



Appeal Decision

Inquiry Held on 12-15 September 2023

Site visit made on 26 September 2023

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2023

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

Land at Hartnolls Farm, Tiverton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Waddeton Park Ltd against Mid Devon District Council.
 - The application Ref 21/01576/MOUT is dated 4 August 2021.
 - The development proposed is the extension to the existing business park for up to 3.9ha of employment land and up to 150 residential dwellings with associated open space and infrastructure (with means of access to be determined only).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Given the size of the proposed development the appeal was accompanied by an Environmental Statement as required by Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
3. The appeal scheme is in outline with all matters reserved apart from access. My decision is based on the Site Plan DE 425-01 and Access Strategy, 48582/5501/SK02 H. Although an indicative layout plan was included with the appeal my decision is not based on this.
4. The appeal was lodged with a draft Unilateral Undertaking which was discussed during the Inquiry. A completed Undertaking, dated 26 September 2023 was submitted after the Inquiry had finished. I refer to this later in this decision.

Main Issues

5. The appeal was lodged over the non-determination of the application for planning permission. The Council originally included 6 putative reasons for refusal which related to the site's location and archaeology, the adverse impacts of the appeal scheme on landscape character and appearance, the lack of details on biodiversity net gain and infrastructure and its town centre impacts.
6. In the lead up to the Inquiry the Council confirmed that it did not intend to pursue several of these reasons and accordingly, the main issues on which this appeal is determined are as follows:
 - Whether or not the Council has a 5-year housing land supply,

- Whether or not the location of the proposed development is acceptable having regard to adopted national and local policies, and
- Whether or not there is sufficient infrastructure to support the appeal scheme.

Reasons

Housing Land Supply (HLS)

7. Common ground between the parties is that the five year housing land requirement (5YHLS) is 2,493 dwellings (including the 5% buffer required by the National Planning Policy Framework (the Framework). The parties differ in their assessments of HLS with the appellant and Council estimating 4.28 and 5.41 years respectively¹.
8. The main differences between the parties relates to the deliverability² of housing on specific sites and how windfall sites are treated.
9. These sites fall within both limbs of the definition of 'deliverable' included in the Annex to the Framework. Underpinning this definition is that the decision maker has to be satisfied that there is a realistic prospect that housing will be delivered on the site within five years.
10. *Creedy Bridge/CRE Pedlerspool* – this is an allocated site benefitting from a full planning permission. The appellant does not dispute that this site could be delivered within 5 years but they question whether the anticipated delivery rate is realistic given the assumptions which underpin the HELLA³ methodology and the impact of recent interest rate rises since the original delivery programme was estimated.
11. The Council's evidence refers to the developer working to discharge planning conditions. To account for interest rate rises the programme has been altered by a year. I take this as sound evidence that the site will come forward as suggested by the Council.
12. *Alexander Lodge* - Despite the site being an allocation (45 dwellings) with full planning permission its development has not progressed since initial works commenced in 2019. It is understood that there are environmental issues which could impact on the rate of housing delivery. Delivery was programmed for 2022-23 but this has not occurred.
13. The site's planning status has to be balanced against the delays to date. The Council has indicated that the developer continues to work on securing its delivery. I do not regard these issues as so great to frustrate its delivery within the five year period.
14. *TIV10 Roundhill* - this is an allocation for 14 dwellings but it does not have the benefit of planning permission and it is understood that there are issues regarding site conditions. Whilst the site is in Council ownership and its development is included in the Council's MTFS⁴ with permission anticipated for 2023/24 and delivery in 2025/26 these matters alone do not demonstrate

¹ Supplementary Statement of Common Ground (Housing)

² Deliverability as defined by Annex 2 of the National Planning Policy Framework 2023

³ Housing Economic Land Availability Assessment

⁴ Medium Term Financial Strategy

realistic prospects for delivery consistent with the Framework. I have not included this site in the calculation of supply.

