden Village Project Manager) and Sally Gabriel (Member Services Manager)

## 111. **APOLOGIES**

There were no apologies.

## 112. **PUBLIC QUESTION TIME**

Councillor Nick Allan representing Kentisbeare Parish Council and referring to items 11 and 12 on the agenda (Culm Garden Village) stated: We want to stress that we are not opposed to the Garden Village or development in East Cullompton per se and have tried to engage constructively with the process, despite not having been consulted before the bid was submitted.

We believe that our feedback has been consistent and clearly spelled out, both in the Stakeholder forum and in letters to Councillor Chesterton and Jenny Clifford, copied to others in the Council.

We have been encouraged by the guiding direction from central government that Garden Villages should have support from the community and MDDC's emphasis that meaningful consultation is a key part of the process.

We are concerned about the proposed scale of the Garden Village; we feel that there has been no justification for a number of 5,000 homes. This would make it significantly larger than the existing town of Cullompton. It is clear that population growth in the first 5 years of the Local Plan is coming in at less than half that forecast

and that the housing projections out to 2033 look unrealistically high, as confirmed by the most recent data from the Office of National Statistics.

In respect of the Garden Village, we are particularly concerned to preserve the rural character of Kentisbeare, which has a population of 1,000 or so. Our residents clearly feel the same way. You will know that of the order of 1,000 letters of concern were submitted in respect of the proposed development east of Cullompton in the Local Plan. This compares to only 155 who expressed support for development in Mid Devon to be centred on Cullompton in the broad 2013 consultation.

At the key Stakeholder Forum in July to discuss possible physical outlines of the Garden Village, we felt that there was a clear understanding that there would be considerable discomfort at development encroaching into the parish. The western parish boundary is relatively close to the village proper. One enthusiastic Cullompton resident drew a line well into Kentisbeare Parish, but in the various discussions it was very clear that the Kentisbeare representatives did not feel this was acceptable and we thought that the point had been taken on board and accepted by the majority of those present. We reinforced the point in our correspondence with Mid Devon referred to before.

We were surprised and upset at the December Stakeholder Forum to find that development has been earmarked well into Kentisbeare in the plans for general public consultation. The village is about 3 miles from the M5 and 2.5 miles from the current limit of the existing town extension along the A373. The proposed development in the current outline plan would bring the new town to within half a mile of our village. Despite the commitment to consultation in Mrs Clifford's letter to the Parish Council in late October, this makes it feel to us as though consultation is in name only.

We urge you to reconsider the boundaries if you want to be able to claim real community support. We would strongly urge that there is a green buffer between the easterly limit of the Garden Village and the Kentisbeare parish boundary, in other words west of Horn Road not between Horn Road and Dead Lane. The parish boundary runs one field to the west of Horn Road for those who may not have detailed knowledge of our parish.

While I am here, please can I also express our concern about flood risk. There was flooding in Kentisbeare in 2012 and while we are delighted that a full catchment-based study is now promised in respect of the proposed Garden Village, we are alarmed that 4,000 houses can be proposed to the north west and east of Cullompton in the Local Plan with no overall flood strategy. The Arcadis report in respect of the Relief Road is only concerned with incremental risk and we feel strongly that the flooding issue needs to be looked at as a whole.

We would also like to highlight our concern that at the Stakeholder Forum, it seemed to be confirmed that any meaningful road upgrades other than the Relief Road would be at least 10 years away. The Relief Road to the SW of junction 28 won't solve the existing access issues from the east and north west to the M5 and with further developments of such scale proposed, the road situation is likely to be dire. Even otherwise ardent Cullompton supporters of the Garden Village at the December Stakeholder Forum were aghast that general infrastructure delivery (not just roads) would be delivered so far into the overall plan.

Mr Berry also referring to items 11 and 12 on the agenda (Culm Garden Village) referred to the necessity for a greenbelt between the proposed development in the Garden Village and Kentisbeare. There was also a need to address infrastructure issues early on in the development programme; he urged the authority to have urgent discussions with the Highway Authority with regard to the motorway junction and issues on Honiton Road. He stated that there must be a cycleway and pedestrian walkway from the new development across the railway, river and motorway to link the 2 towns and he feared that this would not be done until an issue arose with someone trying to walk to Tesco. He added that if the Government wanted housing then the Highway Authority must put in the necessary improvements to the M5 junction.

The Chairman indicated that the issues raised would be addressed when the items were discussed.

#### 113. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-10-33)**

The following interests were declared:

<b>Councillor</b>	<b>Interest</b>	<b>Reason</b>
C J Eginton	Personal Items 11 and 12	Through his position in the Council, he sat on the Governance Board for the Culm Garden Village
R J Chesterton	Personal Items 11 and 12	Through his position in the Council, he sat on the Governance Board for the Culm Garden Village

#### 114. **MINUTES OF THE PREVIOUS MEETING (00-11-17)**

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

#### 115. **COMMUNITY ENGAGEMENT STRATEGY**

Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that the Community Engagement Strategy and Action Plan 2018-2019 be approved subject to an amended review timeframe from 4 to 2 years.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that this merged document brought together a number of previous policies which now provided an effective overarching strategic approach to the Council's communication and engagement activity. He drew members attention to the Social Media Policy and highlighted the work of the Communications Team

Consideration was given to:

- The Town Centre Manager role and whether such a role could be district wide.
- The Council's mission, operating framework and understanding what the Council was trying to achieve
- Translation services
- The suggested stakeholder map and that as a live document it could be added to

**RESOLVED** that the recommendation of the Policy Development Group be approved subject to the removal of the word "opposition" from paragraph 3.4 (Appendix 1 – Media and Social Media Policy).

(Proposed by Cllr C R Slade and seconded by Cllr Mrs M E Squires)

Note: \*Report previously circulated, copy attached to minutes.

#### 116. **COMMUNITY SAFETY PARTNERSHIP PLAN (00-24-26)**

Arising from a report of the Group Manager for Public Health and Regulatory Services, the Community Policy Development Group had recommended that the priorities of the Community Safety Partnership (CSP) and planned activities within the partnerships priorities and action plan for 2018-21 and the proposed new structure of the CSP be noted.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report informing the meeting of the annual grant from the Office of the Police and Crime Commissioner, the priorities of the Community Safety Partnership, the high level of threat across the county and the link to the Corporate Plan

Discussion took place regarding:

- The priorities of the Community Safety Partnership and the action plan
- Funding for the Devon Youth Games

**RESOLVED** that the contents of the report be noted.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr C R Slade)

Note: \*Report previously circulated, copy attached to minutes.

