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APPEAL BY WADDETON PARK LIMITED

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LAND AT HARTNOLL FARM, TIVERTON

REBUTTAL OF THE PLANNING PROOF OF EVIDENCE OF DAVID SEATON

BY ANTONY ASPBURY BA MRTPI

(ON BEHALF OF MID DEVON DISTRICT COUNCIL)

R1.0 INTRODUCTION

R1.1 This is a rebuttal by me, ***Antony Peter Aspbury*** of the Planning Proof of Evidence of ***David Seaton*** submitted on behalf of the Appellant. My comments highlight and address certain statements in Mr. Seaton's proof which the Local Planning Authority particularly refutes, but it should not be taken that the fact that I do not comment on other statements in his Proof means that I agree with them. Mr. Beecham has provided a separate Rebuttal Proof addressing Mr. Seaton's Housing Land Supply Proof (and paragraphs 4.9 to 4.14 inclusive of his Planning Proof). I deal with the issue of weight.

R1.2 I further take the opportunity in this Proof to respond to Mr. Seaton's evidence as to the planning balance and, in doing so, clarify my position in relation to the post-exchange changes to my own evidence in chief (striking through of evidence upon which the Council does not seek to rely) agreed with the Appellant.

R2.0 REBUTTAL COMMENTS

R2.1 I attempt generally to address Mr. Seaton's evidence in the chronological order that it appears in his Proof. The highlighted paragraph numbers at the start of each comment are those in his Proof.

R2.2 ***P3.3***:

R2.2.1 The Local Planning Authority disputes the statement: *"…..nor does their* (sic) *objection to the residential element of the appeal proposal stem from a concern that it would be unsustainable in locational terms."* MDDC's position is that Policies S10-S14, which are referenced in RFR1, are fundamental to the strategy of the Local Plan in directing growth to the most sustainable locations of which the appeal site is not one. There is therefore a sustainability argument in principle in policy terms. However, MDDC does not contend that the appeal scheme is otherwise in an unsustainable location (e.g., by virtue of its accessibility to local facilities or choice or transport modes it offers) or that is contrary to policy outlined in NPPF, para 105. Nor is this contrary to the issues outlined by the Inspector's Post-CMC Note

R2.2.2 Following a 'cascade' of policy in the Framework through paragraphs 7, 9, 11 a) and 16 a), it can be concluded that a thoroughly prepared, examined - and, having been found to be sound – duly adopted local plan, such as the Mid Devon Local Plan, is intrinsically sustainable, as is the spatial strategy and the policies it encompasses. I note also that Mr Seaton accepts that – save in respect of the disputed housing land supply position – is otherwise an up-to-date and relevant development plan for the purposes of Section 38 (6) of the P&CP Act 2004/T&CPA 1990 Section 70(2). Since it is a legal requirement that development plans contribute to the achievement of sustainable development (P&CPA 2004 S39), a discrete policy in the development plan explicitly setting out that objective is not required because this is implicit, and, therefore, **Policy S1** – 'Sustainable development priorities' - represents the ***core*** sustainability policy in the Local Plan and from which all other provisions flow and against which all development proposals must be assessed. In essence this established the overriding sustainability credentials of the Plan.

R2.2.3 Thus, the Policy states, inter alia, *"All development will be expected to support the creation of sustainable communities by...."* And then sets out 13 criteria against which development proposals will be assessed. These criteria are not alternatives, nor does the Policy state it will be met if ***some*** of them are met. The wording of the Policy is clear that to fulfil of its purpose ***all*** of them (insofar as they are relevant) need to be met. Clause a) requires a development focus at Cullompton (primarily), Tiverton and Crediton (secondarily). This focus is achieved through Policies S2 and S10 to S13 inclusive and, following on from that positive provision, by the establishment of settlement boundaries beyond which is the defined countryside (S14). My own evidence at my paragraphs 4.7 and 4.8 states, the settlement boundaries are intended to be clear cut and not susceptible to flexible interpretation, for to do so, weakens the settlement focus and undermines and subverts the Local Plan. In this context mere proximity of a site to a defined settlement (boundary) cannot and should not be a justification for relaxing the boundary discipline on an ad hoc basis, as that argument could be used for any number of (to use Mr Seaton's word) 'disparate' sites in future, leading to unregulated sprawl and a loss of the requisite focus. This conflicts with core objective in the development plan of achieving sustainable communities.