15. *TIV9 Howden Court* – This is an allocated site for 6 affordable dwellings but without the benefit of planning permission. Although this is a Council owned site, officers could not provide evidence of whether the site is included in the MTFS suggesting a date for its possible delivery. For this reason, I have deleted its contribution to supply.
16. *TIV 16 Blundell's School* – this is an allocated site benefitting from a resolution to grant planning permission subject to a draft S106 Agreement. The council anticipates that around 75 dwellings would be delivered in the last two years of the supply period. The site currently includes a scrap yard and it is understood that there have been discussions with the Environment Agency on the site's remediation. Furthermore, the Council acknowledges⁵ that the site's owner may consider the option of closing the scrap yard in advance of finding a new site. Both these matters could be significant constraints on housing delivery and for this reason it is unlikely that the site will contribute to supply within the next 5 years. I have therefore deleted 75 units from the supply.
17. *TIV 1-5 TEUE*⁶ (Chettiscombe Trust Land)- the site forms part of a large allocation (14/000881/MOUT) within the eastern extension which is currently being built out. An application for Reserved Matters was submitted earlier this year on this part of the site (23/00394/MARM) by the same developer who will shortly complete development on an adjacent site. Given the proximity of these two sites and the current rate of delivery across this part of the TEUE, the Council consider that construction activity will 'roll over' on to this site leading to the delivery of 98 dwellings in the period 2025-27.
18. Whilst the appellant questions the evidential basis of the Council's assertions I am satisfied that they provide evidence of the site's deliverability in line with the Guidance⁷. The Council includes delivery occurring in Years 4 and 5 of the period.

Windfalls

19. The difference between the parties relates to how this figure is estimated with regard to both PPG⁸ and Paragraph 71 of the Framework. The appellant considers that the guidance provides a particularly high test in how windfalls should be calculated requiring reference to the SHLAA and not just historical trends.
20. Windfalls have formed a significant part of housing supply during the last seven years. The Council indicate that despite the adopted plan being only 3 years old brownfield sites have not formed a significant part⁹ of windfalls. In calculating its figure, the Council worked through its HELAA panel¹⁰, which includes representatives of housebuilders and land traders.

⁵ Mr Beecham Rebuttal para 5.9

⁶ Tiverton Eastern Urban Extension

⁷ Paragraph:007RefID:68-007-2019722

⁸ Planning Practice Guidance

⁹ Mr Beecham Rebuttal para 4.3

¹⁰ Housing and Economic Land Availability Assessment

21. The Council has not over relied on historical trends given that this has averaged at 179 dwellings per annum (dpa) for the last seven years¹¹ and around 137 dpa are included in years four and five of the programme (to avoid double counting of extant permissions).
22. Whilst its approach has not accounted for sites which could emerge through the SHLAA¹² process as suggested by paragraph 71 of the Framework, I am satisfied that overall its approach is robust.
23. For these reasons, the Council's figures should not be entirely disregarded as the appellant suggests. The overall contribution of around 254 units from this source reflects the continued importance of windfalls to the Council's overall supply.
24. I accept that windfalls of around 254 dwellings will form part of the 5YHLS.

Delivery of the settlement strategy

25. The appellant has suggested that in coming to a judgement on this main issue consideration should be given to the prospects of the Council delivering its future housing needs over the rest of the plan period. The appellant referred to the difficulties in delivering housing in two growth areas identified in the Local Plan at Cullompton and the TEUE¹³.
26. I understand that the Council has not yet secured funding for road infrastructure, the CTCRR¹⁴, required to release sites in Cullompton and that there is some anticipated slippage in the delivery of Area A of the TEUE leading to concerns around access to Area B. However, although I refer to the TEUE later in this decision I do not regard these matters as central to the calculation of the 5YHLS. These matters fall outside the remit of this decision.
27. Furthermore, the housing requirement of the local plan are set above the housing requirement to allow for flexibility and unforeseen circumstances¹⁵. This reflects a prudent approach to an assessment of securing housing need.

Conclusions

28. I have made reductions from the Councils anticipated supply in the following sites, Howden Court (-6), Roundhills (-14), Blundells (-75).
29. I am satisfied that the evidence provided by the Council is robust being drawn from a range of sources.
30. I anticipate that the overall 5YHLS would be around 2,603 (a reduction of 90 dwellings from the Council's anticipated supply) which equates to a supply of just over five years.
31. Accordingly, the normal planning balance applies as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

