

COUNCIL

Chairman: Cllr Avril Kerswell

Portfolio Holder: Cllr Humphrey Clemens

DATE: 14 January 2019

REPORT OF: Simon Thornley, Business Manager Spatial Planning And Delivery

SUBJECT: Wolborough Development Plan Document

RECOMMENDATIONS

That Council approves:

- 1. The preparation of a Wolborough Development Plan Document; and**
- 2. A budget of up to £210,000 for preparation of the Development Plan Document**

1. PURPOSE

- 1.1. To agree the preparation of a Wolborough Development Plan Document (DPD) that would have the same status and weight as the Local Plan. Associated budget is required in order to prepare and consult on the DPD and fund its examination in public. A Wolborough DPD would guide planning applications and development outcomes within the allocated site.

2. BACKGROUND

- 2.1. Teignbridge's Local Plan allocates land at Wolborough for a mixed use development including at least 1500 homes. Landowners have drawn up development proposals across the site. Planning applications and an appeal have already been lodged within the western ownership.
- 2.2. There is concern that those proposals do not address the Local Plan requirement for a, *'comprehensive landscape and design led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders'*.
- 2.3. An application to the east is expected at the turn of 2019
Masterplan work and public consultation to date
- 2.4. The Council initially consulted on a draft overarching masterplan for the site in Summer 2018, which was originally proposed to be adopted as a Supplementary Planning Document (SPD). If this process had completed and the document had been adopted, it would have been a significant material consideration when determining planning applications. The original consultation masterplan is available at the following link: <https://www.teignbridge.gov.uk/wolborough>.

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- 2.5. Following the receipt of consultation responses and legal advice, further consideration has been given to the status of the document. Given its content, it is recommended that the document should be adopted as policy and therefore produced as a Development Plan Document (DPD).

Steps taken following public consultation

- 2.6. Since the SPD consultation was undertaken, the draft masterplan has been updated in response to comments received and in discussion with key stakeholders that include Historic England, Natural England and landowner representatives. The updated masterplan is at Appendix A and a summary of comments and responses is at Appendix B.
- 2.7. The update has not been drafted with the intention of introducing policy. It constitutes a comprehensive masterplan that officers consider would be suitable in addressing the associated Local Plan requirement if submitted with planning applications at Wolborough.
- 2.8. However, in relation to the land where a planning appeal has already been submitted, there remains resistance to the masterplan. In terms of development outcomes, this resistance is primarily focussed on officers' proposed prompt timescales for main street delivery and the scale of development that is indicated within the allocation's most sensitive elements of the setting of St Mary's Church. Consistent with the view outlined in paragraph 2.5 above, it remains their view that, if the document is to be prepared, it should be as a DPD (please see letter at Appendix C).
- 2.9. Other stakeholders (Abbotskerswell Parish Council in particular) have also stated that the masterplan should be prepared as a DPD if it is to maximise the impact it has on development outcomes.
- 2.10. This report therefore recommends the preparation of a Wolborough DPD. A separate agenda item for the next Executive relating to the overall Local Development Scheme will reflect this recommendation.

3. PURPOSE OF THE WOLBOROUGH DEVELOPMENT PLAN DOCUMENT

- 3.1. The Wolborough DPD will not revisit the principle of the site allocation, since to do so would be to undermine our short to medium term housing delivery and in particular our five year supply of housing and our performance against the housing delivery test. Instead, it will build upon policy NA3, remaining in general conformity with the local plan, but providing additional detail and reflecting later information and the increased emphasis on design within the NPPF.
- 3.2. It is anticipated that the Wolborough DPD would take the broad form of the revised draft masterplan shown at Appendix A. In doing so, it would draw on new and existing evidence to address matters that could include:
- Streets and movement
 - Design principles
 - Density and main land uses
 - Landscape and green infrastructure
 - Greater Horseshoe Bat design framework and parameters

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- Wolborough fen monitoring and mitigation
 - Heritage and associated design responses
 - Infrastructure delivery
- 3.3. A key difference from the revised draft masterplan at Appendix A is that the DPD would also contain new planning policies that could be used to guide development. Once adopted, these would have a significant bearing on future planning decisions, whether associated with 'outline' (principle of development) or 'reserved matters' (detailed scheme elements) planning applications.