R2.2.4 Whilst, as a matter of logic, I accept that development which materially conflicts with the provisions of the Plan is not, by virtue of that conflict, *automatically/ipso facto* unsustainable, it is reasonable, nevertheless, for the reasons I have given above, to take, at least as a *starting point*, the assumption that it ***is*** indeed unsustainable.

R2.2.5 Whilst the Council has accepted that the development is ***capable*** of being rendered sustainable in itself, subject to a range of appropriate mitigation measures secured through the approval of reserved matters, through compliance with planning conditions and through a planning obligation, it is a legitimate consideration for the Inspector as decision-maker in this case to determine whether those detailed measures, taken together, are proportionate and deliverable in an acceptable way and sufficient to outweigh the harm arising from the fundamental strategic unsustainability of the location of the Appeal Site. In theory, ***any*** development, however intrinsically unsustainable, is capable of being made at least ***more*** sustainable in itself, given sufficient assured and deliverable investment in infrastructure, but, once this principal has been established, it can be applied to any number of disparate sites across the Plan Area which will fundamentally undermine the sustainable objectives of both the development plan and the Framework. It is the thin end of the wedge.

R2.2.6 I note further in DS ***3.3*** his comment on the issue highlighted in SoCG Paragraph 9.2 (i.e. "*Whether Policies S1, S2, S4 and S14 establish an 'in principle' objection to the residential element of the appeal proposals by reason of its location in the countryside?*") implying that its significance should be lessened: *"because it is advanced purely on the basis that the appeal site falls outside the settlement boundary of Tiverton and this, the Council says, is contrary to the development plan."* This is clearly part of a strategy by the Appellant to trivialize the demonstrable non-compliance and to suggest that this is merely an esoteric or an academic (in Mr Seaton's words- a 'technical') objection, which reoccurs throughout his proof (See 3.16, 5.3 [where he asserts – amongst other places - that the conflict with S14 is merely a "technical" breach], 4.1, 5.3,5.7, 5.16, and 7.2). I again draw the Inspector's attention to my own evidence at Paragraphs 4.6 to 4.8 inclusive of my Proof.

R2.3 ***3.14***

R2.3.1 Whilst acknowledging that loss of BMV is not part of the Council's case the fact that the Appeal Site comprises BMV (albeit not Grade 1, but 2 and 3a) (SoCG [CD6] paragraph 7.2) remains a consideration for the decision-maker in striking the planning balance. (See also DS7.7).

R2.4 DS ***Section 4.***

R2.4.1 This is one notable part of the DS Proof replete with the broad unsubstantiated assertions. I draw particular attention to the repetitive use of "obvious". (***4.2, 4.4***).

R2.4.2 ***4.2:*** I question how "*the suitability of the site for a mix of residential and employment development in land use terms is obvious"*? The fact that the AS lies immediately to the east of the TEUE is not an objective, site-specific, spatial planning justification for its development. As I have noted above, mere ***proximity*** does not lesson the clear breach of Policy nor represent evidence of maintaining the settlement focus, particularly given the actual relationship of the Appeal Site to the EUE on the ground. Again, as I have stated above, that could be said of ANY site outside the settlement boundary and in the defined countryside. It is clearly a discrete stand-alone development. The Appellant's claim that the Appeal Development could provide an alternative second access to the EUE - something which, it will be clear, the Council does ***not*** consider is needed (see below) – is perhaps a rather ill-concealed attempt to link it physically to the EUE to reinforce the otherwise weak proximity argument.

R2.4.3 As a matter of simple accuracy, I think DS means 'east' not west in the third sentence in paragraph ***4.2,*** referring to the existing Hartnoll Business Centre; but it is not clear what point he is seeking to make. However, I dispute, as a matter of fact based on the observable circumstances on the ground (see my evidence in Section 3.0 and 6.3 to 6.6 [now truncated])) that either the SUE or the HBC 'hem' in the AS. Nor is this a recognised technical term.

R2.4.4 I note the acknowledgement by DS that the Appeal Site is *"a greenfield site in a countryside location."*

R2.5 ***4.3:***

R2.5.1 The development cannot be considered 'infilling' in the accepted meaning of that term – development of a small gap within an otherwise built-up frontage. This is stretching the apparent locational justification too far.

