

Statement of Common Ground

Between Westcountry Land (Tiverton) Ltd, Mid Devon
District Council and Devon County Council

Appeal Reference: APP/Y1138/W/22/3313401

Land at Hartnolls Business Centre (Appeal by Waddeton Park Ltd)

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1.0 Introduction

1.1 Scope and Purpose

1.1.1 This Statement of Common Ground (SoCG) has been prepared by Westcountry Land (Tiverton) Ltd. (“WcL”), Mid Devon District Council (“The Council”) and Devon County Council (the County Council).

1.1.2 WcL was previously a Rule 6 party but that status was withdrawn at their request on 17th October 2024, however they remain an interested party who intends to make representations at the Inquiry (ref: APP/Y1138/W/22/3313401). It is involved in the promotion and expedient delivery of a neighbouring site that is allocated for development in the adopted Mid Devon Local Plan and is therefore an interested party for the Appeal. This Statement of Common Ground is provided to aid this Inquiry and assist the Inspector in respect of their understanding of the neighbouring allocation (TIV1-5).

1.1.3 The SoCG relates to the planning appeal (ref: APP/Y1138/W/22/3313401) by Waddeton Park Ltd (“The Appellant”) against the non-determination of application 21/01576/MOUT at Land at Hartnolls Business Centre for the following:

“Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved”.

1.1.4 This SoCG sets out the agreed matters between WcL, the Council and the County Council in relation to the ongoing promotion and expected delivery of ‘Area B’ of the Tiverton Eastern Urban Extension (TEUE).

1.2 Relevance to the Appeal

1.2.1 Throughout the ongoing appeal, the Appellant has contended that the *“only way that there is likely to be any delivery from Area B during the plan period is if the appeal proposals are allowed.”* (Paragraph 3.9 Appellant’s Supplemental Statement of Case, July 2024). The Appellant’s claim is disputed by WcL, the Council and the County Council for the reasons set out in this SoCG.

2.0 Development Plan Policy Context

2.0.1 It is agreed that the development plan policies of the Adopted Mid Devon Local Plan 2013 – 2033 most relevant to this SoCG are:

Policy TIV1 – Eastern Urban Extension

Policy TIV2 – Eastern Urban Extension Transport Provision

Policy TIV3 – Eastern Urban Extension Environmental Protection and Green Infrastructure

Policy TIV4 – Eastern Urban Extension Community Facilities

Policy TIV5 – Eastern Urban Extension Phasing

3.0 Areas of Agreement

3.1 Allocation of the Tiverton Eastern Urban Extension (TEUE)

- 3.1.1 In 2010, the area around Post Hill to the east of Tiverton was formally allocated for mixed use development including homes, employment, school and a neighbourhood centre together with a new country park and other open spaces.
- 3.1.2 The TEUE allocation was adopted in the Allocations and Infrastructure Development Plan Document (2011) that formed part of the previous Development Plan also consisting of the Core Strategy (2007) and Development Management Policies (2013). The Mid Devon Local Plan Review 2013-2033 was adopted in July 2020 and includes Policies TIV1, TIV2, TIV3, TIV4 and TIV5 in relation to the development of the TEUE and confirm its allocation for mixed-use development.
- 3.1.3 Prior to the adoption of the Mid Devon Local Plan Review, the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document (SPD) was adopted in June 2018, replacing a former SPD on the same topic that was adopted in April 2014.
- 3.1.4 The Adopted Masterplan SPD guides development in the area and carries weight in the considerations of planning decisions for the TEUE.
- 3.1.5 The SPD expects the development of the TEUE to be carried out in phases across the plan-period that runs to 2033.

3.2 Evolution of the Masterplan

- 3.2.1 To advance the delivery of 'Area B' of the TEUE, Policy TIV1 requires, amongst other items:
- "i) Compliance with the adopted masterplan and completion of a public Masterplanning exercise in respect of the southeast of the site (Area B in the adopted masterplan)"*
- 3.2.2 It is agreed that the Policy requires compliance but at the time of writing the Adopted Masterplan SPD (2018), limited site-specific information was available for Area B. Now that information is readily available, WcL and the Council are pursuing a public masterplanning exercise for Area B.
- 3.2.3 In relation to Area B, a stage 1 public consultation that considered the scope of the Masterplan and any key issues was carried out in 2017. A stage 2 public consultation that considered the draft masterplan following receipt of comments from stage one, was completed in 2020. The masterplan for Area B has since been revisited. Responding to comments from the 2020 public consultation and

new site-specific information, the masterplan has been refined further and another stage of consultation is to commence before the end of 2024.

