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East Devon Local Plan 2020 to 2042

Regulation 19 Publication draft

Representations on behalf of C G Fry & Son Ltd

28 March 2025

Introduction

CarneySweeney acts for C G Fry & Son Ltd (C G Fry) in connection with Land east of Musbury Road, Axminster, East Devon. This land is being promoted for residential development.

CG Fry are a regional housebuilder based in West Dorset and operating across the south west from Cornwall to Hampshire. The Company is in the ownership and control of the Managing Director, Philip Fry, and employs around 200 people across many disciplines from site operatives to professional design, surveying, planning and project management staff.

Craftsmanship and quality have always been the hallmarks of C G Fry's work, earning the Company an enviable reputation. The emphasis is on high quality design and materials, with a finish that can only be achieved by craftsmen working in the traditional way, with the sort of attention to detail which sets their work apart. C G Fry's aim is to work in partnership with landowners and key stakeholders to create developments that everyone involved with can be proud of leaving behind.

CarneySweeney submits the following representations on behalf of our clients.

Summary of our Representations

These representations focus on the following policies within the draft East Devon Local Plan 2020 to 2042 (draft EDLP):

Site Allocation

- Strategic Policy SP01: Spatial Strategy
- Strategic Policy SD02: Axminster and its development allocations
- Strategic Policy SP04: Employment provision and distribution strategy

Policies

- Strategic Policy CC02: Net zero carbon development
- Strategic Policy CC06: Embodied Carbon
- Strategic Policy AR02: Water efficiency
- Strategic Policy HN01: Housing to address needs



- Strategic Policy HN02: Affordable housing
- Policy HN03: Housing to meet the needs of older people
- Policy HN04: Accessible and Adaptable Dwellings
- Policy HN05: Self-build and custom build housing
- Policy DS02: Housing density and efficient use of the land
- Policy TR04: Parking standards
- Policy OL10: development on high quality agricultural land
- Strategic Policy PB05: Biodiversity Net Gain
- Strategic Policy PB07: Ecological enhancement and biodiversity in the built environment
- Policy PB08: Tree, hedges and woodland on development sites
- Policy PB09: Monitoring requirements for new planting schemes
- Strategic Policy OS01: Access to open space and recreation facilities
- Policy OS02: Sport, recreation, open space provision in association with development
- Policy HE01: Historic Environment
- Policy HE02: Listed Buildings and Policy HE03: Conservation Areas
- Policy HE04: Archaeology and Scheduled Monuments
- Policy CF02: Loss of Community Facilities

Policy Context for Plan Making

Provisions for plan making are set out within the NPPF and NPPG. Plan makers are required to take account of the following points when preparing their Local Plan.

Under the transitional arrangements of the December 2024 NPPF, the new Local Plan will be considered under the provisions of the December 2023 NPPF.

National Planning Policy Framework (December 2023)

- Paragraph 31 states that “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be ...focussed tightly on supporting and justifying the policies concerned and take account of relevant market signals.”
- Paragraph 35 identifies the tests of soundness as being:
 - a) Positively prepared: As a minimum, seeking to meet the area’s objectively assessed needs and informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with sustainable development.



- b) Justified: An appropriate strategy based on taking account of reasonable alternatives and proportionate evidence.
- c) Effective: Deliverable, based on effective joint working on cross-boundary strategic matters, evidenced in a Statement of Common Ground.
- d) Consistent with national policy.

Site Allocation Comments

Strategic Policy SD02: Axminster and its development allocations proposes to allocate the above site – Land east of Musbury Road (Axmi_02, Axmi_08 and Axmi_09) – for 438 dwellings and 1.6 hectares of employment land.

