



**MID DEVON LOCAL PLAN REVIEW 2013 – 2033**

Proposed Submission (incorporating proposed modifications) Examination

Inspector: Paul Griffiths BSc (Hons) BArch IHBC

**Main Hearings - Hearing 5a: Wednesday 20<sup>th</sup> February 2019**

**Matters and Issues**

**SP2**

**Statement of Mid Devon District Council**

**ISSUE 2**      **Could the wording of Draft Policy SP2 (Higher Town, Sampford Peverell) be made more clear and precise?**

**1) Could the wording of Draft Policy SP2 (Higher Town, Sampford Peverell) be made more clear and precise?**

1.1 Policy SP2 (Higher Town, Sampford Peverell) is worded sufficiently precisely to guide planning proposals submitted to the Council for determination and for decisions made on these with the exception of:

- two minor modifications the Council has proposed in its submitted schedule of minor modifications March 2017 (**SD14**), and
- the suggested deletion of criterion b) following advice provided by Devon County Council after the submission of the Local Plan Review.

1.2 Policy SP2 contains policy requirements that are specific to the site allocation at Higher Town. Other policies in the Local Plan Review may also be relevant to the determination of planning applications on this site allocation and regard given to other material considerations including national planning policy and other planning guidance.

*Council's submitted proposed minor modifications to Policy SP2*

1.3 The Council's submitted schedule of proposed minor modifications March 2017 (**SD14**) includes two proposed minor modifications to Policy SP2. These are:

- the inclusion of a new criterion “improved access to the village for pedestrians and cyclists”, and
- amend criterion g) “2 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space”.

1.4 The inclusion of a new criterion “improved access to the village for pedestrians and cyclists” has been proposed by the Council to provide greater clarity in response to a number of representations from individuals and through agreement of inclusion of criterion by Devon County Council. Devon County Council has advised in paragraph 3.1 of its hearing statement for the preliminary hearing 2: SP2 (Sampford Peverell) it is of the view that “there is potential for safe pedestrian accessibility, but further work is needed on the detail of the pedestrian routes through the development management process”.

1.5 The amendment to criterion g) “2 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space” has been proposed by the Council as this is where the area of Green Infrastructure has been extended to ensure that any planning application can be laid out in a way which keeps the impact on the setting of the listed building minimal.

*Criterion b) improved access works to the A361*

1.6 The inclusion of criterion b) in Policy SP2 has been informed through advice from the Highway Authority (Devon County Council) that any development of the site should only commence once improvements to the A361 junction at Sampford Peverell have been implemented to create west facing slips to enable direct access to and from the west (as stated in paragraph 3.224c).

1.7 However, Devon County Council has since stated in its consultation response to the Local Plan Review 2017 consultation that “With regard to Policy SP2 (b, Page 146) we would advise that the slip road improvements at the Sampford Peverell junction, A361, have been removed from the North Devon Link Road project and it is unlikely that the junction and it is unlikely the Junction 27 development site will provide a contribution to these.” Devon County Council has more recently advised there is currently no funding identified for the provision of west facing slips and it is therefore unlikely these road improvements can come forward in the next 5 years. Additionally it is not feasible to condition the requirement for the provision of the west facing slips for a development of no more than 60 dwellings. Paragraph 206 of the 2012 NPPF makes clear that planning conditions should only be imposed where they are necessary, relevant to the planning and to the development to be permitted, enforceable and precise and reasonable in all other aspects. It would be unreasonable to condition a development of no more than 60 dwellings where there is no other identified funding for the provision of the west facing slips.

1.8 In light of Devon County Council’s advice and paragraph 206 of the 2012 NPPF it is suggested to the Inspector that he considers whether criterion b) should be deleted from Policy SP2.

*Other elements of Policy SP2*

- 1.9 Policy SP2 has been the subject of the preliminary hearings held on 20<sup>th</sup> and 21<sup>st</sup> September 2018 for the examination of the Local Plan Review. This focused on the need for the site allocation, regard to the historic environment, regard to the character and appearance of the area, accessibility of the allocations for pedestrians, and whether the tie to Policy J27 is strong enough (Inspector’s Matters and Issues Version 2 –June 2018, **ID02a**). The Council has previously responded to these issues in its hearing statement for that particular hearing which is published here:

[https://www.middevon.gov.uk/media/344179/mddc-statement\\_sp2\\_q12-16\\_a.pdf](https://www.middevon.gov.uk/media/344179/mddc-statement_sp2_q12-16_a.pdf)

- 1.10 The Inspector has since published his letter of preliminary conclusions (**ID08**). In terms of Policy SP2 the Inspector has stated he is ‘content that the Council’s conclusion that development of the site proposed for allocation could take place with very little or no harmful impact on the setting and the significance of the Grand Western Canal Conservation Area is not an unreasonable one’, but that “there are some aspects of the detailed wording of the policy that [he] will want to return to in one of the main hearings.”
- 1.11 In light of the Inspector’s letter of preliminary conclusions (**ID08**) for Policy SP2 as stated in paragraph 1.8 above, the Council maintains that reference to “conservation area” as singular is sufficiently clear and precise. This is since it is consistent with the findings of the Council’s Historic Environment Appraisal 2016 (**ENV25**, page 50) where potential impact and mitigation has been identified in relation to the Sampford Peverell conservation area.
- 1.12 As previously stated in paragraph 1.2 (above), other policies in the Local Plan Review may also be relevant to the determination of planning applications on this site allocation and regard given to other material considerations including national planning policy and other planning guidance. This can include, amongst other policies in the Local Plan Review, Policy DM1 High Quality Design (e.g. criterion d) creation of safe and accessible places), Policy DM3 (e.g. opening sentence – development must ensure safe access to the transport network), Policy DM4 Pollution (e.g. impact from light pollution), and Policy DM25 Development affecting heritage assets. It is therefore not necessary to make further amendments to Policy SP2 other than those referred to in paragraph 1.1 above and which are explained in this hearing statement.