#### 117. **HEALTH AND SAFETY POLICY**

Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that the Health & Safety Policy which was approved by the JNCC on 12th September 2018 and reviewed by the Health and Safety Committee and Unison be noted.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that there was an obligation of the Council to ensure that its activities did not adversely affect the health and safety of officers, members of the public, contractors and others with whom it interacted with. She outlined the work of the Health and Safety Officer and the risk assessment process.

**RESOLVED** that the contents of the report be **NOTED**.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr C R Slade)

Note: \*Report previously circulated, copy attached to minutes.

**118. FINANCIAL MONITORING (00-32-43)**

The Cabinet Member for Finance informed the meeting that in his previous report to the Cabinet he had stated that the deficit for the year was predicted to be in the region of £168k, this had now been reduced to £94k largely as a result of savings made within the Revenue and Benefits service and an increase in planning fees. The Housing Revenue Account was on budget despite challenges such as Universal Credit and it was reported that rent arrears had reduced in comparison to January 2018.

**119. BUDGET 2019/20 - UPDATE (00-34-44)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) reviewing the revised draft budget changes identified and to request discussions on any further changes required in order for the Council to move towards a balanced budget for 2019/20.

The Cabinet Member for Finance outlined the contents of the report informing the meeting that in his previous report to the Cabinet in October he had stated that the proposed budget gap was £662k, this had now been reduced to £253k and it was hoped that this could be reduced further. He explained the provisional settlement from central Government and the increased funding from the Rural Services Delivery Grant. It was felt however that some money from reserves would be required to balance the budget.

Consideration was given to the amount of money held in the reserves.

**RESOLVED** that the draft updated General Fund budget proposals for 2019/20 be **AGREED**.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr R L Stanley)

Note: \* Report previously circulated, copy attached to minutes.

**120. TAX BASE CALCULATION (00-37-51)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) detailing the statutory calculations necessary to determine the Tax Base for the Council Tax.

The Cabinet Member for Finance outlined the contents of the report stating that this was a statutory report and that each billing authority was required to calculate and approve its Band D equivalent Council Tax Base.

Consideration was given to the new empty property premium which was due to come into effect on 1<sup>st</sup> April 2019.

**RECOMMENDED** to Council that:

1. The calculation of the Council's Tax Base for 2019/20 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **28,596.47** an increase of circa 299 Band D equivalent properties from the previous financial year.
2. The current Council Tax Rebate scheme continues for the next financial year in line with criteria detailed in paragraph 4 of the report.
3. A new empty property premium be introduced with effect from the 1<sup>st</sup> April 2019, detailed in paragraph 3.8 of the report.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr C R Slade)

Note: \*Report previously circulated, copy attached to minutes.

121. **CULM GARDEN VILLAGE - CULLOMPTON STAGE 1 CONSULTATION - VISION, PRINCIPLES AND CONCEPTS (00-40-00)**

The Cabinet had before it a \* report of the Head of Planning, Economy and Regeneration submitting information on the Culm Garden Village Vision and Concept document and seeking approval for Stage 1 public consultation on the material.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the vision document for the Garden Village set out the key principles for shaping the Garden Village, setting out the clear intentions and direction of travel for the scheme. Policies CU7-CU12 of the Mid Devon Local Plan Review allocated 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 was intended to form part of a larger garden village proposal. The Local Plan Review had been submitted for examination and hearings would take place in February 2019, with adoption in the summer of 2019 (subject to Planning Inspectorate timetable). Policy CU7 of the Local Plan Review required 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 was determined.

Only part of the Garden Village was allocated within the emerging Local Plan and the Greater Exeter Strategic Plan (GESP) was intended to be the policy vehicle to allocate the remainder of the Garden Village. The Vision and Concept Document and the East Cullompton Masterplan Supplementary Planning Document were before Members today. He highlighted the input from the stakeholders meetings and that of the Planning Policy Advisory Group and the list of suggested amendments following consideration of the documents, attached to both reports at appendix 1. Referring to comments made during public question time, he felt that this was an important part of the consultation process and that an additional question would be added to the

concept plan relating to the green landscape area to act as a buffer between the potential extent of the garden village and the village of Kentisbeare.

Paul Brockway, Project Manager for the Garden Village highlighted by way of presentation the key elements of the masterplanning process, the proposed consultation process in line with the Statement of Community Involvement and again highlighted the list of suggested amendments outlined in appendix 1 of the reports which should address some of the concerns raised with regard to the buffer zone.

The Chairman read the key points raised by the local Ward Member who was unable to attend the meeting, that of:

- Build quality and design
- Enforcement
- Affordable housing and Council homes
- Affordable housing for local people
- Infrastructure
- Healthcare
- Education
- Development encroaching into Kentisbeare parish

Consideration was given to:

- The timeline for development
- Whether there was a difference between Garden City Principles and Garden Community Principles
- The Governments requirements for housing numbers and whether housing delivery test information had been released
- The number of dwellings proposed within the emerging Local Plan and those emerging from the Greater Exeter Strategic Plan and how much control the authority would have over the Greater Exeter Strategic Plan. The meeting was informed that all the elements of the Greater Exeter Strategic Plan would have to be approved by all partnering authorities
- The impact of the proposals on residents
- The improvement to infrastructure prior to development of the area
- The importance of the proposed country park and other green infrastructure and that it should be commenced at the start of the project
- The issues of colour blindness in publicity material published by the Council and whether a general policy could be progressed
- The preparation of business cases for any ongoing funding bids to help with the cost of the infrastructure
- The delivery of an employment strategy for the Garden Village
- The importance of a cycle path and walkways within the scheme that would link the village of Kentisbeare to the Garden Village and onwards towards Cullompton

**RESOLVED** that:

- a) That the document at Appendix 2 be approved for Stage 1 public consultation.

- b) The proposed amendments to the document set out in Appendix 1 be approved
- c) 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.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Notes:

- i) Cllrs R J Chesterton and C J Eginton declared personal interests as through their positions in the Council, they sat on the Governance Board for the Culm Garden Village
- ii) \*Report previously circulated, copy attached to minutes.