¹¹ Mr Beecham Rebuttal para 4.3

¹² Strategic Housing Land Availability Assessment

¹³ Tiverton Eastern Urban Extension

¹⁴ Cullompton Town Centre Relief Road

¹⁵ Mid Devon Local Plan para 2.4

Location of development

32. The appeal site lies between the settlement boundary of Tiverton defined by the eastern boundary of the TEUE. Whilst submitted in outline the appeal scheme includes an access strategy with road access taken from Post Hill including a new access to Hartnolls Business Park. The site is currently used for agriculture.
33. The appeal raises an issue of principle as to the harm which arises from the site's location beyond the settlement boundary. The Council identifies that the appeal scheme is contrary to Policies S1, S2, S3, S4 and S14.
34. Policy S1 includes thirteen criteria which are required to be met for new development to be acceptable. Of these the parties agree that twelve are either met or not relevant to this decision by the appeal scheme with S1a) outstanding.
35. The inclusion of the word 'at' within the wording of the Policy S1a) is consistent with the Council's intention to locate development within the boundaries of the three main settlements identified within the policy; these include Tiverton.
36. The lead sentence included in the Policy S1 in seeking to create sustainable communities requires that each of the thirteen limbs of this policy are met. The location of the appeal scheme beyond the settlement boundary results in a conflict between the policy and the appeal scheme.
37. Policy S2 sets out development targets for the three principal centres of Cullompton, Tiverton and Crediton based on both dwelling numbers and employment space. Given that the policy seeks to concentrate development 'at' each of these centres I find that the appeal scheme conflicts with Policy S2. I do not accept the appellant's statement that as the appeal scheme is not an allocation or commitment it somehow falls outside the scope of this policy. It conflicts with Policy S2 precisely because it is neither an allocation nor a commitment located within the settlement boundary.
38. Policy S14 requires that development outside settlement boundaries and within the countryside should adhere to several requirements. These include the preservation and enhancement of both the character, appearance and biodiversity of the countryside. Subject to these requirements the location of housing in the countryside is predicated on local housing needs being met.
39. Whilst I accept that the requirements included in the opening to Policy S14 would be met by the appeal scheme, the inclusion of 100 market dwellings goes beyond the scope of this policy in that no evidence was presented in support of why a countryside location is preferred.
40. Policy S14 is consistent with Policy S2 as it refers to development proposed on sites located 'outside' the settlements defined by Policies S10, S11 and S12. To insist otherwise as the appellant suggests would by its nature undermine the purpose of settlement boundaries and thereby the local plan strategy.
41. Both parties accept that the employment part of the scheme complies with Policy S14b) and I find that there is no conflict with Policy DM18. However, this is a mixed-use scheme and the conflict with this policy arises from the size and location of the whole scheme in the countryside.

42. Policies S3 and S4 require the delivery of an appropriate mix and amount of housing over the plan period to meet housing needs with the Council actively engaged bringing sites forward. These policies are consistent with Policies S1 and S2 although tangential to the main issue. The appeal scheme includes a policy compliant amount of both affordable housing and custom and self-build housing.
43. A common sense reading of Policies S1, S2, S3, S4 and S14 is that they have a strategic purpose designed to direct development to within settlement boundaries with only a limited number of exceptions allowed in the countryside.
44. For the above reasons, I conclude that the appeal scheme conflicts with Policies S1, S2 and S14 of the Mid Devon Local Plan (2020). This conflict is more than a technical matter as the appellant suggests but goes to the heart of the adopted plan's settlement strategy.

Material Considerations

45. Both parties differ on the weight they apply to the provision of market, affordable and custom build housing, the linkage to the anaerobic digester, employment, provision of a new road link and biodiversity net gain which are included in the scheme.

Housing

46. The scheme includes 150 new dwellings of which around 45 would be affordable. The Council does not dispute the appellant's evidence with regard to affordable housing. This points to a shortfall in the delivery of affordable housing over the plan period to date leading to increases in the affordability ratio¹⁶. In these circumstances the provision of 45 affordable homes is accorded significant weight despite the Council's housing land supply position. Furthermore, I accord the provision of 100 market and five custom and/or self build homes moderate weight given the existing housing land supply position.

Employment

47. The appeal scheme would create 400 new jobs in a location close to Tiverton. I recognise that whilst there have been delays in allocated employment sites being brought forward¹⁷ in this settlement, across the district, there is no shortage of employment land. I therefore accord this aspect of the scheme only moderate weight.

Link to anaerobic digester

48. The proposed link from the anaerobic digester operated from Red Linhay Farm to the proposed employment space would be funded by the residential element of the proposed scheme. This would be consistent with the Council's strategic priorities following its declaration of a Climate Change Emergency in 2019 and is supported by Policies S1 and DM2. The Council recognises that the provision of green energy to an employment area would be the first in the District and could be an exemplar of this sort of development for future schemes¹⁸. However, the link would be restricted to serving the new

¹⁶ MR Seaton PoE Affordable Housing Supply Sn 6

¹⁷ Officers report to Committee 10.08. 2021

¹⁸ Ibid

employment area only. For these reasons, I accord this part of the scheme moderate weight.