R2.6 ***4.4***:

R2.6.1 The Council (and I) certainly do(es) ***not*** accept that "*there would be no actual harm arising from the proposal....*" or that "*..it is consistent with the policies of the MDLP*" (read as a whole). This an unacceptable and misleading generalisation and an over-simplification of the Council's case, evidently in a further effort to trivialise and minimise its clear spatial planning objections.

R2.7 ***4.5***:

R2.7.1 It is accepted by the Council that employment provision is a benefit, to which I attach moderate weight in the planning balance.

R2.8 ***4.7***:

R2.8.1 The fact that there have been delays in allocated sites coming forward is not evidence of a "breach" of the spatial strategy or indeed of 'Plan-failure'. The Plan Period runs until 2033 and we are presently half-way through it, with a statutory review already commenced, and with the opportunity thereat to address any delivery shortfalls. Thus, the Economic Development Officer acknowledges only a *"possible short-medium term shortage of commercial land..."* (Officer Report [CD 1], Page 33). Moreover, the Officer Report, having stated (in paragraph 1.16) that the Council is "*meeting and exceeding*" the Local Plan's requirement (in Policy S2), continues at 1.17:

"The proposed employment space is not therefore required to satisfy an unmet need in advance of the employment at the EUE and elsewhere in the district." Thus, whilst the Council acknowledges both, that the employment element is policy compliant, and is a benefit, the importance thereof should not be ***over***stated.

R2.9 ***4.12***:

R2.9.1 I question by whom is it *"agreed"* that a *"...plan failure situation will occur in relation to the TEUE"* and how is it *"already* ***obvious*** *that the scale of failure to deliver the TEUE will be considerably greater than the Council currently acknowledge."?* Mr Beecham addresses this unsubstantiated claim in his RP. The TEUE is planned to deliver over the ***whole*** of a Plan Period which is only half-way through. In the meantime, as Mr Beecham demonstrates, the Council can demonstrate a deliverable 5-Year Housing Land Supply and later phases of the TEUE do not fall within the relevant 5-Year supply period. Any departure from the original planned delivery trajectory, insofar as it has consequences for the full delivery of the Local Plan and/or the TEUE housing requirement by the end of the Plan Period can be addressed through the next Review. Nor is it "*obvious*" that "*the scale of the failure to deliver at the TEUE will be considerably greater than the Council currently acknowledge."*

R2.10 ***4.15 to 4.17 inclusive***

R2.10.1 As stated in my evidence, the Council acknowledges that the AD connection to the Business Park is a benefit and compliant with the underlying objectives of Policy DM2, although it I note that the Appeal Proposal is not strictly a new renewable and low carbon energy project in itself, but rather a connection to an existing facility. The weight to be accorded to connection is a matter for the decision-maker but it is the Council's position that this should be no more than moderate.

R2.11 ***4.18 to 4.20 inclusive***:

R2.11.1 As with DS4.12, these statements are mistakenly predicated on an assumption that there is a fundamental and unresolvable obstacle to accessing the second phase (Area b) of the TEUE.

R2.11.2 Whilst the quoted reference from the Officer Report at DS 4.19, is noted, the situation has moved on since that Report and indeed since the Council's proofs were prepared and submitted. There is now at least one option for delivering an eastern access to the EUE as an alternative to that previously envisaged. Whilst the commercial promoter of this option had raised the possibility of it previously with the Council, there was no formal and detailed presentation of it to the LPA and LHA until a meeting on 3 September 2023. The proposed ***new*** access would be direct from Post Hill and sufficient in size to accommodate the whole of Area B traffic (684 units @ 35dph [Draft Area B Masterplan]). This option is, therefore, being actively promoted by a commercial developer in engagement with the TEUE Phase B landowners, prospective housebuilders and the Local Planning and Highway Authorities. At the 3 September meeting the latter indicated that such an access would be acceptable in principle subject to detailed design (including the design of the Post Hill junction). I am instructed that such design and the preparation of a supporting Transport Assessment has now been undertaken and submitted to the LPA and LHA who are considering that material currently. A Planning Application is anticipated in the near future. There are commercial confidentiality issues around the proposal which prevent the Council disclosing further details at this stage, but it is hoped that this constraint can be overcome before the beginning the forthcoming Inquiry. Thus, I am instructed that the promoter of the access alternative will be providing a letter of confirmation to the Inquiry at the earliest opportunity. Accordingly, it is the Council's position that either access option is capable of delivery within the Plan Period and on a timetable that will allow the delivery of the whole EUE as programmed.

