



## **Mid Devon Local Plan Review 2013-33**

### **Summary of representations received to the Proposed Main Modifications consultation**

**February 2020**

## **1.0 Background**

- 1.1 The Mid Devon Local Plan Review 2013 – 2033 is currently being examined by an Independent Planning Inspector. Examination hearings were held in September 2018 and February 2019.
- 1.2 The Planning Inspector published his Post Hearings Advice Note in May 2019, in which he set out what changes (“Main Modifications”) are necessary to the plan to make it ‘sound’.
- 1.3 Following the Planning Inspector’s advice note the Council prepared a Schedule of Proposed Main Modifications to the Plan, together with a Sustainability Appraisal Addendum, Habitat Regulations Assessment Addendum, and an Addendum to the Equalities Impact Assessment that are necessary because of the Proposed Main Modifications. The Council also prepared a Schedule of Additional Modifications, which are ‘minor’ and include clarifications, corrections and factual updates to the plan. The Additional Modifications do not materially affect the plan’s policies or go to the heart of the plan.

## **2.0 Consultation on Proposed Main Modifications and related documents**

- 2.1 The Council consulted on the Schedule of Proposed Main Modifications, Sustainability Appraisal Addendum, Habitat Regulations Assessment Addendum, Addendum to the Equalities Impact Assessment and a Schedule of Additional Modifications for a period of 6 weeks from 6<sup>th</sup> January to 17<sup>th</sup> February 2020. Comments were not invited on the unchanged content of the draft Mid Devon Local Plan Review that was submitted to the Planning Inspector in March 2017 for examination.
- 2.2 Comments on the Schedule of Proposed Main Modifications and associated documents will be submitted to the Inspector for his consideration. The Planning Inspector will then decide if the plan can be found ‘sound’ and legally compliant, or whether further examination hearings are needed, before he prepares his final report with his conclusions on the examination of the Plan. Comments on the Additional Modifications will be considered by the Council and where appropriate used to help finalise the Plan on adoption.

## **3.0 Summary of consultation responses**

- 3.1 This report provides a summary of the consultation on the Council’s Proposed Main Modifications and related consultation documents, including the main issues that have been raised. The consultation responses received will be published on the Council’s website. However, the Council is not required to respond to the comments that have been received.
- 3.2 Comments have been received from 75 respondents. There were 158 comments on the Proposed Main Modifications relating to either the Schedule of Proposed Main Modifications or the Sustainability Appraisal Addendum.

- 3.3 Comments have been received in relation to all of the Council's Proposed Main Modifications, with the exception of MM02, MM10, MM12 – MM16, MM27, MM30, MM34, MM41, MM49, and MM50. All comments received relating to Proposed Main Modifications will be submitted to the Inspector. Further details on the comments made on the Proposed Main Modifications are provided in tables 1.0, 2.0 and 3.0 below.
- 3.4 A total of 11 comments were received relating to the Schedule of Proposed Additional Modifications. These modifications are not under consideration by the Inspector as part of the Main Modifications Consultation, however these comments will be considered by the Council. Further details are provided in table 4.0.
- 3.5 A total of 15 comments were received on matters that were outside of the scope of the consultation. These comments relate to the unchanged content of the submitted Local Plan Review which was not subject to the Proposed Main Modifications consultation. Further details are provided in table 5.0.
- 3.6 There were no comments on the Equality Impact Assessment Addendum or Habitat Regulations Assessment Addendum in relation to the Proposed Main Modifications.

*Comments on Main Modifications to the Mid Devon Local Plan Review 2013-2033*

3.7 Table 1.0 shows the number of comments received to each of the Council's Proposed Main Modifications, as set out in the Schedule of Proposed Main Modifications. A number of comments were received relating to the Proposed Main Modifications in general rather than a specific modification. These are shown in table 1.0 below as 'MM-general'. Table 2.0 provides a summary of the main issues raised by the comments on the Schedule of Proposed Main Modifications.