Access to the TEUE

49. The appeal scheme includes an access from Post Hill. The indicative layout (which does not form the plans on which this decision is made) identifies a road across the northern part of the site to Manley Lane. This suggested point of access from the appeal site would be consistent with a suggested access point from Area B identified in the draft Supplementary Planning Guidance (SPG) and masterplan identified for Area B of the TEUE. The new road would be funded by the residential element of the appeal scheme.
50. Both the draft SPG¹⁹ and the additional evidence submitted during the Inquiry²⁰ confirm that the development of Area B would benefit from an additional access point from the east. The draft SPG identifies that options for pursuing a route are limited given surrounding constraints. The Council's preferred access (as indicated by the draft Guidance) is from Area A which lies immediately to the west although the potential was raised during the Inquiry of an alternative additional access apparently under consideration from Post Hill²¹.
51. The Council has concerns over the delivery of a new access from Area A²². The appellant speculates that the potential access from Area A could be ransomed given how planning conditions included in the extant permission for Area A operate regarding requirements for Gypsy and Traveller pitches and whether the additional land required will be released by the landowner for development. However, no robust evidence was presented on these points.
52. There is still sufficient time in the plan period for the access to Phase B to be satisfactorily resolved in a way which would not impact on the delivery of the total housing requirement during the life of the plan.
53. Furthermore, the SPG has not been adopted and the evidence from both parties on their suggested alternative access routes from outside the TEUE to Area B is inconclusive. Whilst the appellant's suggested route included in the indicative drawing (which does not form a plan on which this decision is made) includes more detail than the alternative access suggested by the Council neither contain sufficient detail to weigh conclusively either in favour or against the appeal scheme before me.

Biodiversity Net Gain (BNG)

54. The Ecological Appraisal submitted with the proposed scheme identifies that the site includes habitats of only low ecological values with the most important areas throughout the site being its hedgerows. The appraisal refers to a range of matters which could be addressed through both a Construction Environmental Management Plan and a Landscape Environmental Management Plan. If I was minded to allow this appeal, the details of both these plans would be a matter for planning conditions. Both parties accept

¹⁹ CD 13a

²⁰ ID3 letter from Westcountry Land

²¹ Ibid

²² Officers report to Committee

that the appeal scheme could deliver BNG above the Government's emerging policy requirements. I accord this aspect of the scheme significant weight.

Infrastructure

55. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
56. The Council's objection to the scheme originally rested on the absence of planning obligations to secure affordable and custom/self-build housing and contributions for education (both primary and secondary), transport and waste provision.
57. Subsequently the County withdrew its request for contributions to waste management, secondary education and off-site highway works and the Royal Devon University Healthcare NHS Foundation Trust withdrew its requests for financial contributions. Accordingly, as allowed by Clauses 5.1 and 5.2 (the blue pencil clauses) these provisions would be struck from the Undertaking if I was minded to allow this appeal.
58. The main parties differ on whether there is a requirement for contributions for school land purchase, early years, primary and special needs education. Both main parties do not accept the request from the NHS (Devon) Integrated Care Board (ICB) for contributions to local surgeries.
59. Following the Inquiry a completed Unilateral Undertaking, dated 26 September 2023 was submitted which includes contributions to a broad range of matters including those which are in dispute.
60. In detail the Undertaking contains a range of covenants in favour of the Council which include affordable and custom/self-build housing as required by Policy S3b) and S3d).
61. The Covenants in favour of the County Council seek contributions to land purchase of a primary school (already allocated within the TEUE), school places, early years and special education provision.
62. The TEUE includes provision for a primary school, but the site has not as yet been purchased²³. Whilst there are existing primary schools in Tiverton with under capacity which could potentially accommodate pupils from the scheme, they lie beyond the 2-mile catchment which the County advises are necessary for safe access from the appeal site. The covenant requiring a contribution of around £120,900 is based on a BCIS index and reflects a contribution proportionate to child yield from the scheme. I accept that this accords with Policy S1b).
63. Other suggested contributions are for aspects of education for Early Years (£37,500), Primary (£746,208) and Children with Special Education Needs (£77,655). The County's approach is broadly in line with the Department of Education²⁴ and the essential thrust of Policy S1b).