R2.12 ***4.23***:

R2.12.1 There is no compelling evidence and the Council does not accept that the Appeal Proposal will assist delivery of the TEUE.

R2.13 DS ***Section 5.0***

R2.13.1 ***5.1***: DS expresses the view that *"the 'in principle' objection to the residential element of the appeal proposal is misguided"* and that *"there is no proper basis to advance such an objection, and, even there was, the Council have failed to balance that against the many benefits of the appeal scheme."* The Council flatly refutes these assertions.

R2.13.2 DS goes on to postulate four 'scenarios' in which the Inspector could find in favour of the proposed development. These are:

- A: complete compliance with the relevant policies of the Local Plan (DS P 5.2 and 5.6 to 5.15 inclusive);
- B: a breach of Policy S14 but the breach given little weight because of the "technicality" of that breach, the importance of policies with which the appeal proposal is allegedly consistent and there is, therefore compliance with the development plan as a whole (DS P 5.3 and then 5.16 to 5.23 inclusive);
- C: a breach of Policy S14 but no demonstrable 5-Year HLS and thus the engagement of the tilted balance (DS P 5.4 and then 5.25 to 5.28 inclusive);
- D: a breach of Policy S14 but the Council is able to demonstrate a 5-Year HLS, so that the tilted balance is not engaged, but the benefits of the development outweigh that breach. (DS P 5.5 and then 5.29 and 5.30 [but – erroneously I suspect - given the same sub heading as 'C' in the latter section])

These propositions are both facile/over-simplified and false ones because they are based on faulty understanding and interpretation of the provisions of the Local Plan taken as a whole.

R2.13.3 I depart from a strict chronological analysis here to address Policy S14, which DS considers in ***5.11***, and which we agree is the key policy, albeit that he treats the Policy in isolation, whereas I consider that it is essential that it is considered together with the other strategic policies in the Plan.

R2.13.4 S14 is explicitly a 'strategic' policy – hence the prefix letter and its location and juxtaposition with the other overtly strategic policies in the Plan under the section heading '*Development Strategy and Strategic Policies*'. Moreover, it is clear that it is intended to complement and be read together with the other provisions of the Plan as a whole, including the other strategic policies. See my evidence, especially at 4.8. In claiming that S14 is not a *"'classic,' preclusive settlement boundary policy..."* DS is ignoring the clear intention in the Plan (as endorsed in the NPPF) that policies need to be read ***as a whole***. (See his Section 5. Scenario B). The first line of Policy S14 points explicitly to the interrelationship of policies in setting the spatial strategy: *"Development outside the settlements defined by S10-S13....."*

R2.13.5 However, if one looks specifically at the actual framing of the Policy it is ***also***, simultaneously, a countryside preservation policy and the six criteria for assessing development proposals address that which is normally admissible in the countryside (*"agriculture and other appropriate rural uses"*). The Appeal Proposal clearly does not meet any of these criteria, for which the appropriate test is a positive one not a negative - "no material harm" - one. Moreover, I strongly suggest that S14 was never intended to address development of the kind the subject of this Appeal, even as an 'exception' and to attempt to disaggregate/cherry pick its provisions and to manipulate them to fit the circumstances of this case is to manifestly misinterpret and misapply those provisions and stretch its application way beyond the intended scope of the Policy.

R2.13.6 I have already cited in my own evidence paragraph 24 of the Report of the Examining Inspector for the Local Plan. (CD 60), but I draw attention again to the last sentence thereof:

"...Below that, limited development is envisaged for some of the larger and better served villages commensurate with their scale, while development in smaller settlements, lower in the hierarchy, and in the countryside, will be limited to forms of development that benefit the rural economy." (My emphasis).

R2.13.7 It is my contention, therefore, that ***absolute*** conflict with S14 and, thereby with the other strategic policies in the Plan is indisputable and the question then becomes what weight should be accorded to that conflict. Contrary to DS's repeated assertions the breach is NOT a 'technical' one, nor is it trivial, because of the serious implications it has for the spatial strategy.

R2.13.8 It follows that the proposition at ***5.2*** (and 5.6 to 5.15 inclusive) is clearly ***wrong*** and a palpable misdirection and the only decision-making scenarios available to the Inspector are ones that acknowledge a significant breach of the provision of the development plan read as a whole. There is overt conflict with the policies that are most relevant to the determination of this Appeal because of their manifest interrelationship.