4. ASSOCIATED EVIDENCE

- 4.1. Whilst the Local Plan allocation and the revised draft Wolborough masterplan have been prepared on the basis of a considerable evidence base, there will be a requirement for further studies to inform finalisation of a Wolborough DPD. A Statement of Significance and Settings Assessment for The Church of St Mary the Virgin is in the process of being finalised and will be published shortly. In addition, ecological surveys and reports focussed on Greater Horseshoe Bats are proposed. These will follow surveying best practice and provide an up to date assessment of the extent to which the European protected species is present, and the ways in which it uses the site.
- 4.2. Finer grained financial viability evidence will also be required in order to establish that the total cumulative cost of all relevant policies will not undermine deliverability of the allocation.
- 4.3. Preparing the types of evidence outlined above will have a bearing on the total cost of finalising the DPD but meeting these costs will be integral to the Document's success. It is not considered feasible to adopt a plan for Wolborough without preparing additional evidence like this.

5. RESOURCES, MILESTONES AND TIMESCALES

- 5.1. It is estimated that finalisation of the Wolborough DPD will take around 2 years.
- 5.2. In accordance with the Local Plan Regulations 2012 and Teignbridge's Statement of Community Involvement, it is intended to undertake two stages of public consultation. The first will be a Draft Wolborough DPD consultation in Summer 2019 and the second will be a Proposed Submission Wolborough DPD in Early 2020.
- 5.3. Both stages of consultation will be accompanied by various forms of publicity and a public exhibition. An independent Inspector will then need to be appointed ahead of a public examination of the document. As with the Local Plan, the independent Inspector will need to be funded and a 'Programme Officer' put in place to oversee administration of the examination.
- 5.4. During preparation of the DPD and its examination, additional officer resource will be required. Planning policy officers are already committed to preparation of the Greater Exeter Strategic Plan and the Local Plan s. It is therefore proposed to recruit an additional temporary senior planning officer for up to two years.
- 5.5. Key milestones for preparation and adoption of the proposed Wolborough DPD are set out in table 1 below:

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Milestone	Timescale
Evidence gathering, including ecological surveys	Spring / Summer 2019
Draft Wolborough DPD public consultation and exhibition (Regulation 18)	July / August 2019
Proposed Submission Wolborough DPD public consultation and exhibition (Regulation 19)	January / February 2020
Submission for Examination in Public	May 2020
Examination in Public	August 2020
Adoption	December 2020

Table 1: Timetable for Wolborough DPD preparation

6. CURRENT PLANNING PROPOSALS AND FUTURE SCHEMES

- 6.1. Council's decision on whether to prepare a Wolborough DPD cannot hold up determination of current or future planning applications or appeals. Those will need to be assessed against the existing Development Plan and other material considerations.
- 6.2. However, no schemes within the masterplan area have been determined yet. There is a scenario where, owing to planning application withdrawals; refusals; or delays in the appeal process, planning permission may not have been granted by the time the DPD is being examined.
- 6.3. Even if outline planning permission is granted in advance, the DPD still holds the potential to influence 'reserved matters', including development layout and design.

7. FINANCIAL CONSIDERATIONS

- 7.1. The estimated cost of preparing the Wolborough DPD is £210,000. The main elements are outlined at Table 2 below.

Item	Cost
Additional senior planning officer for up to two years.	£90,000
Ecology surveys and reporting	£50,000
Financial viability testing	£20,000
Examination in public	£50,000
Total	£210,000

Table 2: Summary of Wolborough DPD preparation costs

- 7.2. This cost of £210,000 represents an unfunded budget pressure. Unspent budget relating to other planning matters is available to meet £75,000 of this cost. However,

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the £135,000 balance will need to be supported by drawing on other earmarked reserves held with the intention of supporting housing delivery in the first instance.