**122. EAST CULLOMPTON MASTERPLAN SPD (CULM GARDEN VILLAGE PHASE 1)– STAGE 1 CONSULTATION - ISSUES AND OPPORTUNITIES (1-14-22)**

The Cabinet had before it a \* report of the Head of Planning, Economy and Regeneration submitting information on the East Cullompton Masterplan SPD Issues, Opportunities and Concepts document and seeking approval for Stage 1 public consultation on the material.

The Cabinet Member for Planning and Economic Regeneration referred to the previous item and the discussion that had taken place with regard to the draft Vision and Concept document for the whole garden village and the Issues, Opportunities and Concepts document relating to Stage 1 consultation on a Masterplan SPD for the East Cullompton allocation and that it was proposed that they go out to consultation together.

**RESOLVED** that:

- a) The document at Appendix 2 be approved for Stage 1 public consultation.
- b) The proposed amendments to the document set out in Appendix 1 be approved
- c) 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.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs M E Squires)

Notes:

- i) Cllrs R J Chesterton and C J Eginton declared personal interests as through their positions in the Council, they sat on the Governance Board for the Culm Garden Village;

- ii) \*Report previously circulated, copy attached to minutes.

### 123. **CABINET MEMBER DECISION (1-15-37)**

The Cabinet **NOTED** a recent decision of the Cabinet Member for Housing:

To remove the means test for Disabled Facilities Grant (DFG) applications relating to stair lifts until 31 December 2019 as part of a pilot to increase uptake and accessibility to the scheme.

**Reason:** The government has increased the amount given to Local Authorities under the Better Care Fund (BCF) significantly in over the last few years, with the allocation nationally to be in excess of £500m in 2019/20. The expectation is that the powers under the Regulatory Reform Order 2002 will be used to allow authorities to be more flexible in how the money is spent.

Under the current system all DFGs, apart from those where the disabled person is a child or qualifying young person, are subject to means testing. However, since 2003 local authorities have had the power to apply a much simplified system for provision of adaptations which do not follow all DFG conditions such as waiving means testing for certain types of works or works costing less than a specified amount (e.g.£5,000). The rationale is that the related administrative process of means testing can cost more than the value of a grant for smaller works and result in a significant slowing of the delivery process. Under the current (adopted) Devon-wide Housing Assistance Policy for the BCF (2018-19), such DFG applications are eligible for an Accessible Homes Grant once the mandatory DFG process has been completed. However, this double-application process under the current policy significantly extends the overall delivery timeline.

The proposal to remove the means test for stair lifts is part of a larger pilot in conjunction with Exeter City Council, Devon County Council and the Royal Devon and Exeter Hospital to increase uptake and accessibility, through reducing end to end times for such cases and allowing referrals to be made by the hospital direct to the relevant local authority.

It is proposed to review the pilot after 12-months as part of a formal review of the current Housing Assistance Policy.

### 124. **NOTIFICATION OF KEY DECISIONS (1-16-34)**

The Member Services Manager informed the meeting of the amendments to the plan since the publication of the Cabinet agenda pack prior to the Christmas break.

The Cabinet had before it and **NOTED** its rolling plan \* for November 2018 containing future key decisions.

Note: \*Plan previously circulated, copy attached to minutes.

125. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-18-25)**

Prior to considering the following item on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

(Proposed by the Chairman)

126. **3 RIVERS DEVELOPMENTS LIMITED - PERFORMANCE REPORT**

The Cabinet had before it and **NOTED** a report\* of the Deputy Chief Executive (S151) and 3 Rivers Developments Limited Acting Managing Director updating Cabinet on the Company's financial performance outcomes and outputs of projects and any key risks.

The Cabinet Member for Housing outlined the contents of the report and a full discussion took place.

Note: \*Report previously circulated.

(The meeting ended at 3.51 pm)

**CHAIRMAN**

**CABINET**  
**31<sup>ST</sup> JANUARY 2019**

## **REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

### **CULLOMPTON TOWN CENTRE RELIEF ROAD ROUTE**

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

**Reason for Report:** To consider the outcomes of the recent public consultation over route options for a town centre relief road for Cullompton and to update Members on the status and outcomes of further technical work undertaken or in the process of taking place. The report also makes recommendations over preferred route subject to further technical verification work and next steps which lie principally with Devon County Council over the drawing up of a planning application, together with supporting material including environmental statement to meet the requirements of environmental impact assessment.

Previous reports identified the opportunity to progress planning for the delivery of this road and the policy support within the adopted Local Plan and submission Local Plan Review, the latter currently at Examination. The Council has also made a bid for funding to Government under the Housing Infrastructure Fund (HIF). A final decision over the Council's bid is expected towards the end of January 2019, although timescale for this may slip. At the time of considering this report the outcome of the due diligence process in connection with this bid may not be known. Members will need to consider next steps for the project and whether these vary accordingly to the outcome of the HIF bid.

The delivery of a new relief road is considered an important highway intervention to not only bring forward sustainable growth planned for in the Cullompton area, but also to address environmental concerns within the town centre in connection with congestion, poor air quality and resultant impact upon townscape attractiveness.

#### **RECOMMENDATION: That Cabinet agree that:**

- 1. Option B be recommended to Devon County Council as the preferred route, subject to further technical verification work, including whether some aspects of the third alternative route discussed in paragraph 4.6.4 should be incorporated.**
- 2. It also be recommended to Devon County Council that as Highway Authority it:**
  - a) undertakes the technical verification work together with the preparation of a planning application for the road with supporting documentation, and**
  - b) in line with Motion 552 carried by this Council on 19<sup>th</sup> December 2018, considers holding a second stage of consultation following**

**completion of the verification work and prior to the submission of the planning application.**

- 3. That a further up to £250,000 of S106 money collected for the relief road project and to undertake air quality mitigation measures in Cullompton be utilised to fund the work included in recommendation 2 above.**

**Relationship to Corporate Plan:** Improving road capacity and air quality issues within the town will enable development identified in the Local Plan to come forward and make a valuable contribution to delivering the priorities of the Corporate Plan 2016 to 2020; Economy, Homes, Community and Environment.