R2.13.9 It is further noteworthy that **Policy S2** is clearly ***both*** a quantitative ***and*** a distributional policy and not just the former, as DS appears to suggest in ***5.9***. The second clause of that Policy reads:

"Development will be concentrated at Tiverton, Cullompton and Crediton, to a scale and mix appropriate to their individual infrastructures, economies, characters and constraints. Other settlements will have more limited development which meets local needs and promotes vibrant local economies....." (My emphasis).

The intended direct relationship of S2 to other strategic policies – notably, but not exclusively, S10 to S13 - and particularly with the framing of S14 (and, indirectly, with the summary comments of the Local Plan Inspector at P24 of his Report in describing the spatial strategy which I have cited in my Evidence and above) , could not be clearer, therefore.

R2.13.10 DS's proposition at ***5.3*** (and 5.16 to 5.23 inclusive) is clearly also wrong because the policy breach is more than merely 'technical' and has wider implications than whether the Appeal Site is 'on the wrong side of the line' and/or that that line is arbitrary and should be treated as permeable.

The breach is not *"limited"* (DS ***5.17***) – a fundamentally in correct proposition on the facts - and, as I have shown both in my evidence in chief and in this rebuttal, does not accord with the relevant policies of the Local Plan read as a whole. Indeed, if one rejects the self-serving cherry picking of ***parts*** of policies that suit the Appellant's case it is difficult to see with which (strategic) policies there is clear and unequivocal compliance.

R2.13.11 ***5.20 to 5.23***

R2.13.12 In this section of his proof Mr Seaton cites case law. Dealing first with 'Tesco and Dundee' (***5.20***), I do not seek to go behind the words of Lord Reed, which must be seen as something of a generalisation, but I do not think the situation here is analogous to the circumstances in that case. Speaking as an experienced professional I consider that the Mid Devon Local Plan is remarkably robust in its internal consistency and the conscious and careful way that the Policies have been drafted to have a clear relationship and both implicit and explicit cross referencing. I consider it is clearly written and unambiguous. No doubt the authors of the Local Plan (and the Examining Inspector) had regard to the findings of the Tesco case in its drafting.

R2.13.13 Turning to ***5.21***, I note and concur with what Lord Hope said, but this assessment was being made against a background where the Court had found (as cited in DS 5.20) that *"development plans are full broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case, one must give way to another"* and on that basis had also found fault with the specific local plan in that particular case. Moreover, the Council is not, in ***this*** case, asserting that there is a breach of only ***one*** policy in isolation. Whilst S14 is clearly the most important policy, and as is evident from the Decision Notice, because of the interrelationship of the Policies I have demonstrated, the breach of S14 involves a simultaneous and consequential breach of the ***other*** strategic policies, notably S1, S2 which are the core strategic policies of the Plan and from which S10 to S13 flow and which are complemented by S14. Accordingly, the breach is substantial and would fundamentally undermine the spatial strategy and the objective of creating sustainable communities.

Finally, as Lord Hope avers in the section of the judgement cited by DS, it is essentially a matter for the decision maker to determine *"…the relative importance of a given policy to the overall objectives of the development plan."* Contrary to the assertion in ***5.22***, therefore, there is, material ***non-***compliance with the Local Plan read as a whole in this case.

R2.13.14 For this reason, I consider the Soham case (***5.23***) is not relevant to this Appeal. There, are, thus, a number of material ***differences*** between that proposal and the current Appeal:

- Firstly, the appeal site there enjoyed a different physical and landscape context, including the relationship to the surrounding development and to the built-up area of Soham, than the Appeal Site. Notably, the site was contained by existing built development on three sides, including housing and a primary school;
- The development plan context was materially different as is clear from the Inspector's 'Reasons' at Paragraph 9 et seq.
- The Plan was already 7 years old at the time of the Appeal and the Council had abandoned an attempt to prepare a new Local Plan.
- The parties agreed (IDL 13) that the policy providing for overall development in the Plan Area (Growth 1) was out of date because the Plan was more than 5-years old and the identified housing requirement could no longer be relied upon.
- It was agreed that the AS in that case fell in a broad location on the edge of Soham that Policy Growth 4 identified as appropriate (IDL 11)
- The Inspector concluded (IDL 14) that other relevant strategic policies (Growth 2 [the locational strategy] and 4 [delivery of growth]) were also out of date.
- The balance of land need identified at the plan-making stage would no longer be accommodated by adjoining authorities and, in addition, there had been a significant shortfall against the LP housing requirement to date (IDL 15)
- Continued application of Growth 2 would be likely to worsen the situation.