**Table 1.0**      ***Number of comments received on the Schedule of Proposed Main Modifications***

<b>MM Ref</b>	<b>Related LPR Policy</b>	<b>Summary of proposed main modification</b>	<b>Total comments</b>	<b>Support</b>	<b>Object</b>	<b>Other</b>
MM01	Overall provision of housing and employment (p.26-27)	Update to housing trajectory following Inspector's post hearings advice note. For further details please see <i>Housing Land Supply Update – Addendum to January 2019 update in response to the Inspector's Post Hearings Advice Note (June 2019)</i> .	8	0	8	0
MM02	S1: Sustainable development priorities	Amend policy criterion to refer to other green infrastructure	0	0	0	0
MM03	S2: Amount and distribution of development	Express housing and employment requirement figures as 'a minimum' rather than 'approximately'	4	4	0	0
MM04	S3: Meeting housing needs	Express housing requirement figure as 'a minimum' rather than 'approximately'	3	3	0	0
MM05	S3: Meeting housing needs	Update to supporting text to reflect amended approach to provision of gypsy and traveller pitches (see MM48)	4	0	4	0
MM06	S8: Infrastructure	Additional text to policy in relation to mitigation of impacts of development on infrastructure (as agreed with Devon County Council and Highways England).	2	1	1	0
MM07	S9: Environment	Additional text to policy to include reference to setting of AONB and National Parks	2	1	1	0

MM Ref	Related LPR Policy	Summary of proposed main modification	Total comments	Support	Object	Other
MM08	S9: Environment	Additional text to policy clarifying approach to mitigation and compensatory measures for sites of environmental importance.	1	1	0	0
MM09	S11: Cullompton	Amend policy text – refer to strategic mitigations to maintain highway capacity etc. (as agreed with Devon County Council and Highways England).	3	1	2	0
MM10	S12: Crediton	Amend policy criteria to include reference to green infrastructure.	0	0	0	0
MM11	S14: Countryside	Policy amended to be more permissive of gypsy and traveller accommodation in the countryside (in response to Inspector's advice)	2	0	2	0
MM12	TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure	Remove reference to Sustainable Urban Drainage to avoid duplication in policy criterion (f).	0	0	0	0
MM13	TIV4: Eastern Urban Extension Community Facilities	Additional policy criterion – contributions to new recycling centre (requested by Devon County Council)	0	0	0	0
MM14	TIV4: Eastern Urban Extension Community Facilities	Additional policy criterion – reference to early years provision and service delivery base (as requested by Devon County Council)	0	0	0	0
MM15	TIV15: Tiverton Infrastructure	Additional policy criterion – provision of new recycling centre (as requested by Devon County Council)	0	0	0	0

MM Ref	Related LPR Policy	Summary of proposed main modification	Total comments	Support	Object	Other
MM16	TIV16: Blundell's School	Additional policy criterion and amend supporting text – reference to additional/compensatory floodplain securing wider environmental and sustainability benefits (as requested by Environment Agency)	0	0	0	0
MM17	CU1: North West Cullompton	Amend supporting text to refer to Cullompton Town Centre Relief Road (as agreed with Devon County Council and Highways England).	2	1	1	0
MM18	CU2: North West Cullompton Transport Provision	Amend policy text – refer to delivery of 'strategic highway improvement' (as agreed with Devon County Council and Highways England).	2	1	1	0
MM19	CU2: North West Cullompton Transport Provision	Amend supporting text – reference to financial contributions (as agreed with Devon County Council and Highways England).	1	1	0	0
MM20	CU4: North West Cullompton Community Facilities	Additional policy text in relation to requirement for education provision (requested by Devon County Council)	1	1	0	0
MM21	CU4: North West Cullompton Community Facilities	Additional policy criterion – contributions to new recycling centre (requested by Devon County Council)	1	1	0	0
MM22	CU6: North West Cullompton Phasing	Replacement policy text for criterion: development subject to 'occupation of no more than 600 dwellings prior to the completion of the Cullompton Town Centre Relief Road'	4	1	3	0
MM23	CU6: North West	Amendment to supporting text to reflect MM22	5	1	3	1