²³ ID.18

²⁴ Securing Developer Contributions for Education August 2023

64. For the above reasons, the education covenants in favour of the County Council fulfil the requirements of Regulation 122.
65. Other covenants in favour of the Council include requirements for the management of public open space included within the scheme and the delivery of a Framework Travel Plan. I regard both these matters as meeting the requirements of the Regulation 122.
66. The ICB requests a contribution of around £608 per dwelling equating to £91,200 towards one of three local surgeries. This request would be broadly in line with the County's guidance on this matter²⁵ and Policy S1 and the Framework. I accept that a distinction can be drawn between the revenue funding for acute care which may be already covered by NHS budgets derived from population projections and capital funding as defined in the NHS Capital Guidance 2022-2023.
67. The ICB challenges the evidence from the appellant that the circumstances identified by a recent case in Leicester²⁶ do not apply to this case and that recent Government guidance is predicated on identifying a local harm resulting from development which requires mitigation through planning obligations²⁷. Although the Council acknowledge that such obligations have been accepted in the past for this appeal, they consider that there is insufficient evidence for the it to support this request.
68. If I were to allow this appeal, I would be minded to retain the covenants in favour of the ICB. I consider that a case has been made which differentiates from the Leicester case.
69. The Council includes a monitoring fee of £10,227 for the management of the District Council's obligations which reflect its standard fee for such obligations.
70. Of the remaining provisions included in the Undertaking, unaffected by the blue pencil clause, I consider that they each meet the tests included in paragraph 57 of the Framework and Regulation 122 of the CIL Regulations.

Other Matters

71. The Council's putative reasons for refusal identified a range of matters some of which were raised by interested parties which it did not pursue at the Inquiry. These include landscape character and appearance, archaeology and town centre impact.

Landscape

72. The appeal was accompanied by an Environmental Statement²⁸ which included a LVIA²⁹. The site lies in LCA 3E – Lowland Planes and the scheme would involve the removal of hedgerows along field boundaries and their replacement by employment and housing. The site's landscape features would be enhanced with additional belts of planting including trees and hedgerows. The overall landscape effects would be low.

²⁵ Health Contributions Approach Devon CC 2018

²⁶ CD.21 R(Leicester NHS) V. Harborough DC

²⁷

²⁸ CD51

²⁹ landscape and visual impact assessment

73. The site's landscape context together with the proposed landscape mitigation would result in its visual effects, experienced by users of PROW³⁰ Tiverton 21 and the towpath along the Great Western union canal and residential properties, being low and medium.
74. My site visit confirmed that due to a combination of topography and landscape features the impact of the proposed scheme would be largely confined to the site itself. The scale of the appeal scheme is contextualised by the Hartnoll Business Centre and the proposed TEUE. Landscape is a reserved matter and if I were to allow this appeal, I am satisfied that a scheme could satisfactorily include mitigation to resolve any outstanding landscape matters.
75. I find therefore that there would be no conflict with Policies S1, S9 and S14 of the local plan.

Archaeology

76. Archaeological surveys of the site include evidence of prehistoric funerary activity in the form of a ring ditch that would have defined the site of a round barrow as well as urned cremations. Investigations have identified the presence of prehistoric, medieval and post medieval field boundaries.
77. I am satisfied that the two conditions suggested by the County Council requiring a programme of archaeological work in accordance with a written scheme of investigation are sufficient to fully address this issue.
78. I find therefore that there would be no conflict with Policies S1, S2, DM1 and DM25 of the local plan.

Town Centre impacts

79. The Council's objection to the appeal scheme arose from the conflict with Policy DM18 regarding the area of leisure floorspace. The policy requires the submission of a town centre/retail impact statement where in excess of 500sm is included in a scheme. The appellants have agreed to a condition restricting the floorspace to the limitation required by Policy DM18. I am satisfied that if I were minded to allow this appeal, the suggested condition would address the Council's concerns in limiting adverse impact on Tiverton town centre.
80. I find therefore that there would be no conflict with Policy DM18 of the local plan.

Planning balance and conclusions

81. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.
82. The appeal schemes conflicts with Policies S1, S2 and S14. The breach with Policy S1a) reflects a breach with the whole policy; the criteria included in this policy cannot be cherry picked for convenience. Furthermore, I find conflict with Policy S2 given the site's location beyond the settlement boundary. The breach with S14 lies in the amount of market housing included in this mixed

³⁰ Public Right of Way

scheme which exceeds local needs. No case has been made why this located is to be preferred given its location in the countryside.