**Financial Implications:** Delivery of key highway infrastructure improvements in Cullompton will play a pivotal role in bringing forward corporate aspirations to facilitate growth within the district which in turn will help boost the economy. The delivery of the town centre relief road is also expected to contribute towards regeneration within the core of Cullompton. The Council will shortly commission the formulation of a Cullompton town centre masterplan.

The Council anticipates that the majority of the cost of the road would be forward funded by the Housing Infrastructure Fund. Development contributions will also be a critical part of the funding package to deliver the road. Should HIF funds receive final confirmation, there will be an expectation of delivery of the road in 2021. This report reflects of the relative cost of each of the route options that were the subject of recent public consultation. Option C, (the route mainly to the east of motorway) would not meet HIF funding or timescale requirements and would need alternative funding to be delivered. The potential cost of land assembly and acquisition has been the subject of independent advice. The cost of this is not identified in this report and nor is the advice attached as it is considered commercially confidential. Any legal issues arising from the project and land assembly will also need to be accounted for as the scheme progresses. Allowance for the anticipated cost of land assembly and acquisition has been made within overall project cost for the purposes of the HIF bid.

Cabinet considered the cost of working up the project towards planning application submission via up front funding at the meeting of 23<sup>rd</sup> May 2018. S106 funds collected via development contributions in accordance with planning policy have been used to date to advance the project to this stage. Further S106 air quality money is available to fund advancing the project to the stage of planning application submission which is expected to cost in the order of an additional £250,000.

**Legal Implications:** Legal implications will arise as a result of the need to assemble and acquire land to deliver both the road and also in respect of the legal interests of existing sports providers likely to be affected and the loss of public open space. There are a range of land ownerships and interests that will need to be addressed and be the subject of negotiation as the project progresses. It is understood that the Cullompton Community Association Fields are subject to a charitable trust for recreational purposes.

To draw down funding from the Housing Infrastructure Fund, the Council will need to enter into a funding agreement with MHCLG which would be considered by Legal Services prior to signing. These tend to be in standard form, but the Group Manager for Legal Services has previous experience in this regard. A separate legal

agreement will also be needed with Devon County Council to deliver the road. The Council will also continue to seek project specific section 106 developer contributions through legal agreements towards the cost of this scheme in accordance with planning policy.

The adoption and implementation of an Air Quality Action Plan (where an authority has designated one or more Air Quality Management Areas) is a statutory requirement under Part IV of the Environment Act 1995 for Local Air Quality Management (known as the LAQM regime). Under the regime, Local Authorities therefore have a duty to pursue measures which are designed to improve air quality. The Council's Air Quality Action Plan includes the delivery of a Cullompton town centre relief road as a air quality mitigation measure.

**Risk Assessment:** To qualify for funding, the proposed relief road will need to meet the HIF scheme criteria and deliverables. Since the last report to Cabinet on the project in August 2018, there has been significant further contact with Homes England as part of the due diligence assessment process. In order to meet fund timescales, work streams and expenditure have needed to commence in advance of likely timescale for the Homes England final decision. Spend to date in order to advance the project has been authorised on an 'at risk' basis should Homes England not agree to support this intervention. S106 funds collected to improve air quality in Cullompton have been utilised.

The aspiration for the delivery of a relief road for Cullompton is long standing and as such, all work currently being undertaken to progress the project is not abortive as it forms part of more extensive infrastructure necessary to deliver the growth planned within the Cullompton area in the longer term including the garden village. The current HIF funding opportunity represents the best chance for it to be achieved in the short term and will require adherence to tight and challenging timescales.

Risks associated with the ability to deliver the project include scheme finance via HIF fund outcome, timescale for delivery to meet HIF requirements and land assembly / acquisition matters. Depending on the terms of the funding agreement, there may be clawback implications or work undertaken for which funding is no longer available. Furthermore, should the relief road not be pursued through the HIF or should HIF funding not be forthcoming, this will impact upon the ability to deliver the relief road and its timing with resultant delay in realising highway capacity and environmental improvements in the town centre. A failure to deliver the relief road will be an ongoing obstacle to the timely delivery of housing allocated in the current and emerging local plans beyond the numbers discussed in paragraph 4.5.2.

**Equalities:** No equalities implications are anticipated as a result of this report.

**Note:** Appendices to this report are titled in a way that seeks to reduce confusion as a range of technical appendices are attached to the preferred route options report and are referred to alphabetically. Appendices to this Cabinet report are titled as follows:

- Appendix 1 2019 Preferred route options report
- Appendix A 2018 Route options study
- Appendix B Consultation outcomes report
- Appendix C Ecology report

## 1.0 Background.

- 1.1 A report was considered at the meeting of Cabinet on 23<sup>rd</sup> May 2018 in relation to a funding opportunity in connection with the Government's Housing Infrastructure Fund (HIF) to progress the delivery of a relief road for Cullompton. Under this fund the Government is supporting infrastructure delivery in order to unlock or accelerate the delivery of housing. At Cabinet on 23<sup>rd</sup> May 2018 it was agreed to proceed with the bid on the basis of delivering a town centre relief road to the east of Cullompton, which if delivered would improve capacity at the motorway junction together with achieving a reduction of traffic flows through the town centre resulting in air quality and town centre amenity benefits. At the time of writing this report, the final decision over the fund award is still unconfirmed. A final decision over the bid funding is expected by at the end of January 2019, but this timescale may slip. A verbal update will be provided at the meeting if a decision has been received.
- 1.2 Work was commissioned to generate and assess potential relief road route options for public consultation purposes. Consultants were engaged and the route options report produced was considered at the meeting of Cabinet on 30<sup>th</sup> August 2018. This report identified the existing issues and constraints, defined the main objectives of the scheme and provided a high level appraisal of viable options to address the issues and meet the objectives. The methodology followed within the report aligned with the Department for Transport guidance for the assessment of proposed transport schemes. A copy of this report is attached at **Appendix A**.
- 1.3 The options report considered each of the initial four options against the scheme objectives before a sifting exercise at which time Option D was discounted from further consideration following advice from the Environment Agency. A high-level comparative assessment of Options A-C was also undertaken against environmental considerations including air quality, noise, landscape / townscape, socio-economic, geotechnical and contamination, arboriculture, waste, ecology, historic environment and water environment. Qualitative appraisal scores were applied for each option as to whether likely impacts for the different topics are high, moderate, low or negligible. Finally, the report undertook a high-level delivery comparative assessment of the three options considering land, flood risk, buildability constraints and construction cost.
- 1.4 The route options report also included plans showing how each potential route could relate to a future motorway junction improvement and possible extension of a relief road further south. This was to demonstrate consideration of future proofing. Members are reminded that the precise nature and design of the future motorway junction intervention is yet to be finalised and accordingly was considered illustrative only. Similarly, a future extension of the relief road further south was suggested in the plans as a possibility in order to rise above the area subject to flooding in the vicinity of the Duke Street / Meadow Lane junction. It was suggested that this could be considered

at time of connection to the motorway in order to safeguard its strategic nature.