MM Ref	Related LPR Policy	Summary of proposed main modification	Total comments	Support	Object	Other
	Cullompton Phasing					
MM24	CU7: East Cullompton	Amend policy criterion in relation to provision of transport improvements.	6	2	4	0
MM25	CU8: East Cullompton Transport Provision	Replace policy criterion – capacity improvements to deliver strategic highway improvement (as agreed with Devon County Council and Highways England).	5	1	4	0
MM26	CU10: East Cullompton Community Facilities	Amend policy criterion in relation to requirements for education provision.	2	1	0	1
MM27	CU10: East Cullompton Community Facilities	Additional policy criterion – contributions to new recycling centre (requested by Devon County Council)	0	0	0	0
MM28	CU12: East Cullompton Phasing	Amend policy text – refer to delivery of ‘strategic highway improvement’ (as agreed with Devon County Council and Highways England).	4	1	3	0
MM29	CU12: East Cullompton Phasing	Amend supporting text for consistency with MM28.	1	1	0	0
MM30	CU12: East Cullompton Phasing	Correct typographical error in supporting text relating to affordable housing requirement.	0	0	0	0
MM31	CU17: Week Farm	Replace policy criterion – capacity improvements to deliver strategic highway improvement (as agreed with Devon County Council and Highways England).	1	1	0	0

MM Ref	Related LPR Policy	Summary of proposed main modification	Total comments	Support	Object	Other
MM32	CU18: Venn Farm	Replace policy criterion – capacity improvements to deliver strategic highway improvement (as agreed with Devon County Council and Highways England).	1	1	0	0
MM33	CU19: Town Centre Relief Road	Amend supporting text – provision of additional/compensatory floodplain.	4	0	4	0
MM34	CU20: Cullompton Infrastructure	Additional policy criterion – replacement recycling centre.	0	0	0	0
MM35	CU21: Land at Colebrook	Remove contingency status of proposed allocation site ‘Land at Colebrook’.	6	1	4	1
MM36	CU21: Land at Colebrook	Amend supporting text as per updated advice from Devon County Council (Highways Authority) and for consistency with MM35	4	2	2	0
MM37	CRE5: Pedlerspool, Exhibition Road	Additional policy criterion – reference to early years provision and service delivery base (as requested by Devon County Council)	1	0	1	0
MM38	J27: Land at Junction 27 of the M5 Motorway	Amend policy criterion in relation to provision of transport improvements (as agreed with Devon County Council and Highways England)	3	2	0	1
MM39	J27: Land at Junction 27 of the M5 Motorway	Deletion of criterion relating to Culm Grasslands SAC (as per HRA assessment and representation by Natural England). Reference in supporting text to additional/compensatory floodplain.	1	0	1	0
MM40	J27: Land at Junction 27 of the M5 Motorway	Additional policy criterion – requirement for full Retail and Leisure Impact Assessment	5	1	4	0
MM41	J27: Land at Junction 27 of the M5 Motorway	Additional supporting text – protection/enhancement of priority habitats (as agreed with Natural England)	0	0	0	0



MM Ref	Related LPR Policy	Summary of proposed main modification	Total comments	Support	Object	Other
MM42	SP2: Higher Town Sampford Peverell	Removal of tie between Policies SP2 and J27	7	1	6	0
MM43	SP2: Higher Town Sampford Peverell	Removal of requirement for improved A361 access	6	1	5	0
MM44	SP2: Higher Town Sampford Peverell	Additional policy criterion – improved access for pedestrians and cyclists.	6	1	4	1
MM45	SP2: Higher Town Sampford Peverell	Amend policy criterion – additional area of green infrastructure	24	2	21	1
MM46	DM1: High Quality Design	Additional policy criterion relating to design (light/privacy, national space standard, accessible dwellings) and additional supporting text. Moved from DM12, now proposed for deletion (see MM49).	1	0	1	0
MM47	DM2: Renewable and low carbon energy	Amended wording of policy to ensure consistency	1	0	1	0
MM48	DM7: Traveller sites	Amend policy for gypsy and traveller pitch provision. Clarifies approach for planning applications and provision on allocated sites; on site provision should be provided unless it can be demonstrated that off-site provision will achieve more favourable outcome for Gypsies and Travellers. Sets out mechanism to deliver off-site provision where appropriate.	7	0	7	0
MM49	DM12: Housing Standards	Delete policy; amended content incorporated into DM1 (see MM46).	0	0	0	0