- 3.2.4 The objectives of the Policy are therefore being acted upon and WcL is collaborating with the Council to ensure that relevant stakeholders are consulted.

3.3 Proposed Access to the TEUE

- 3.3.1 It has been stated over the course of the appeal that Area B is expected to rely on the delivery of the Area A estate road to provide access to the site to build out the balance of the allocation. A central tenet of the appellant's case is the creation of a new road junction and connecting estate road to Area B which would 'unlock' the balance of the TEUE and facilitate expedient delivery.
- 3.3.2 WcL continues to support and endorse the Council's putative reasons for refusal that the proposal is contrary to the Adopted Mid Devon Local Plan 2013 - 2033 and the delivery of a new link to Area B through the appeal site presents no justification for the departure from the Development Plan.
- 3.3.3 It is agreed that there remains sufficient time within the plan period for the access through Area A to be delivered, allowing the opportunity to develop the balance of the allocation.
- 3.3.4 Furthermore, WcL has acquired the freehold interest in sufficient land within the allocation area and existing settlement boundary to deliver an alternative access to Area B, which does not require the link through the Appeal site. A design of the alternative proposed access to Area B is provided at Appendix 1.
- 3.3.5 The Council and the County Council recognise the benefits of securing access off Post Hill to serve the TEUE Area B rather than delivering a single access as previously envisaged in the SPD. Given that policy requires Area B to be comprehensively masterplanned prior to its development, WcL has taken the opportunity to include the new vehicular access off Post Hill within the consultation exercise that will be undertaken before the end of 2024.
- 3.3.6 The possibility of an access to Post Hill to facilitate the early delivery of Area B is not a new one. Both Mid Devon District Council and Devon County Council are supportive of the principle of an access at Post Hill to serve Area B, with access to be secured through the planning process.
- 3.3.7 The access off Post Hill will be identified on the draft masterplan. Subject to the outcome of further technical and community engagement, it is envisaged that the planning application will be hybrid, providing for the access off Post Hill and a first phase in full detail and the remainder of Area B site in Outline. The access can be secured through the planning process following its inclusion in the

emerging masterplan.

- 3.3.8 There remains sufficient time for the masterplanning exercise, subsequent planning applications and on-site delivery to occur within the plan period with an alternative means of access into Area B that does not rely on that previously envisaged from Area A. Further, the link through the appeal site is not expected to be required to deliver the total housing requirement set out in Policy TIV1 during the plan period.
- 3.3.9 WcL has undertaken extensive pre-application engagement with both the Council and the County Council, as the Highway Authority. Notably, these discussions centred around the suitability of a proposed junction design at Post Hill to deliver a highway access to Area B.
- 3.3.10 As part of the pre-application engagement, WcL presented a junction design at Post Hill, a drawing of which is provided at Appendix 1.
- 3.3.11 Through pre-application engagement, the Council and the County Council confirm there is support in principle to the proposed access off Post Hill as set out in drawings provided at Appendix 1. The Council and the County Council continue to support the principle of an alternative access to Area B.
- 3.3.12 Furthermore, the County Council is fully supportive of the principle and design concept of the proposed access provided at Appendix 1 subject to the planning application process.

3.4 Land Control

- 3.4.1 A Site Plan showing WcL ownership and option land is provided at Appendix 2. It is agreed that the extent of WcL owned and optioned land includes all land required to design and deliver the access to Area B identified on the plan at Appendix 1.

3.5 Engagement between the parties

- 3.5.1 WcL, the Council and the County Council are engaging in respect of the means of access to Area B.

3.6 Programme

- 3.6.1 It is agreed that the following programme is reasonable and realistic for the delivery of development on Area B:
1. Hybrid planning application submission with Access and a phase 1 in detail for up to 650 residential dwellings, policy compliant affordable housing, care home, sports pitches, country park and associated infrastructure in Spring 2025

2. Formal grant of planning permission in Spring 2026 following completion of a Section 106 Agreement¹.
3. Discharge of pre-commencement planning conditions and S38/S278 approvals in Autumn 2026²
4. Work starts on the access from Post Hill and on-site infrastructure in Winter 2026/2027
5. Delivery of Area B entirely within the Local Plan period (which runs to 2033) in accordance with the following build out assumptions, which are based on three outlets delivering concurrently:

	2027/ 28	2028/ 29	2029/ 30	2030/ 31	2031/2 032	2032/2 033	2033 +
Tiverton Eastern Urban Extension (Area B)	25	150	150	150	75	0	0

¹ It is assumed that the Council's instructions to their solicitors to commence work on a S106 Agreement will be well in advance of a resolution to grant.