83. I accord significant weight to the provision of affordable housing and BNG whilst other matters such as market and custom/self-build housing and the link from the anaerobic digester and employment space are accorded moderate weight. The obligations included in the Undertaking are neutral in the planning balance.
84. I acknowledge that the Council's housing land supply just meets the 5YHL figure target and that housing requirements in both national and local policies are expressed as a minimum with no ceiling. However, the breach with adopted policies is significant and the alleged harm identified by the appellant is more than a technical matter. Given the stage in the plan period major sites have time to be completed.
85. The appeal scheme would be in breach of three strategic policies which are central to the settlement strategy and the essential purpose of the adopted local plan. This conflict differentiates the appeal scheme from those cases cited by the appellant³¹ where the conflict with policy did not result in a conflict with the Development Plan when considered overall. In contrast with this appeal there would be a significant conflict arising from the location of major growth located away from the Cullompton as the preferred centre for growth and outside the settlement boundary of Tiverton. This degree of policy conflict is not outweighed by material considerations despite the degree of weight I accord them. Furthermore, the scheme involves the loss of Grade BMV agricultural land which I accord some weight.
86. Finally, Paragraph 15 of the Framework identifies the Government's support for a plan led approach, a point recently re-iterated by the Secretary of State in his letter to local planning authorities³². The appeal scheme would undermine the plan led approach.
87. For the above reasons the appeal is dismissed.

Stephen Wilkinson

INSPECTOR

³¹ Mr Seaton PoE p.21

³² ID17

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Buckley-Thomson of
Counsel with Mr J Parker of
Counsel

| | |
|-------------------------------------|---|
| She called | |
| Mr A Asbury BA MRTPI | Director, Asbury Planning Limited |
| Mr A Beecham BSc (Hons) MSc (UP) | Principal Housing Enabling and Forward Planning Officer Mid Devon District Council |
| Ms A Dobson | Senior Planning Officer, Infrastructure and Place Devon County Council |
| Mr M Deaton | Chief Planner, Devon County Council |

FOR THE APPELLANT:

Mr Williams of Counsel

| | |
|-------------------|--------------------------------|
| He called | |
| Mr D Seaton MRTPI | PCL Planning |
| Ms C Mirfin | Legal Director, Pinsent Masons |

INTERESTED PERSONS:

| | |
|---------------------|--|
| Mr Govier | Speaking on behalf of Mr I Batchelor, Charman of Halburton Parish Council |
| Mr J Salter | Chairman, Tiverton Civic Society |
| Ms L Aantaa-Collier | Solicitor The Wilks Partnership LLB, acting for the Integrated Care Board |
| Mr M Dicken and | Head of NHS LA engagement team, Torbay and S Devon |
| Mr G Grute | NHS LA Engagement Team |

Inquiry Documents

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| ID1 | Appellant's openings |
| ID2 | Council's openings |
| ID3 | Letter from Westcountry Land 8 September 2023 |
| ID4 | Written representations from Halburton Parish Council presented by Mr Govier |
| ID5 | Written comments from Tiverton Civic Society presented by Mr Jeremy Salter |
| ID6 | Letter from Mr Seaton dated 11 September 2023 |
| ID7 | CIL Compliance Statement for Education |
| ID8 | Extract from S106 Agreement for land east of Tiverton, lying south of the A361 and north and south of Blundells Road |
| ID9 | Revised list of Conditions dated 15 September 2023 |
| ID10 | Email of 12 September 2023 from DCC to PCL Planning with attachments |
| ID11 | Appellants revised 5YHLS 14 September 2023 |
| ID12 | Council note on the Housing Revenue Account |
| ID13 | Email of 14 September 2023 from the Wilkes Partnership LLB confirming UU monies to be directed towards the 3 existing surgeries |
| ID14 | NHS comment on planning application -3 attachments |
| ID15 | Draft Unilateral Undertaking |
| ID16 | Site visit itinerary |
| ID17 | Letter dated 8 September on Long Term Plan for Housing from the SoS DLUHC the Rt Hon Michael Gove MP |
| ID18 | Email dated 15 September 2023 from Devon CC on costs of school land |
| ID19 | Devon CC Health Contributions SPD |
| | Documents received after the Inquiry |
| | Completed S106 Agreement, dated 26 September 2026 |