MM Ref	Related LPR Policy	Summary of proposed main modification	Total comments	Support	Object	Other
MM50	DM19: Protection of employment land	Delete policy criterion requiring additional sequential viability test.	0	0	0	0
MM51	DM25: Development affecting heritage assets	Amendments to policy criteria to respond to Inspector's concerns with current wording of policy, including a need to: - refer to presumption in favour of preserving or enhancing all designated heritage assets - refer to 'significance' of heritage assets - reflect wording of NPPF - remove reference to HE guidance	1	0	1	0
MM52	DM26: Green infrastructure in major development	Amend supporting text to reflect limitations on using floodplain as green infrastructure.	1	1	0	0
MM53	DM26: Green infrastructure in major development	Amend supporting text to set out requirement for management and maintenance details for proposed green infrastructure.	3	2	1	0
MM54	DM27: Protected landscapes	Amend policy wording and supporting text to reflect fact that the 'special character' of protected landscapes includes the setting rather than just the adjoining land.	1	0	1	0
MM55	DM28: Other protected sites	Amend policy and supporting text to ensure compliance with court judgements in relation to appropriate assessments/mitigations measures.	1	1	0	0
MM-General	n/a	Comments on modifications in general rather than specific policy.	9	3	5	1
<b>TOTAL</b>			<b>157</b>	<b>44</b>	<b>106</b>	<b>7</b>

**Table 2.0**      **Summary of main issues raised in relation to each Proposed Main Modification**

<b>MM Ref</b>	<b>Related LPR Policy</b>	<b>Summary of main issues raised by comments</b>	<b>Representations relating to main modification (by reference)</b>
MM01	Overall Provision of housing and employment	Object to proposed trajectory – not accurate, delivery rates too optimistic/pessimistic, doesn't reflect deliverability of certain sites.	28/3975; 48/6229; 56/6842; 62/6404; 66/6685; 68/6740; 73/5631; 74/6408
MM03	S2: Amount and distribution of development	Support amended wording (requirement figure expressed as a minimum).	22/6831; 24/6806; 32/4654; 68/6740
MM04	S3: Meeting housing needs	Support amended wording (requirement figure expressed as a minimum).	22/6831; 24/6806; 68/6740
MM05	S3: Meeting housing needs	Object to amended approach to gypsy and traveller pitch provision.	26/6833; 27/6834; 35/5672; 66/6685
MM06	S8: Infrastructure	Amendment supported by Highways England. Individual respondent raised concern about environmental impacts.	2/1172; 27/6834
MM07	S9: Environment	Amendment supported by the Blackdown Hills AONB partnership. Individual respondent raised concern about detrimental impacts on surrounding landscape.	55/1195; 67/5628
MM08	S9: Environment	Supports that mitigation hierarchy is now reflected in policy. Suggests further amended wording.	33/3625
MM09	S11: Cullompton	Amendment supported by Highways England. Individual respondents raised concerns about timing and objected to removal of reference to M5 Junction 28.	2/1172; 67/5628; 73/5631
MM11	S14: Countryside	Modification does not adequately respond to Inspector's advice. Concern over increased potential for gypsy and traveller accommodation in open countryside.	35/5672; 69/1349
MM17	CU1: North West Cullompton	Amendment supported by Highways England. Individual respondent suggested road will not mitigate J28 impacts.	2/1172; 73/5631