- 1.5 At the meeting of Cabinet on 30<sup>th</sup> August 2018 it was resolved that 3 relief road route options (A, B and C) be approved for a 6 week public consultation. This took place between 13<sup>th</sup> September and 25<sup>th</sup> October 2018.

## **2.0 Cullompton town centre relief road- planning context.**

- 2.1 The delivery of a relief road for Cullompton has been a long-term objective, receiving policy support within both the adopted and submitted Local Plans. The case for the delivery of a relief road and relevant planning policies were set out in the Cabinet report of 30<sup>th</sup> August 2018. It would deliver benefits to the operation of J28 of the motorway and would also enable the reduction of traffic flows through the town centre resulting in air quality and town centre amenity benefits. It is known that significant highway improvements will be required to serve the proposed garden village to the east of Junction 28. A relief road would form the first part of such improvements, thereby also contributing to longer term growth and delivery aspirations as set out in the Local Plan Review and garden village expression of interest.
- 2.2 Policy AL/CU/14 of the Allocations and Infrastructure Development Plan Document 2011 expresses the aspiration to provide a relief road for the town, as does submission draft policy CU19 within the Local Plan Review 2013-2033. The final examination hearings for this plan will take place shortly. Its provision is described as an integral part of the development strategy for Cullompton and essential if the objectives of traffic relief, air quality improvement and town centre enhancement are to be achieved. Whilst these objectives are longstanding and important, for HIF purposes Homes England assessment of the benefits of the scheme will focus almost exclusively upon the ability to unlock and /or accelerate housing growth and cost / benefit of the scheme in new housing terms.
- 2.3 Cullompton Neighbourhood Plan has not yet been submitted for examination. The pre-submission version has been subject to public consultation. Whilst still subject to further amendment and not adopted, it is currently of little weight to planning decision making. Policies within it are referred to only in order to provide some local context to the delivery of a relief road for Cullompton. Draft policy SD07 seeks the phasing of major development in tandem with the co-ordinated provision of infrastructure to help support sustainable growth and ensure that an unacceptable strain is not placed on the existing infrastructure. Draft policy HT01 relates to proposals to ensure that junction 28 of the M5 functions efficiently and safely and states that such proposals will be supported. Also relevant is draft policy WL02 relating to Cullompton Community Association Fields which are described as an important resource for the local community. A series of criteria for proposals to develop part of the CCA Fields to provide a relief road for Cullompton are set out with the intention of minimising potential impact.
- 2.3 Any planning application that comes forward for the relief road will be assessed in accordance with relevant policies in the development plan together with any other considerations that are considered material. The

decision-making weight to be given to emerging policies will depend upon the stage that they have reached towards adoption and whether there are any outstanding objections. Whilst regard has been had to relevant planning policy in the options assessment process to date, it is at the planning application stage that the proposed relief road will be assessed in detail against relevant policies.

### 3.0 Route options and public consultation.

3.1 A 6 week public consultation over options for the route of the relief road took place between 13<sup>th</sup> September and 25<sup>th</sup> October 2018. Of the initial four route options identified, three were taken forward to public consultation:

**Option A** connects Station Road to Duke Street near the Meadow Lane junction within the corridor between the town centre to the west and the railway /motorway to the east.

**Option B** similarly connects Station Road to Duke Street near the Meadow Lane junction within the corridor between the town centre to the west and the railway /motorway to the east. The difference from Option A is that it takes a route closer to the railway /motorway and has a different connection alignment with Duke Street.

**Option C** connects Honiton Road with Duke Street near the junction with Meadow Lane. It follows a longer broadly east- west route and crosses the motorway and railway line. It connects to Honiton Road east of existing houses.

At this stage they were not definitive routes and it has been recognised that they could be subject to change following receipt of comments as part of the public consultation. The options identified above arose from the route options study undertaken in 2018, a copy of which is attached at **Appendix A**.

3.2 A public consultation outcomes report has been prepared which summarises the consultation process and presents the outcomes. It is attached at **Appendix 2**. Within is to be found information on the methods of consultation, material generated and consultation arrangements including the 6 public exhibitions held. Section 4 presents and analyses the results of the consultation which saw 617 responses received in total. These responses incorporated the views received from stakeholders and consultees, including the public, local government and organisations. Headline outcomes from the consultation are as follows:

- 80% of the respondents were from the Cullompton area.
- The majority agreed with the need for a relief road (yes 77%, no 13%, not sure 10%).
- The majority thought most of the relief road should be located to the west of the motorway (61%) rather than to the east (39%).
- Option A: 22% support, 71% oppose.
- Option B: 54% support, 40% oppose.
- Option C: 33% support, 54% oppose.

- A clear preference was shown for Option B in response to the question: Which option do you prefer? Preferred option: A 15%, B 45%, C 27%, none 14%.
- Overall the consultation responses are considered to be a representative sample of the population of Cullompton. This conclusion is drawn by analysing responses against 2011 Census data by age and gender.

3.3 At the meeting of Mid Devon District Council on 19<sup>th</sup> December 2019 it was resolved as follows (Motion 552):

*‘That this Council would like a second stage of consultation on the Relief Road once a preferred route has been identified to feed into and comment on the further more detailed work which will take place on development of junction strategies, engineering, environmental assessments and so on, prior to submission of a formal planning application.*

*Further to that, that this Council ensures that residents and businesses within Cullompton are informed in advance of the consultation commencing by direct contact via a letter or leaflet delivery.*

*Also, that hard copies of information regarding the consultation and means of responding be left in public buildings in the town in order that people who are not online or comfortable using computers can easily access and contribute to the consultation.’*

In line with the contents of Motion 552, this report includes a recommendation that Devon County Council considers holding a second consultation following completion of the technical verification work and in advance of the submission of a planning application.