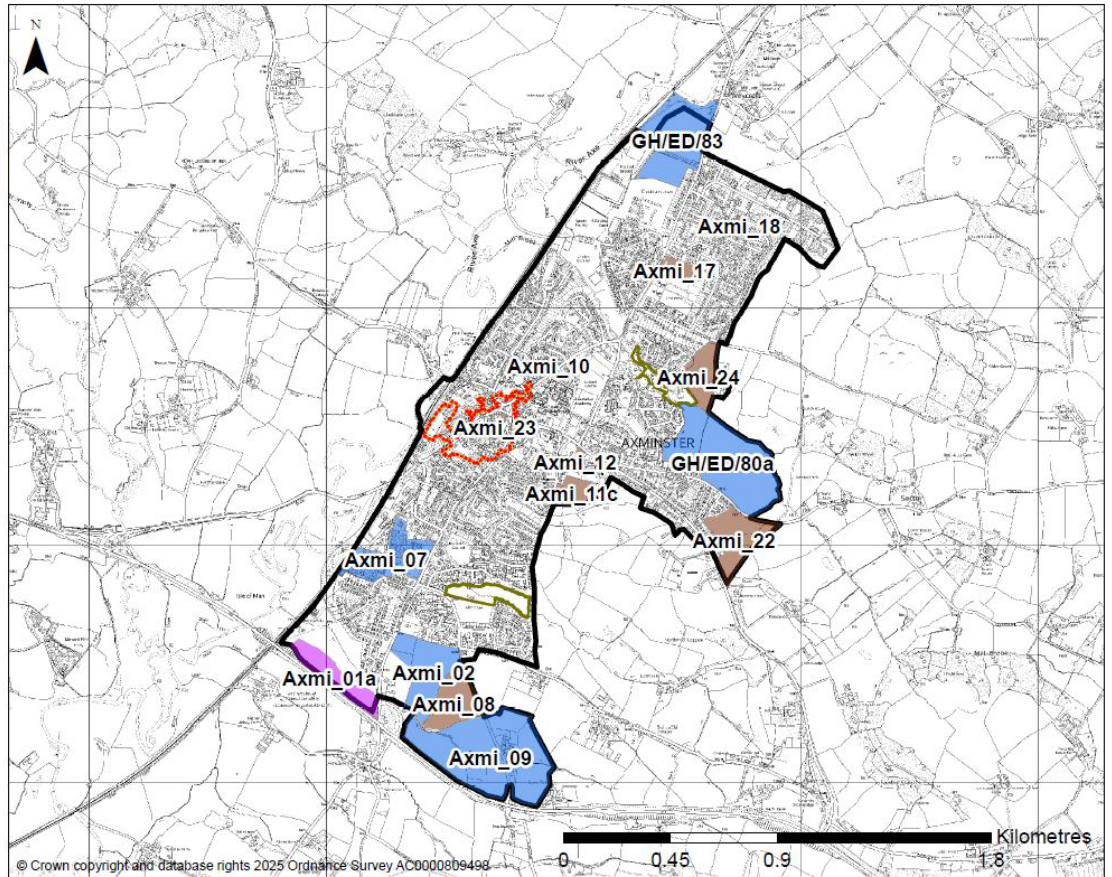
The full policy text and allocation map are included in full below:

Land east of Musbury Road (Axmi_02, Axmi_08 and Axmi_09)

This land is proposed for 438 dwellings and 1.6 hectares of employment land. This allocation will need to come forward on the basis of an agreed masterplan for the whole site that clearly demonstrates how comprehensive development will be undertaken and implemented. Through this masterplan particular account will need to be taken of providing active travel links to the town centre and railway station, together with addressing the landscape and heritage sensitivities of the site. Highways access shall be taken from the A358 Musbury Road. The masterplan shall take full account of archaeological survey work to determine the extent of remains associated with the adjacent Scheduled Ancient Monument. Community facilities to include a hall or meeting place will need to be incorporated into and delivered by the development. Connectivity onto Wyke Road and public rights of way will be required to ensure good pedestrian/cycle access. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes. In particular, it should explore opportunities to provide off-carriageway bus stops on Musbury Road to improve sustainable travel options.



n.b. This inset map has been provided as an additional resource; the definitive version of the Policies Map is the interactive version which can be accessed here: <https://maps.strata.solutions/portal/apps/webappviewer/index.html?appid=8da794a146d94df680ee37c7589e9a1e>



Legend (key policy boundaries shown only)

Site Allocations (SD02) Type

- Housing
- Housing and Employment
- Employment
- Settlement Boundaries (SP05)
- Town Centre Areas (SE07)
- Primary Shopping Areas (SE07)
- Land of Local Amenity Importance (OL06)

East Devon Local Plan 2020-2042 (Reg 19 Consultation) inset to Policies Map

Axminster



Strategic Policy SP04: Employment provision and distribution strategy the provision of 178.16 ha of employment land as follows:

The Council is committed to achieving high quality, high value jobs in East Devon, close to people’s homes. Employment provision will consist of:

- A. Sites allocated in this plan (not at new communities) – 90.66 hectares
- B. Sites at Cranbrook – 19.2ha
- C. Sites at 2nd new community (up to 2042) – around 17.5ha
- D. Sites built 2020-2024 – 6.8ha
- E. Sites with planning permission or under construction at 2024- 44ha
- F. Total- 178.16ha
- G. In addition, windfall sites are likely to come forward in accordance with other plan policies

This level of provision gives range and choice when measured against a quantified forecast need of 80 hectares set out in the Economic Development Needs Assessment¹⁴ (mid-point clean growth scenario) and ongoing monitoring work.