<b>MM Ref</b>	<b>Related LPR Policy</b>	<b>Summary of main issues raised by comments</b>	<b>Representations relating to main modification (by reference)</b>
MM18	CU2: North West Cullompton Transport Provision	Amendment supported by Highways England. 'Capacity studies' should include Transport Assessment. Individual respondent raised concern over timing of delivery.	2/1172; 61/90
MM19	CU2: North West Cullompton Transport Provision	Amendment supported by Highways England.	2/1172
MM20	CU4: North West Cullompton Community Facilities	Supports but concern at pace of delivery of education provision.	61/90
MM21	CU4: North West Cullompton Community Facilities	Support additional policy criterion.	61/90
MM22	CU6: North West Cullompton Phasing	Amendment supported by Highways England. Other respondents raised concerns over delay in delivery of town centre relief road; concern over impact of construction as no limit on number of homes completed.	2/1172; 61/90; 67/5628; 73/5631
MM23	CU6: North West Cullompton Phasing	Amendment supported by Highways England. Other respondents raised concerns over delay in delivery of town centre relief road; concern over impact of construction as no limit on number of homes completed.	2/1172; 49/139; 61/90; 67/5628; 73/5631
MM24	CU7: East Cullompton	Support reference to improved safety and accessibility. Concern over timing of infrastructure improvements.	2/1172; 40/5648; 61/90; 67/5628; 71/76; 73/5631
MM25	CU8: East Cullompton	Amendment supported by Highways England. 'Capacity studies' should include Transport Assessment. Other respondents raised	2/1172; 40/5648; 46/6686; 67/5628; 71/76

MM Ref	Related LPR Policy	Summary of main issues raised by comments	Representations relating to main modification (by reference)
	Transport Provision	concern over timing of infrastructure improvements. Development should be restricted to 500 homes built/no commercial development prior to strategic improvements to M5 access.	
MM26	CU10: East Cullompton Community Facilities	Support modification. Minor amendment suggested by Devon County Council to avoid duplication.	49/139; 61/90
MM28	CU12: East Cullompton Phasing	Amendment supported by Highways England. 'Capacity studies' should include Transport Assessment. Other respondents argue development should be restricted to 500 homes built/no commercial development prior to strategic improvements to M5 access. Concern that improved motorway junction won't be delivered.	2/1172; 40/5648; 61/90; 71/76
MM29	CU12: East Cullompton Phasing	Amendment supported by Highways England.	2/1172
MM31	CU17: Week Farm	Amendment supported by Highways England. 'Capacity studies' should include Transport Assessment.	2/1172
MM32	CU18: Venn Farm	Amendment supported by Highways England. 'Capacity studies' should include Transport Assessment.	2/1172
MM33	CU19: Town Centre Relief Road	Flood risk concerns. Not clear how loss of floodplain will be compensated. No development at East Cullompton until flood studies complete.	40/5648; 61/90; 71/76; 73/5631
MM35	CU21: Land at Colebrook	Object to removal of contingency status and requirement for new highways infrastructure prior to development. Support for removal of contingency status; should release all contingency sites.	5/6827; 8/3579; 18/3341; 58/3780; 61/90; 68/6740

<b>MM Ref</b>	<b>Related LPR Policy</b>	<b>Summary of main issues raised by comments</b>	<b>Representations relating to main modification (by reference)</b>
MM36	CU21: Land at Colebrook	Object to removal of contingency status and requirement for new highways infrastructure prior to development. Other respondents support amendment.	2/1172; 8/3579; 58/3780; 61/90
MM37	CRE5: Pedlerspool, Exhibition Road	Suggest policy reworded for clarification.	66/6685
MM38	J27: Land at Junction 27 of the M5 Motorway	Supports amendment. One respondent suggested additional wording.	2/1172; 38/3605; 72/6844
MM39	J27: Land at Junction 27 of the M5 Motorway	Policy J27 should include a requirement for green infrastructure.	74/6408
MM40	J27: Land at Junction 27 of the M5 Motorway	Object to Policy J27; modification should allow greater flexibility in type of development. Object to proposed modification; suggest additional wording to ensure consistency with national policy advice and mitigation of adverse impacts. Support proposed modification; retail assessment should consider impact on other outlet centres in region.	10/4446; 38/3605; 44/6837; 53/6841; 75/643
MM42	SP2: Higher Town Sampford Peverell	Object to removal of tie to J27 development; conditions agreed previously. Support modification to remove tie to J27.	16/6417; 25/6832; 29/6355; 32/4654; 42/6336; 62/6404; 74/6408
MM43	SP2: Higher Town Sampford Peverell	Removal of requirement not justified. Object to removal of supporting text stating site required to meet additional need arising from J27. Support modification	25/6832; 29/6355; 32/4654; 42/6336; 62/6404; 74/6408
MM44	SP2: Higher Town Sampford Peverell	Safe access cannot be achieved as demonstrated by refusal of planning application. Suggests amended policy criterion to ensure provision of safe and suitable access. Supports additional policy criterion.	11/1534; 16/6417; 29/6355; 60/3729; 62/6404; 74/6408