#### **4.0 Preferred route option.**

4.1 A report on preferred route option is attached at **Appendix 1** and has been produced by consultants on behalf on Mid Devon District Council and Devon County Council. This report summarises and assesses the available information to date to make an informed decision over a preferred route for the relief road and takes into account a series of technical reports, assessments and the outcomes of the public consultation.

#### **4.2 Flood risk.**

4.2.1 Detailed flood risk assessments have been commissioned for each of the option routes and it was anticipated that they would all have been completed by this time. However, flood risk assessments for route options A and C are currently further advanced than that for option B. A position statement over route options has now been received from the Environment Agency as follows:

##### ***Route Option A***

*The Flood Risk Assessment (FRA) constitutes a sound study of the flood risks in this part of the Culm floodplain. The FRA demonstrates that in principle option A would be acceptable from a flood risk management perspective. However, if this route were chosen as the preferred option then further work*

*will be required on the final detailed design to demonstrate adequate mitigation/compensation for lost floodplain, and provision of suitable warning systems and evacuation plans to ensure that road use restrictions and diversion measures can be instigated.*

*Compensation and mitigation will also be required from an ecological perspective due to the likely loss of trees, hedge lines and floodplain habitat.*

### **Route Option B**

*This route option is acceptable in principle subject to appropriate mitigation. Whilst the initial flood modelling work indicates a reduction in flood risks in the CCA fields west of the road it also indicates an increase in risk around Tesco and the Long Meadow industrial estate. Further flood modelling work is therefore required to demonstrate what additional mitigation is required to compensate for lost floodplain and to ensure risks to third parties are acceptable.*

*If this is chosen as the preferred option then further work will be required to demonstrate the acceptability of the final detailed design, mitigation/compensation for lost floodplain, and provision of suitable warning systems and evacuation plans to ensure that road use restrictions and diversion measures can be instigated*

*Compensation and mitigation will also be required from an ecological perspective due to the likely loss of trees, hedge lines and floodplain habitat.*

### **Route Option C**

*This route option would cross the functional floodplain of the River Culm. Initial flood modelling work has indicated that this option would increase flood risk to residential properties adjacent to Rivermead and Chestnut Avenue. The modelling also indicates that potential mitigation measures available for Option C are limited and could be ineffective or unsustainable.*

*This option would result in floodplain habitat loss and disconnection of the river from its floodplain (in a north/south alignment) on the western side of the motorway with impacts on the floodplain habitats and possible water framework directive implications. There would also be constraint of the semi-natural river realignment processes through the need to protect the embankments. This could conflict with the objectives of the Water Framework Directive (or the legislation which supersedes it post-Brexit).*

4.2.2 The Environment Agency has also confirmed that further FRA work is required on the option B route to consider in more detail potential mitigation measures. Further modelling work is taking place to inform the FRA work in accordance with discussions with the Environment Agency. This additional work will inform detailed design and further route appraisal which would also feed into the planning application process.

4.2.3 Further flood mitigation measure modelling will inform the project through a technical verification process.

## 4.3 Ecology.

- 3.3.1 Ecological consultants have been appointed to undertake ecological assessment and therefore identify whether any significant ecological impacts are likely to arise as a result of the route options. The reports are at **Appendix C** and are also summarised at section 4.0 of the preferred route option report (**Appendix 1**). This suite of three ecological reports are presented as preliminary ecological assessments of land to the east of Cullompton (November 2016) and Cullompton Community Association Fields (April 2018) together with an ecological assessment for relief road routes east and west of the M5 at Cullompton (December 2018). These reports identify habitat types, ecological interest and likely species. The December 2018 report extended the phase 1 survey to include surveys for a range of protected species.
- 4.3.2 Within the preferred route options report (Appendix 1), all three route options are identified as having a 'moderate adverse' effect on local ecology with direct effects upon local biodiversity as a result of habitat loss during both construction and operational phases of the scheme. It is important to note that this moderate adverse impact is without any mitigation measures. At planning application stage, environmental impact assessment will be required in accordance with relevant Regulations. Mitigation of the ecological impacts will be considered as part of the Environmental Statement that will be prepared to support a planning application. The obligation is to eliminate or reduce impact where reasonably possible.
- 4.4 Heritage including archaeology.
- 4.4.1 Consultants have also been engaged to consider the route options against heritage and archaeological interests to gauge the likely extent of any impacts. The report is located at **Appendix C** and is also summarised at section 5.0 of the preferred route option report (**Appendix 1**).
- 4.4.2 The report reviews the historic environment and specific heritage assets in the area, determines the significance of heritage assets that could be affected by the proposal and determines the effect of the different proposed road scheme route options upon the significance of these heritage assets. A review of heritage assets identified the majority to be from post-medieval and modern periods and to be of local and low heritage significance. Recorded finds include a Neolithic hammer and Romano-British coin from along the alignment of route option A. The report concludes that route option B presents the least impact upon known and previously unrecorded significant archaeological features, deposits and artefacts. For all three routes there was not considered to be any overriding archaeological constraints to the proposed development.
- 4.4.3 The setting of eight heritage assets were also assessed: the Parish Church of St Andrews (grade I listed), Nork House and Old Chimes on Gravel Walk (grade II listed), First Bridge on Duke Street (grade II listed) and the Scheduled Ancient Monument including 2 roman forts and 2 camps on St George's Hill. The impact upon Cullompton Conservation Area was also assessed.
- 4.4.4 Option A is considered to have a low impact (less than substantial harm) upon the Church of St Andrews and the 2 listed buildings known as Nork House

and Old Chimes. Route options B and C were considered to have no impact upon the settings of assessed heritage assets. In considering the impact of route option A upon the setting of Cullompton Conservation Area, it was predicted to have an adverse impact upon the character area along the Mill Leat to the east of the Conservation Area. However, this impact was predicted to be more than offset by the wider benefits to the Conservation Area of reducing traffic through the town centre, significantly enhancing its character and appearance as experienced within the historic core and other nearby designated heritage assets. Options B and C would have least impact upon the settings of designated assets.

