

Your Ref:
Our Ref: LWP67



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By email: planningpolicy@eastdevon.gov.uk

30 March 2022

Dear Ms King,

KILMINGTON NEIGHBOURHOOD PLAN REGULATION 16 SUBMISSION CONSULTATION

I write on behalf of Place Land Ltd in respect of the Regulation 16 Submission consultation of the Kilmington Neighbourhood Plan.

Place Land Ltd is acting on behalf of the landowners of land east of George Lane, Kilmington, to bring forward the land for residential development. Place Land Ltd has engaged with the Parish Council and is broadly supportive of the proposed Neighbourhood Plan (NP) including proposals for planned growth over the period to 2031.

Detailed comments on the policies and provisions of the NP are provided below.

Section 1.1 (page 6)

The NP acknowledges that East Devon District Council (EDDC) is undertaking a review of the adopted Local Plan and anticipates adopting a review in February 2024. It states that the NP will be adopted ahead of the Local Plan Review necessitating an early review of the NP to ensure the plan takes precedence over strategic policies in the Local Plan Review.

We support this approach; the Neighbourhood Plan will be superseded by the emerging Local Plan Review and therefore could have a relatively short life as part of the adopted development plan, unless an early review is undertaken following adoption of the Local Plan Review. The Working Draft of the East Devon Local Plan, reported to the Strategic Planning Committee in November 2021, proposes the allocation of a larger area of 2.5 hectares of land east of George Lane, offering the opportunity to meet

the housing needs of the village up to 2040, at a rate equivalent to around 2-3 dwellings per annum.¹ A review of the Neighbourhood Plan would provide the opportunity to influence the form of this development as part of proposals for the continued growth of the village.

Policy HD1: Community Engagement

The policy requirement to engage with the Parish Council, meet the aims and objectives of the Neighbourhood Plan through their proposals and undertake public consultation with the Parish Council and wider community, are broadly supported.

The Policy stipulates that applicants should demonstrate how issues raised through the consultation have been addressed. Whilst, it is reasonable to require applicants to respond to all issues raised through consultation exercises, it may not always be possible or reasonable to address all such issues through the development proposals. Accordingly, Place Land requests that the policy be revised as follows:

2...."**the applicant must consult the local community prior to submitting the planning application and demonstrate respond appropriately to how the issues raised through the consultation have been addressed.**"

Section 3.3 Housing Site Allocations

The NP recognises that Strategy 27 of the East Devon District Adopted Local Plan allows for development beyond the settlement boundaries where allocated through a Neighbourhood Plan. The NP also refers to Strategy 35 which allows for exceptions to countryside policy, subject to compliance with policy criteria.

Within the context of the identified housing needs and an aspiration for gradual growth of the village, the NP allocates land for development. However, the allocation of land is framed within the context of Strategy 35 of the Local Plan, as an exception to policy. The correct policy framework for the allocation of land beyond the settlement boundary of Kilmington is Strategy 27. Policy 35 would apply to any additional land proposed for development beyond the settlement boundary which is not identified for development within the Local Plan or Neighbourhood Plan.

The penultimate paragraph on page 30 should be amended accordingly.

Section 3.3.1.1 Land Off George Lane (adjacent to Dares Field) and Policy HD3

Place Land Ltd supports the allocation of land off George Lane as a highly sustainable location for the growth of Kilmington, in close proximity to the existing built up area and associated facilities. The site offers the opportunity to deliver around 14 new homes to a mix of tenures and sizes to meet the needs of the village. A draft concept layout has been prepared on behalf of Place Land Ltd, which illustrates how the site could accommodate 14 dwellings to the housing mix proposed under Policy HD3, taking into account known opportunities and constraints (see enclosed).

We submit the following comments on the policy criteria.

Criteria 3ii requires **at least** 50% affordable housing, and an additional provision of self-build. The policy exceeds the requirement of Strategy 34 of the Adopted East Devon Local Plan 2013-31, which sets a **target** of 50% affordable housing which is **subject to viability**. The policy wording should be amended to comply with Strategy 34. The policy criteria suggests a possible mix of house types, based

¹ In combination with NP allocation HD4

on current evidence of local need, although this could change prior to submission of a formal planning application. In addition, the 3 self-build plots are sought despite the NP acknowledging that there is limited interest or demand in self-build units (see page 38). Provision of self-build units would require compliance with Policy HD5 with evidence that the proposed dwellings would be built by local residents. In the event that there is no demand for a self-build unit on the site, the policy should allow for the self-build plot(s) to be replaced with market housing.

In recognition that these factors and the need for a flexible approach towards the final housing mix, it is recommended that reference to a possible housing mix is removed from the policy text and transferred to the policy's supporting text.