- 7.3. This impact on earmarked reserves may be replenished through the continuing Best 2020 process and potential identification of revenue savings in future years. The support for successful development delivery that the DPD brings may also result in increased new homes bonus income (beyond the 620 dwelling per annum target currently relied upon within the revenue budget setting process), as well as additional council tax receipts but this cannot be relied upon now.
- 7.4. Wolborough's development also holds the potential to generate around £10 million for infrastructure through CIL, albeit this is not revenue funding that can be used to pay for preparation of the DPD. Teignbridge must apply CIL to infrastructure.

8. KEY RISKS

Planning applications determined in advance

- 8.1. There is a risk that outline planning applications at Wolborough may be determined ahead of the Wolborough DPD being finalised. The DPD could still have a bearing on the detail and determination of reserved matters planning applications.
- 8.2. This risk cannot be avoided, the timetable outlined above cannot be accelerated and planning proposals cannot be held up during the preparation of this document.

Examination delays and further work

- 8.3. Whilst the DPD would be a relatively focussed planning policy document containing fewer policies than the Local Plan, the risk that the document may be rejected or require significant modifications and associated evidence is implicit in the independent Examination process.
- 8.4. This report proposes a realistic approach to properly resourcing preparation of the Wolborough DPD but the risk associated with the public consultation and examination process cannot be entirely averted.

Additional Costs

- 8.5. There is a risk that public consultation and/or Examination could result in time delays and a need to assemble further unanticipated evidence.
- 8.6. Summer 2018 consultation on the draft masterplan and careful consideration of responses received have helped to refine the scope of the document. Additional engagement with statutory bodies and landowner representatives has also resulted in a strong understanding of the main issues that will need to be addressed during DPD preparation.
- 8.7. The risk of additional work or delays has not been eradicated but the Council's starting point of having already undertaken detailed and ongoing stakeholder engagement leaves the Council better placed to understand all of the resource requirements associated with the Wolborough DPD than is often the case where other DPDs are being produced.

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- 8.8. The proposed budget has also been assembled prudently and anticipates an element of risk. Any underspend would be returned as a saving thus reducing the drawdown from earmarked reserves.

9. ALTERNATIVE OPTIONS

- 9.1. In coming to the recommendation of preparing a Wolborough DPD, a range of alternative options have been considered.

Adopt the revised Wolborough Masterplan as SPD

- 9.2. Whilst this would see much earlier adoption of the masterplan as a material consideration, legal advice has been consistent that failure to proceed will potentially open the Council to successful legal challenge in the current case which would undermine the value of the masterplan.

Approved the revised Wolborough Masterplan as non-statutory guidance

- 9.3. Consideration was given to whether the masterplan could be approved as non-statutory guidance or as a masterplan that would be suitable if submitted with a planning application. This option is not considered advisable as the status / weight of the document would be far more limited than as a DPD and again subject to potential legal challenge.

10. MAIN IMPLICATIONS

- 10.1. Preparation of the Wolborough DPD will result in a policy that can guide planning applications if they have not already been determined.
- 10.2. The recommendation to prepare a DPD replaces previous proposals to adopt the revised draft Wolborough Masterplan as an SPD.
- 10.3. The time and cost involved in the document's preparation is estimated at around 2 years and up to £210,000. £75,000 can be funded through uncommitted budgets but the balance of up to £135,000 will need to come from earmarked reserves until additional income or savings can be identified to replenish earmarked reserves.

11. JUSTIFICATION

- 11.1. Wolborough is a key Local Plan allocation and comprises around 1/8th of Teignbridge's housing supply. Preparation of a DPD for the site will help to guide infrastructure delivery and development proposals that subsequently come forward.

**Simon Thornley,
Business Manager, Strategic Place**

Wards affected	College, Kerswell-with-Combe, Ambrook
Contact for more information	Spatial Planning & Delivery, 01626 215702
Key Decision	Y

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In Forward Plan	N
In O&S Work Programme	N