- 4.4.5 The report concludes overall that option B would offer least impact upon the historic environment, both in terms of potential buried remains, upstanding landscape features and the setting of heritage assets within the surrounding landscape to which it offers no impact. The proposed development was in all instances seen as being consistent with the requirements of the National Planning Policy Framework as well as other relevant and local policy.

#### 4.5 Traffic Assessment

- 4.5.1 Devon County Council has undertaken traffic modelling for the 3 route options to determine impact upon traffic flows at different development scenarios for each. This modelling is based on traffic counts and a traffic model that have been developed for the Cullompton area. The effect of each route option upon traffic flows in the town centre, J28 and surrounding road network in terms of operation and capacity was considered. The ability to enable future development planned for in the Cullompton area was included.

- 4.5.2 The report concludes that in light of a Planning Inspector's decision over what constitutes acceptable queuing on Station Road in the morning peak in relation to J28, 774 dwellings at North West Cullompton, Colebrook and Knowle Lane may come forward in advance of the relief road. The County Council has separately clarified that this is in the knowledge of the provision of the relief road. All 3 route option alignments proposed would provide additional highway capacity to accommodate the remaining 750 dwellings at NW Cullompton together with a first phase of 500 dwellings to the east of the motorway on the site proposed for the Culm Garden Village. After this, a strategic intervention to address motorway junction capacity would be required. Assessment of capacity of the highway network considered traffic queuing to and from the town centre and junction 28 in the AM and PM peak, but also the extent to which such queuing would extend back towards the motorway junction and onto the northbound off slip in the pm peak.

- 4.5.3 Route options A and B were considered to have the same level of mitigation to the High Street by providing an alternative route to J28. Option C allows for traffic to choose to travel on the other side of the motorway helping to distribute traffic more across the junction, thereby providing slightly more benefits to Junction 28.

- 4.5.4 Options A and B provide a direct alternative route to the High Street, removing approximately 40% of the traffic out of the High Street once the proposed

developments are complete. In comparison, option C is a longer route and predicted to remove 30% of peak hour traffic out of the High Street.

4.5.5 The report concludes that route options A and B are likely to remove more traffic from the High Street, but Option C is likely to offer more relief to J28.

#### 4.6 Alternative routes /variation of route

4.6.1 Through the public consultation process, 3 further options were suggested by respondents. These are addressed within section 7.0 of the preferred route options report at **Appendix 1** together with plans provided for these alternative routes at **Appendix F**. These alternatives propose firstly; a new motorway junction at the location of Duke Street /Old Hill bridge, a new north-south road line to the east of the motorway slightly further east from the already discounted option D and finally, an addition to option B at the southern end to take it south of Duke Street. Assessment of each of these suggestions has been made.

4.6.2 A new motorway junction at Duke Street /Old Hill bridge is not considered to be a viable alternative due to the adverse impact upon safety arising from the proximity to the existing junction. This is in relation to new northern slip roads with insufficient distance from the existing junction. In addition it does not provide a relief road for the town centre. In the view of the highway consultants employed on this project it would not deliver the same degree of benefit to town town centre as relief road route options A to C.

4.6.3 The second alternative route put forward through the consultation process is similar to option D in that it is broadly north–south, running parallel to the motorway on its eastern side for much of its route and would link Honiton Road to Duke Street. It would be located further east than option D and be close to the new housing at Rivels Green. Following Environment Agency advice, routes in this area are not considered acceptable due to impact upon the River Culm and surrounding area. There is considered to be insufficient width to accommodate it to mitigate for flood impacts.

4.6.4 The third alternative is similar to option B, but extends the length of the relief road carriageway at the southern end to accommodate the change in elevation to the south of Duke Street. The line of the relief road would cross Duke Street and introduce a loop on its southern side. A plan showing this arrangement is to be found at section 7.0 of the preferred options report. This suggestion could be given greater consideration at the next stage of the project should option B be confirmed as the preferred route. It could reduce vegetation loss, give greater distance from listed First Bridge, reduce the number of affected land ownerships and reduce impact upon Cullompton Community Association land. The part of the alternative relating to the M5 crossing is not considered feasible.

#### 4.7 **Scheme delivery.**

4.7.1 Land assembly and acquisition is necessary to deliver the road and will involve negotiation with a range of land owners and other interested parties. Independent valuation advice has been gained. Being commercially

confidential it is not referred to further in this report, but the cost of option A would be expected to have the lowest relative land acquisition / compensation cost, option B would be higher, due to the additional need to compensate for the impact upon the cricket and bowling clubs. Option C includes land proposed to be allocated for development, thereby having development value. Its land costs would be expected to be higher than option A, but depending on the impact upon development value of land to the east of the motorway could be either more or less expensive than option B.

4.7.2 Due to the indicative nature of the route options work to date, detailed estimates of cost of construction cannot be produced at this stage. However an initial, high level estimate was provided at the time of the public consultation taking into account relative road length, structures and junctions. The consultant also applied estimated costs from similar projects. The updated estimated cost for the delivery of the relief road taking into account updated information including the valuation advice relative to each route is as follows:

- Option A £10.5 million
- Option B £14 million
- Option C £51-53 million

These estimates exclude the cost of primary mitigation and professional fees.

4.7.3 The relief road project is the subject of a bid to the Housing Infrastructure Fund. Delivery of infrastructure under this fund is required in 2021. Due to the length of route and bridging structures required to cross the railway line, motorway and River Culm it is not considered that route option C would be able to be delivered within this timescale. In contrast, whilst challenging, it is considered that route options A or B could be delivered within the timescale set by this fund.

#### 4.8 Preferred route.

4.8.1 Section 9.0 of the preferred route options report (**Appendix 1**), deals with the recommendation of a single route as being preferred subject to further technical verification. Consideration of the outcome of the route options stage has drawn on representations made through the recent public consultation exercise, technical work undertaken to date and relative impact of the route options upon a range of environmental considerations. It also takes into account discussions with stakeholders and statutory bodies such as the Environment Agency, the expected outcome of work currently underway such as the flood risk assessments and issues relating to delivery, relative cost and funding. The report draws together the strands of work and relevant considerations in coming to a conclusion over the preferred route.