It is therefore recommended that criteria 3ii is amended as follows:

“provide ~~at least 50% affordable housing (a mix of low cost, shared ownership and subsidised rent), subject to identified housing needs and viability, and an element of ‘self-build’, subject to meeting the requirements in Policy HD5. Local evidence at present suggests 7 affordable 2-3 bedroom houses, 3 self build 3-4 bedroom houses and 4 open market 3-4 bedroom houses; The self-build element is in addition to and not part of the required affordable housing provision for this site.~~”

Criteria 3 iv requires an adequate connection to be constructed to the foul sewer prior to the commencement of development. This policy criterion is unduly onerous and could result in front loading of development costs, to the detriment of the scheme's viability. Providing a detailed scheme for the delivery of a connection to the public sewer is approved by the local planning authority prior to commencement of development and such works are completed prior to occupation of the first dwelling, this should provide sufficient assurances that a satisfactory connection can be delivered. It is therefore requested that criteria 3iv is amended as follows:

“provide an adequate connection to the public sewer before the development can commence ~~be occupied.~~”

Criteria 3 viii requires the development to enhance biodiversity and habitat including a minimum requirement for the provision of one nesting brick or box on each new residential unit, which should be exceeded through additional measures, including but not limited to, nesting cups for house martins and swallows.

Place Land is committed to delivering a biodiversity net gain through the development proposals. The Environment Act 2021 introduces a mandatory minimum requirement of a 10% biodiversity net gain (BNG) for all new development.² This is calculated using a Biodiversity Metric which takes account of the existing habitats and biodiversity value of the site prior to development. As part of a future planning application, a suite of measures would be proposed, informed by the Biodiversity Metric, to achieve BNG and to mitigate any harm to the existing habitat associated with the proposed development. It would be premature to stipulate a requirement for particular habitat features through the NP, prior to completion of a comprehensive suite of ecology surveys and the Biodiversity Metric.

It is therefore requested that criteria 3 viii is amended as follows:

“retain and enhance biodiversity and habitat on the site, ~~including installing a minimum of one integral nesting brick or bird box into each new build residential unit. Wherever possible and~~”

² Subject to secondary legislation

~~practicable, this minimum requirement should be exceeded through other appropriate measures including, but not limited to, external nest cups for house martins and swallows;”~~

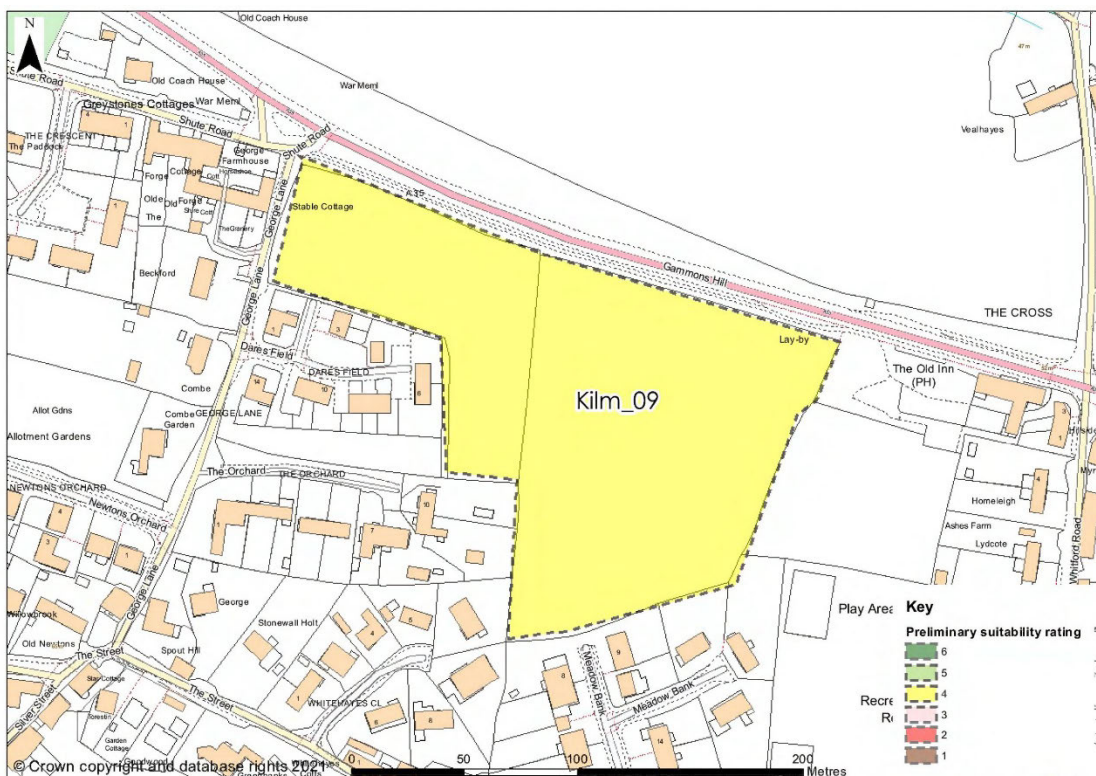
Criteria 3 xiv requires the provision of safe pedestrian and cycle access on-site to enable good access to community facilities and local services. Criteria 3 xvi also requires agreement to be reached with the Parish Council for a route and then provision of a foot and cycle path at the southern end of the site, to act as a west-east link from land north of the Orchard to the land east of the development site, together with a link to Meadowbank residential area.

These policy criteria follow the supporting text at paragraph 3.3.1.1, which identifies the opportunity to create improved connectivity by foot and bicycle routes from the western half of the village to the eastern side where most amenities and facilities are located.