² It is assumed that work on S38 and S278 details will commence in the latter stages of the determination period for the hybrid planning application with details submitted to the County Council for approval upon the formal grant of planning permission, with approval in Winter 2026/2027.

STATEMENT OF COMMON GROUND BETWEEN WESTCOUNTRY LAND (TIVERTON) LTD, MID DEVON DISTRICT COUNCIL AND DEVON COUNTY COUNCIL

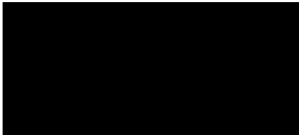
Opening of Inquiry: Tuesday 26th November

Venue: Phoenix House, Phoenix Lane, Tiverton, EX16 6PP

Planning Inspectorate Reference: APP/Y1138/W/22/3313401

Mid Devon District Council Reference: 21/01576/MOUT

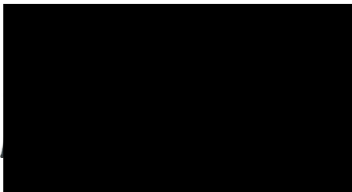
Signed



..... Justin Dodge, Westcountry Land (Tiverton) Ltd

Dated 29th of October 2024

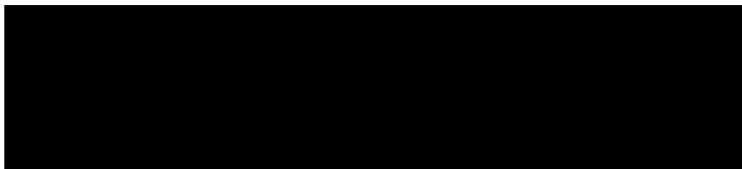
Signed



..... John Hammond, Mid Devon District Council

Dated 29th of October 2024

Signed

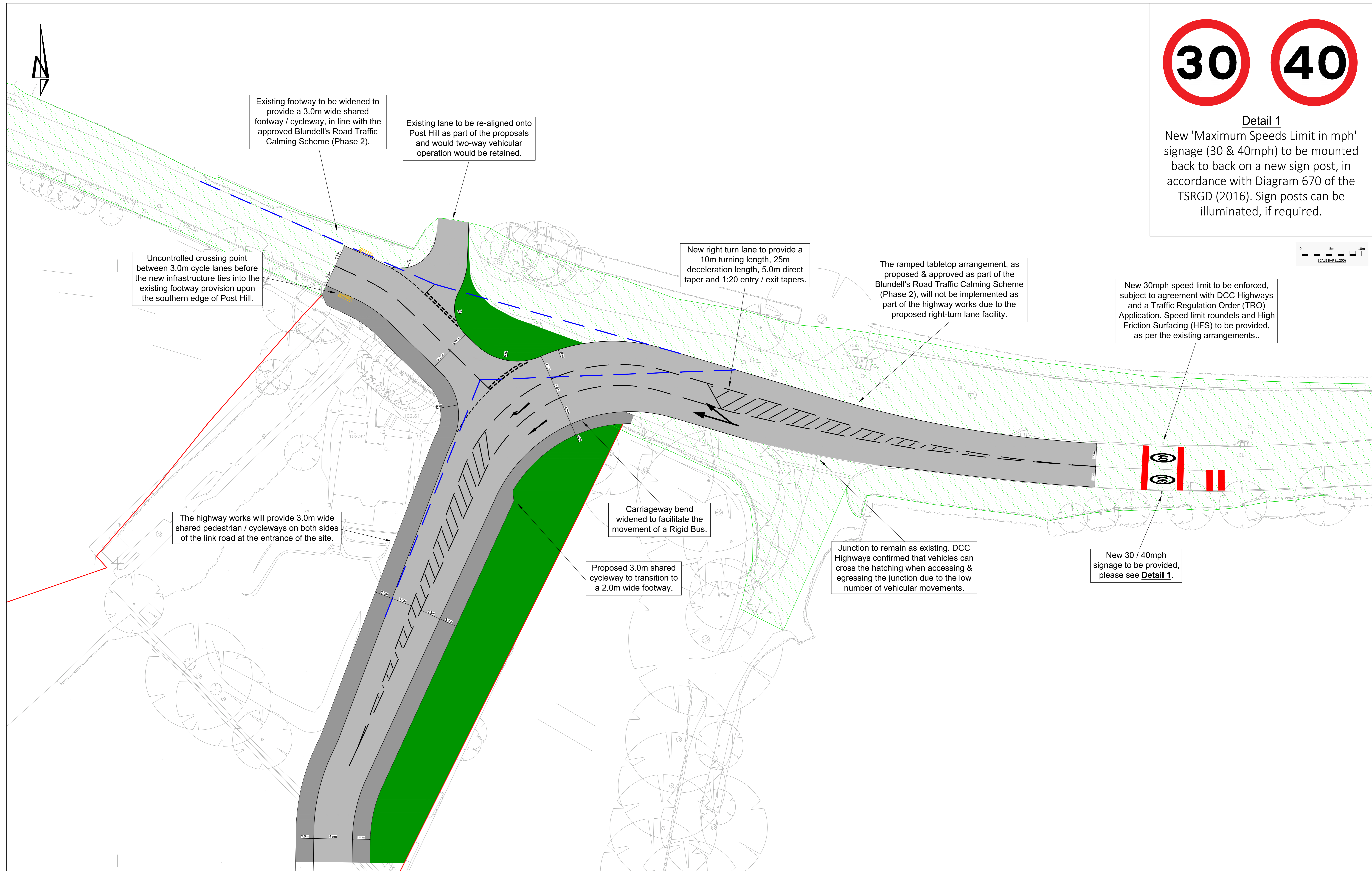
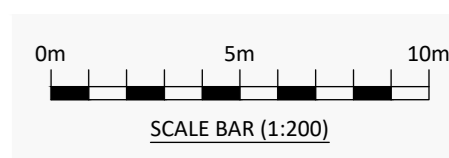