4.8.2 There was 77% support for the need for a relief road as indicated via the public consultation. Option B was the preferred route of the local community, it does not segregate the majority of the community association fields from the town centre and population of Cullompton and there is a variation of route to the south with less impact on the CCA fields that can be investigated further. Whilst the Cricket and Bowling Clubs would be impacted by this route, the Cricket Club has indicated a willingness to relocate, having outgrown its

existing premises and has aspirations to expand. The Bowling Club has indicated a willingness to work collaboratively to address the impacts of the development upon them were this route chosen. The cost estimate for option B is not considered prohibitive to its delivery in relation to the £10 million funding bid through the HIF process and is viable to be delivered through the HIF timescale.

4.8.3 Taking all this into account it is recommended that route Option B be the preferred route, but that this be subject to a process of further technical verification as the project progresses.

#### 4.9 **Technical verification.**

4.9.1 It is proposed that a process of technical verification take place to inform the project further. This will update the technical evidence base, feeding into preferred route decision making and verify the viability of the project through revised cost estimates. The scope of this verification work is set out in section 10.0 of the preferred route option report and will be expected to cover:

- The design optimisation of the preferred route, including alignment and cross-sections.
- Closer consideration of the route at the southern end of option B, to assess whether the alternative route suggested in this area should be incorporated.
- Flood risk assessments for all alternative route options are not yet complete, including that for option B. Their completion, taking into account mitigation / compensation measures and the view of the Environment Agency will be important considerations in progressing the project further, updating design and cost estimates.
- Noise and air quality: preliminary assessments for each route are underway and will predict the impact of each upon sensitive receptors and the resultant change in noise and air quality. This will be used for verification and to inform design.
- Highway improvements and access arrangements such as to Meadow Lane / Exeter Road, Duke Street and revised / new highway access arrangements to affected land and property interests.
- Updated construction and land cost estimates taking into account the further information.

#### 5.0 **Next steps.**

5.1 A decision is sought from the Cabinet of Mid Devon District Council over the route to be regarded going forward as preferred and that this be subject to a technical verification process. As the Highway Authority, it will be for Devon County Council to facilitate the delivery of the new road and that Council has been identified as the delivery partner for the scheme in discussions with Homes England over the live HIF bid. Mid Devon District Council recommendations would therefore need to be made to the County Council. These recommendations have been formulated to cover the issues of preferred route, that technical verification work be undertaken and that a planning application be drawn up for the road together with supporting documentation. The County Council would be the planning applicant,

submitting any planning application to Mid Devon District Council for determination.

- 5.2 It is understood that a report on the proposed relief road will be considered by the Cabinet of Devon County Council. This is currently scheduled for March 2019.
- 5.3 At the time of writing this report there is no final decision from Homes England over the Council's £10 million bid under the Housing Infrastructure Fund. At a previous meeting of Cabinet it was resolved to approve a £100,000 budget to progress the project to fund associated technical work. Under provisions within the Financial Procedure Rules this was subsequently extended to £132,000 and has allowed the project to proceed to the current position of selecting a preferred route. This £132,000 has been met from air quality S106 funds collected to advance the relief road.

Cabinet has also resolved previously that:

*In the event that HIF funding from Homes England is confirmed, delegated authority be granted to the Head of Planning, Economy and Regeneration and the Director of Finance, Assets and Resources (Section 151 Officer), in consultation with the Cabinet Member for Planning and Regeneration, to approve a further budget of up to £300,000 to support pre-application work which would then be reimbursed through the HIF fund.*

It is to be noted that this was therefore only authorised once HIF funding was confirmed.

- 5.4 The outcome of the HIF bid is currently unknown. However should it be confirmed, the road will need to be delivered to a very tight timescale. In order to meet this timescale, work must continue to progress the project to the next stages of technical verification and the preparation of a planning application together with associated documentation which will include the submission of an environmental statement prepared under the Environmental Impact Assessment Regulations. This documentation will take time to prepare, necessitating a commitment to undertake these next steps to progress the project in the absence of a HIF funding outcome and therefore uncertainty over whether this further cost would be reimbursed through the HIF fund. The work would not be abortive, since progressing the project to planning application determination would provide certainty and allow S106 funds to continue to be collected from qualifying developments and greater capitalisation of any further funding streams or forward funding opportunities. Therefore the recommendations over preferred route and next steps for the project are made irrespective of the outcome of the HIF process and to reduce risk of the project stalling.
- 5.5 The County Council estimates the cost of progressing the route Option B relief road to the stage of planning application submission to be an additional £250,000. Mid Devon District Council has been collecting S106 monies from qualifying developments for both the relief road project specifically and more generally to undertake air quality improvement mitigation measures in Cullompton. The delivery of the relief road is identified in the air quality action

plan as a significant planned mitigation measure. There is sufficient S106 money collected to fund this work. Accordingly it is also recommended that an additional £250,000 of S106 funds are utilised. Subject to the outcome of the meeting of Devon County Council's Cabinet, this will allow the relief road project to progress in a timely manner through its next key stages. This further £250,000 of funding is currently considered at risk in the absence of a final decision over HIF and if planning permission is granted, there will only be a certain timescale within which it must be implemented or the permission will lapse. However, there are considered to be substantial policy reasons to progress the project by securing a preferred route alignment and gaining planning permission.

<p><b>Contact for any more information</b></p>	<p>Jenny Clifford, Head of Planning, Economy and Regeneration 01884 234346 <a href="mailto:jclifford@middevon.gov.uk">jclifford@middevon.gov.uk</a></p> <p>Adrian Welsh, Group Manager Growth Economy and Delivery 01884 234344 <a href="mailto:awelsh@middevon.gov.uk">awelsh@middevon.gov.uk</a></p>
<p><b>Background Papers</b></p>	<p>Cabinet November and December 2014; Council January 2015; Council 27<sup>th</sup> April 2016; Cabinet 15<sup>th</sup> September 2016; Council 22<sup>nd</sup> September 2016; Cabinet 21<sup>st</sup> November 2016 Council 1<sup>st</sup> December 2016 Cabinet 31<sup>st</sup> August 2017 Cabinet 23<sup>rd</sup> May 2018 Cabinet 30<sup>th</sup> August 2018</p> <p>MHCLG <a href="https://www.gov.uk/government/publications/housing-infrastructure-fund">https://www.gov.uk/government/publications/housing-infrastructure-fund</a></p>
<p><b>File Reference</b></p>	
<p><b>Circulation of the Report</b></p>	<p>Councillor Richard Chesterton, Cabinet Member for Planning and Regeneration</p>