It seems to me, therefore, that, notwithstanding the Inspector's Conclusion at IDL 43, cited by DS at ***5.23***, at Soham there was in fact ***multiple*** and interlocking policy failure (IDL 20) in what was clearly a different local plan context (see IDL 41 and 42 for example).

Whilst there clearly were some internal conflicts between the policies, the ***chief*** failing was that the most relevant policies were out of date. In any event, this Inspector will be aware that the Soham decision, which was based on its own facts, cannot be taken as a precedent and determinative of his decision in this case.

R2.13.15 DS's putative third scenario 'C' (***5.4*** and then 5.25 to 5.28 inclusive) that the tilted balance is engaged, is clearly refuted by the Council as Mr Beecham's evidence demonstrates.

R2.13.16 Finally, there is DS's proposal at ***5.5*** and then 5.29 and 5.30. Once again, the Council's position is that the benefits of the development, such as they are (and which are not actually *"many and varied"* [DS ***5.27***] – another of his attempts to talk them up), do not outweigh the tangible harm that the development would occasion. See 14.3 below.

R2.14 ***Section 7 Planning Balance and Conclusions***

R2.14.1 Clearly Mr Seaton and I reach different conclusions in striking the planning balance and ultimately it is for the Inspector to undertake this exercise. However, I make a number of comments on DS's approach.

R2.14.2 Whether or not the Council was guilty of the alleged mistakes cited in ***7.3*** I have demonstrated in my evidence that RfR 1 is sound and sustainable in itself as a stand-alone reason for withholding Planning Permission. The Council has properly conceded at the earliest opportunity those other RfRs upon which it no longer relies. It contends that the harm is substantial and is of compelling of itself, without the need for reliance on the abandoned RfRs and the matters struck from my post exchange proof, and is not outweighed by the benefits when considered proportionately.

R2.14.3 I have commented elsewhere on the claimed benefits of the scheme and weight that I consider should be afforded to them in striking the balance. Mr Seaton sets out a shortlist of these claimed benefits in tabular form at ***7.6***. In light of what I say above, then the 'Link Road to the TEUE' needs to be struck out. Clearly, I dispute the weight he accords to the putative benefits.

I consider that only Housing provision, and specifically affordable and custom build should be accorded significant weight. I have annotated Mr Seaton's table with my own weightings. My weightings are informed by the scale and extent of the benefits, which are essentially limited and localised, with the exception of the 'housing' benefit.

Benefit	DS Weight	APA Weight
Employment Provision	Very Significant	Moderate
Renewable Energy Linkage	Significant	Moderate
BNG	Significant	Moderate
Link Road to TEUE	Very significant	Zero
Housing (including affordable and custom build)	Very significant	Significant

R2.14.4 ***7.7*****: See my comments on** ***3.14*** **at 2.3.1 above. On his own evidence, as a matter of** fact, there IS loss of BMV.

R2.14.5 ***7.12***: If I understand correctly, then Mr Seaton is here acknowledging a risk of ***precedent***, although he relies on it only in a situation of demonstrable lack of housing provision. However, the Council says that, given there is no shortfall in housing provision, and given the clear policy breach, the Appeal Site constitutes precisely one of those "*disparate locations*" and would set an unacceptable precedent for the granting of PP in ***other*** disparate locations which would undermine and subvert the Local Plan and particularly the spatial strategy and the objective of achieving sustainable communities.

R2.14.6 Contrary to the assertion at ***7.14*** I have shown that there is demonstrable material harm in this case.

R3.0 REVIEW OF THE MY THE CONCLUSIONS IN MY ORIGINAL EVIDENCE IN THE LIGHT OF THE AGREED POST EXCHANGE REDACTION THERETO

R3.1 I consider it professionally reasonable and appropriate to reconsider my conclusions in the light of the narrowing of my evidence.

R3.2 I have undertaken that exercise and, having done so, it is my professional judgement that the harm I have demonstrated in both my evidence in chief and in this rebuttal, notably to the overall 'integrity' and effectiveness of the Local Plan, outweighs the benefits claimed by the Appellant. That harm is not "*technical*" and it is not trivial or academic. This remains my view even if the Council's Housing Land Supply is shown to be deficient and if the 'tilted balance' is engaged therefor.

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