..... Michelle Woodgates, Devon County Council

Dated 29th of October 2024



Detail 1
 New 'Maximum Speeds Limit in mph' signage (30 & 40mph) to be mounted back to back on a new sign post, in accordance with Diagram 670 of the TSRGD (2016). Sign posts can be illuminated, if required.



KEY PLAN

	Line of HMP/E (Highways) Mainwork at HMP/E System
	Bypass Carriageway
	Highway verge
	Proposed Kerb Line
	Footways
	Proposed Edging
	M15 Visibility Splay (2.4m x 43.0m)
	Red Line Boundary

NOTES

- All dimensions are to be checked on site before the commencement of works. Any discrepancies are to be reported to the Architect & Engineer for verification. Figured dimensions only are to be taken from this drawing.
- This drawing is to be read in conjunction with all relevant Engineers' and Service Engineers' drawings and specifications. This drawing is copyright.
- All levels are shown in metres above ordnance datum.
- Use figured dimensions only. No liability is accepted for errors incurred through scaling from this drawing.
- HMP/E Plan supplied by DCC Highways on the 6th of August 2024.
- Red line boundary provided by the client team (subject to definitive confirmation).
- General Arrangement agreed in principle with DCC Highways and is subject to a post-planning S278 Detailed Design and a Traffic Regulation Order (TRO).
- General Arrangement subject to arboricultural & ecological review, and is subject to a utility survey to understand the impact on any existing utilities / equipment.

NOTES (CONTINUED)