<b>MM Ref</b>	<b>Related LPR Policy</b>	<b>Summary of main issues raised by comments</b>	<b>Representations relating to main modification (by reference)</b>
MM45	SP2: Higher Town Sampford Peverell	SP2 to be deleted from the Local Plan. If not, settlement boundary to be redrawn to show GI in countryside (update policy map). Support inclusion of larger area of GI.	11/1534; 12/6829; 13/2502; 14/6366; 15/6830; 16/6417; 25/6832; 29/6355; 30/5858; 31/6345; 32/4654; 36/6726; 39/5687; 42/6336; 43/6337; 45/6838; 47/6762; 51/6713; 52/6840; 57/6843; 60/3729; 62/6404; 63/6367; 74/6408
MM46	DM1: High Quality Design	Object to 20% requirement for Level 2 Part M of Building Regulations. Concern this is not adequate for needs of Cullompton.	61/90
MM47	DM2: Renewable and low carbon energy	Policy lacks reference to Council decision in September 2019 to become Carbon Neutral by 2030	64/4529
MM48	DM7: Traveller sites	Object to/concern over amendments to policy; concern over impact on countryside and rural communities. Proposed modifications do not go far enough in responding to Inspector's concerns. Concern over policy requirements to achieve more favourable outcome.	26/6833; 27/5634; 35/5672; 46/6686; 50/6839; 66/6685; 69/1349
MM51	DM25: Development affecting heritage assets	Further amendments are required to make DM25 consistent with NPPF 2012. Current proposed content and wording does not provide positive strategy for conservation and enjoyment of the historic environment. Suggests additional criteria and rewording of existing criteria.	23/1170
MM52	DM26: Green infrastructure in major development	Supports amendment as GI in floodplain cannot necessarily provide year-round amenity access. Appropriate safety measures may be needed.	11/1534

MM Ref	Related LPR Policy	Summary of main issues raised by comments	Representations relating to main modification (by reference)
MM53	DM26: Green infrastructure in major development	Support requirement for long term maintenance of GI. Welcome amendment but should do more to promote biodiversity and health/wellbeing.	11/1534; 33/3625; 54/1734
MM54	DM27: Protected landscapes	Need for further explanation of 'setting'. 'Biosphere' doesn't have same planning status as other designations.	55/1195
MM55	DM28: Other protected sites	Supports amendment to supporting text, suggests amendment to policy wording so permission only granted in exceptional circumstances.	33/3625

3.8 In addition to comments on the Schedule of Proposed Main Modifications, one comment was received on the Sustainability Appraisal (SA) Addendum relating to the Main Modifications. This is summarised in table 3.0 below

**Table 3.0** *Comments received on Sustainability Appraisal (SA) of the Main Modifications*

MM Ref	Related LPR Policy	Total comments	Support	Object	Summary of comment	Representations relating to main modification (by reference)
MM44	SP2: Higher Town Sampford Peverell	1	0	1	Objects to amended scoring of +1 for health and wellbeing as a result of the reference to pedestrian and cycle access. Scoring not justified without further modification to policy.	74/6408



*Comments on Additional Modifications and outside scope of consultation*

- 3.9 A breakdown of supporting/objecting comments on Additional Modifications and those that were outside of the scope of the Proposed Main Modifications consultation is provided in Tables 4.0 and 5.0 below. Most comments outside the scope of the consultation did not reference a Proposed Main Modifications consultation document and addressed unchanged content of the Local Plan Review; these have been coded as 'MM-Other'. One comment referred to previous Sustainability Appraisal work relating to an unchanged part of the plan; this is coded as 'SA-Other'.

**Table 4.0** *Comments received on Additional Modifications*

Total comments	Support	Object	Other
11	3	4	4

**Table 5.0** *Comments received outside scope of Main Modifications Consultation*

Reference	Total comments	Support	Object	Other
SA-Other	1	0	1	0
MM-Other	14	0	12	2
Total	15	0	13	2