

Your Ref
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Dear Mr Young,

RESPONSE TO HLS SUPPLY UPDATE, JUNE 2019

I refer to the Council's response to the Inspector's concerns, as set out in his note dated 21/05/19.

The principle concern raised by the Inspector was:

"It is reassuring, of course, to hear that the Council has secured funding from Central Government for part of the cost of the TCRR. That said, I am not party to the conditions attached to the funding offer (for reasons of commercial confidentiality) so I cannot be sure whether they can easily be complied with. On top of that, experience suggests that it will be some significant time before the TCRR is completed, and certainly more than 2/3 years. The land for the road has yet to be assembled, no planning application has been made for the road, and construction is likely to take many years "

therefore;

"I require the Council to provide, for my analysis, a projected housing trajectory for Years 1-5 and 5-10 incorporating realistic assumptions about the delivery of the TCRR"

The concern expressed was specifically in relation to the delivery of the TCRR, and the specific stages identified in that process, namely:

- Land Assembly (A CPO inquiry may be necessary)
- Preparation and submission of a planning application (and accompanying Environmental Statement no doubt)

- Consideration and determination of the planning application
- Procurement of contractor
- Commencement of work
- Completion of work and opening of road

The Council's response is, effectively, one line contained within paragraph 2.2 of the HLS update:

"For the purposes of the Local Plan Review's housing trajectory it is assumed that the TCRR will be completed by 2023."

No information (at all) is given to justify that assumption - the Council have provided no detailed evidence base to support their case.

In our opinion, having regard to the stages in the delivery process that are summarised above, and being cognisant of what remains to be carried out in that process (all of it), then it is plain that 2023 is a grossly optimistic assumption that is without foundation.

We share the concerns set out by the Inspector. In our experience, bearing in mind the lack of progress to date (and not forgetting that it's a provision in the exiting DP that has progressed much more slowly than originally expected), it is likely to take a much longer period than assumed by the Council. We would suggest that completion in the monitoring year 2027/28 to be a more realistic assumption.

We conclude that the Inspector's requirement (for a realistic prognosis for the TCRR to underpin a HLS assessment) has been eschewed by the Council, who persist in making an unrealistically optimistic assumption for delivery of the TCRR. The revised Housing Land Supply Update is therefore also fundamentally flawed and unrealistically optimistic. In our opinion the HLS needs to be revised to reflect a 2027/28 TCRR opening.

Thus, in our opinion the Council's position in relation to the TCRR fails the test of soundness, and it is also evident (on the basis of the lack of evidence provided by the Council in relation to the ability to deliver the TCRR in a timely manner) that a 5 year land supply cannot currently be robustly demonstrated.

We therefore consider that it is not possible to find the plan sound as currently proposed since it will not be effective, nor positively prepared (since it will not meet objectively assessed needs) due to the inability to release housing sites in a timely manner. In our opinion Main Modifications are necessary to overcome this problem.

Whilst not factored into our considerations set out above we also point out that despite the offer of Government funding for the road there may still be doubts about its' full funding. We note the position of DCC that 600 dwellings can come forward from the North West Cullompton allocation ahead of completion of the TCRR '*so long as they make financial contributions towards it*' (paragraph 2.7, HLS update). We therefore question whether those financial contributions can be necessary (having regard to the tests of CIL regulation 122) in relation to those 600 dwellings? Surely if the TCRR is necessary to serve those dwellings the opening of the TCRR needs to precede the occupation of those dwellings? Accordingly we question whether, in practice, it will be possible to insist on those financial contributions?

Kind regards,



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