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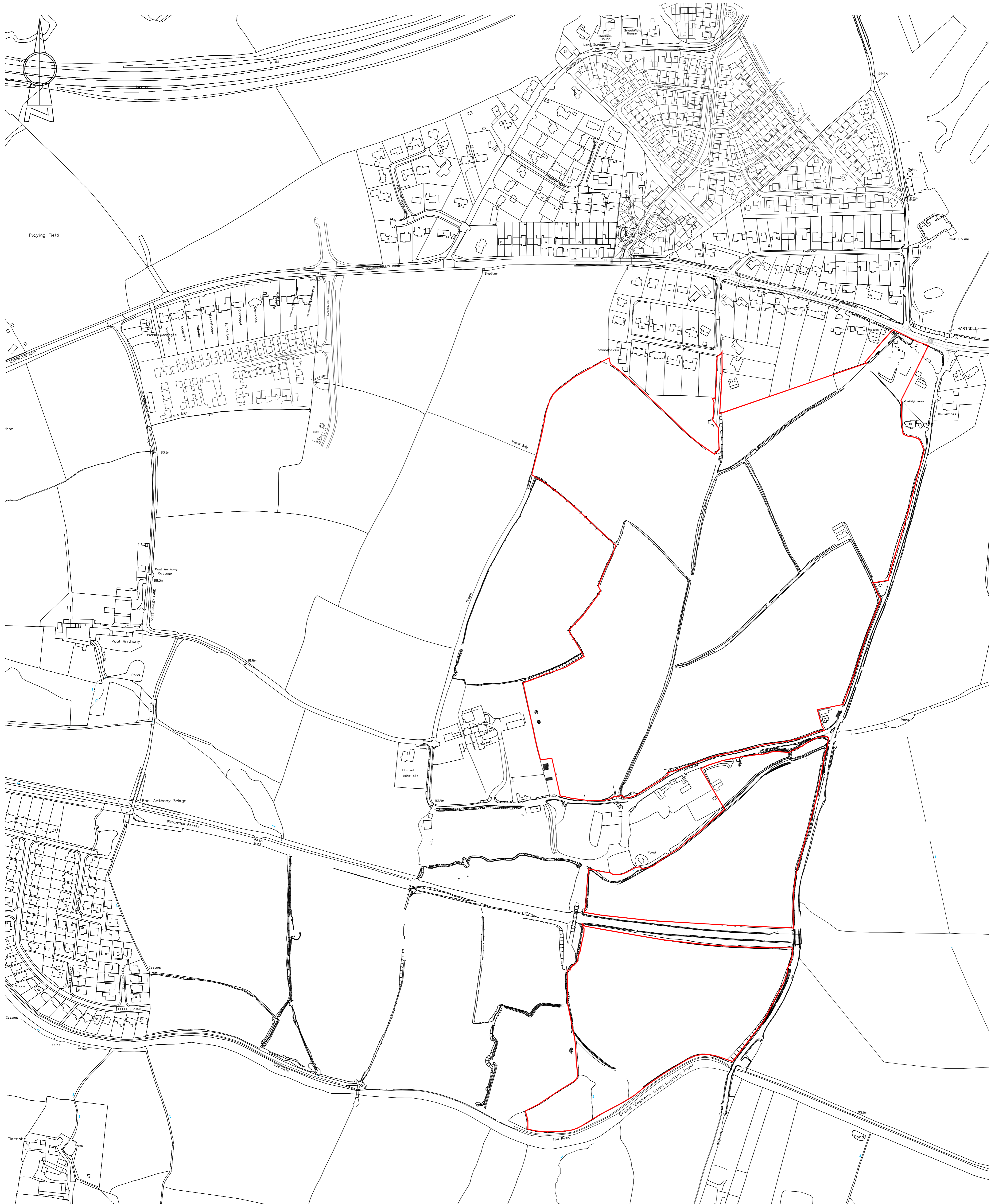
NOTES (CONTINUED)

REVISIONS (CONTINUED)

REVISIONS

B	ADDITION OF 3.0M SHARED CYCLEWAYS, CROSSING POINT & HIGH FRICTION SURFACING	H. SKINNER	05/08/24	M. ROWE	05/08/24
A	FIRST ISSUE	H. SKINNER	05/08/24	M. ROWE	05/08/24
REV	REVISION NOTES/COMMENTS				
	DRAWN BY	DATE	APPROVED BY	DATE	

		Tiverton House Tiverton Business Park Dorwell Cornwall PL14 6LN www.advance-engineers.co.uk www.westcountry.co.uk	GENERAL ARRANGEMENT PLAN - PROPOSED CHANGE OF ALIGNMENT AND PRIORITY UPON POST HILL
		PROJECT NO. C23172	SCALE @ AS 1:200
PROJECT POST HILL, TIVERTON, DEVON		DRAWING STATUS PRELIMINARY	DRAWING NO. C23172-TP001
		SHEET NO. B	



Ownership and Option Plan

PRELIMINARY

	<small>Questant House, Sid Road, Sidmouth, EX10 9AL e: info@beandesign.co.uk</small>			
CLIENT: Westcountry Land (Tiverton) Limited				
PROJECT: AREA B - Tiverton E.U.E. Hybrid Application - Location				
TITLE: Site Plan showing Westcountry Land (Tiverton) Ltd Ownership and Option Land				
Date: 18/09/24	By: ALP	Dwg No:	Rev:	
Scale @ A1: 1:2500	CHK: CLP	BD2333:300	-	