Place Land Ltd supports the provision of safe pedestrian and cycle routes within the development scheme. However, the opportunities to deliver pedestrian and cycle connections through to the east of the village are limited by the scale of the proposed site allocation and the absence of a direct physical connection to Meadow Bank and the playing fields to the east.

Whilst a development layout could incorporate cycle and pedestrian routes through the NP site and facilitate future connections, delivery of physical connections to Meadow Bank to the south and the playing fields to the east could only be realised through the development of further land to the east of HD3.

The field to the east of the proposed allocation of HD3 is owned by the same landowner and is available for development. This field is identified by East Devon District Council through its Working Draft of the Local Plan Review as a possible allocation to meet the needs of Kilmington over the period to 2040 (see below).



Allocation of the site through this Neighbourhood Plan would be consistent with the Adopted District Local Plan Strategy 27, achieving sustainable development objectives. Comprehensive development of the enlarged site would ensure the delivery of active travel infrastructure, integrating new housing successfully into north of the village and ensuring sufficient housing is planned to meet the village's needs beyond the NP plan period.

The enclosed concept layout plan illustrates how the wider site could accommodate around 35 dwellings in a sensitive manner, in keeping with the character and layout of the village and set within a framework of strategic landscaping. The layout also demonstrates how physical connections could be delivered into Meadowbank and the playing fields for pedestrian and cycle access.

In order to meet criteria 3 xiv and 3 xvi, additional land to the east of HD3 should be included within the allocation and the site's capacity increased accordingly to around 35 dwellings.

Alternatively, in the absence of the enlarged allocation site, the criteria 3 xiv should be amended as follows and 3 xvi deleted in full, pending the allocation of the eastern field through the District Local Plan Review.

~~“provide safe pedestrian and cycle access on site to help enable good access to community facilities and local services~~ and facilitate future pedestrian and cycle connections to the existing facilities and built up area of the village”.

4.2 Impact on the Local Highway and Footpath Network

The impact of traffic flows along the A35 on the amenity of the village is acknowledged. Place Land supports the NP's objective to strengthen planting along the southern boundary of this transport corridor and to set back new development from the A35.

Provision for a 10m wide landscape buffer will be incorporated into proposals for development south of the A35, east of George Lane.

I trust you find the above comments helpful and constructive. Should you require any clarification, please do not hesitate to contact me.

Please keep me informed of progress with the Neighbourhood Plan and the forthcoming examination.

Yours sincerely,



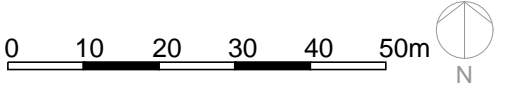
Lucy White B.Sc. (Hons) DipTP MRTPI
Director

Enc. Concept plans HD3



- Site boundary
- Existing trees
- Proposed trees
- Divert water main (potential)
- Existing water main + easement
- Existing hedgerow (enhance)
- Potential future access to east field
- Existing tree shade
- Proposed attenuation pond
- Potential vehicular access
- Existing tree group

2 bed house: 7
 3/4 bed house: 7
 Total: 14



REV	11.03.22	Update	Issue to Client	RW / PC	RW / PC	AUTHOR / CHECKED
PT	08.03.22	DATE	COMMENTS			

PROJECT TITLE	
Kilmington	
DETAIL	
Concept Plan (Neighbourhood Plan)	
DRAWING NUMBER	
PROJECT ORIGINATOR: ZONE-LEVEL-TYPE-ROLE-NUMBER	
21121	-LHC - 00 - XX - DR - UD - 0103
STATUS	
FOR INFORMATION	
S2	
REVISION	
P2	MAR.22
SCALE	
1:1000 @A3	
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LHC PROJECT NUMBER	
21121	

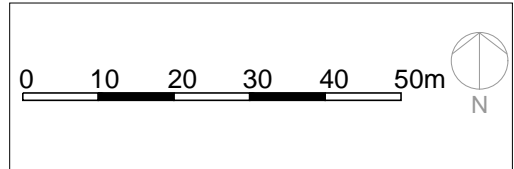
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- Site boundary
- Existing trees
- Proposed orchard trees
- Proposed trees
- Divert water main (potential)
- Existing water main + easement
- Existing hedgerow (enhance)
- Potential vehicular access
- Existing tree shade
- Proposed attenuation pond
- Existing tree group

Accommodation Schedule
 2 bed house: 11
 3/4 bed house: 24
 Total: 35



P2	11.03.22	Update	RW / PO
P1	08.03.22	Issue to Client	RW / PO
REV	DATE	COMMENTS	AUTHOR / CHECKED

PROJECT TITLE
Kilmington

DETAIL
Concept Plan (Local Plan)

DRAWING NUMBER
 (PROJECT-ORIGINATOR-ZONE-LEVEL-TYPE-ROLE-NUMBER)
21121 -LHC - 00 - 00 - DR - UD - 0104

STATUS
S2 FOR INFORMATION

REVISION	DATE	SCALE
P2	MAR.22	1.1000 @A3

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