The supporting text sets out the following employment allocation for Axminster:

<u>Strategic Policy SD02: Axminster and its future development:</u>		
Prestaller Farm, Beavor Lane (Part of GH/ED/80)	E(g)(iii)	1
Land west of Chard Road (GH/ED/83)	E(g)(iii)	0.8
Land west of Musbury Road (Axmi_01a)	B2, B8, E(g)	2
Land east of Musbury Road (Axmi_02 and Axmi_08)	E(g)(iii)	0.6
Land at Axminster Carpets (Axmi_07)	E(g)	Up to 0.5
Great Jackleigh Farm (Axmi_09)	E(g)	1
Land east of Lyme Close (Axmi_11a)	E(g)	0.4

Our client fully supports the allocation of the site for residential development but does not support the allocation for employment uses.

There are also concerns about the justification for and feasibility of delivering a community hall.



Spatial Strategy and Deliverability

Our client fully supports the identification of Axminster as a Main Centre able to support significant development. Axminster is a highly sustainable settlement with very good transport connections and a varied range of shops, services and facilities.

Strategic scale allocations at Axminster will better balance the historic skew of development towards the West End of the District as well as making up for the non-delivery of the former strategic allocation to the east of the town.

The proposed development site will both benefit from, and be able to further support, the extensive range of services and facilities in the town.

Residential

The three sites taken together as a single allocation is a logical extension to the town and the quantum of residential development identified in the policy is fully supported.

Allocating all three parcels as a single site will enable a comprehensive approach to forward planning future housing requirements delivering high quality homes to the south of Axminster.

The three parcels can function as a single entity, or can be delivered in phases, and are available, suitable and deliverable. Preliminary feasibility and design work confirms that this quantum can be accommodated on the site.

Land Quality

Most of the site has remained as agricultural land and apart from minor and small-scale exceptions, is unlikely to have elevated levels of contamination.

Flood Risk and Drainage

The majority of the site is in Flood Zone 1 and any new development would be restricted to Flood Zone 1 at 'very low risk' of flooding from surface water. New development can be designed to safely convey any upstream flows through the site. In geological terms, soakaway drainage may be viable, to be confirmed by further assessment but if not the existing waterways on site would provide a natural outfall option.

Access and Connections to Services and Facilities

Vehicular access to the wider site can be provided from a number of locations. The site is accessible by foot and cycle to a range of shops, services and facilities in Axminster. There are a range of transport options to access Exeter, Taunton, Yeovil and Dorchester including train and local/strategic bus connections.



Landscape

Built development within the valleys and along the River Axe tributaries is an established pattern in Axminster and development on this site could follow this pattern.

Development on the higher slopes in the east will need to be carefully designed and planned. Measures will be required to soften the built edge and integrate development within the wider landscape and National Landscape setting. Field boundaries, hedgerows and hedgerow trees can be incorporated into the scheme to achieve this and help create stronger habitat links.

There is also an opportunity to improve the Public Right of Way network to create circular trails and connect to existing routes.

Ecology

A full Phase 1 Habitat Assessment of the site has been undertaken. It is considered that there are not likely to be any insurmountable ecological challenges to a residential development of the scale and at the location proposed. Grassland habitats in particular are of local interest only.

There is potential for significant biodiversity enhancement in retained habitats to achieve required net gain and dovetail with the landscape mitigation.

Heritage

A Historic Desk Based Assessment (DBA) has been carried out confirming the likely presence of buried archaeological remains within the site. A programme of archaeological works will be carried out to understand the extent, nature and significance of the below ground archaeology within the allocation boundary. Once the results are available, appropriate mitigation can be designed into the scheme as required

The DBA also considered the potential for the development of the study site to affect the significance of the scheduled Roman fort and associated settlement, and Higher Wyke Farmhouse. The DBA concludes that the impact on the Roman fort would be addressed through the below ground archaeology assessment and mitigation. In terms of Higher Wyke Farmhouse the DBA concludes that any impact on its significance could be adequately addressed through detailed design measures.

Utilities

The site can achieve connections to existing utility networks, all of which have sufficient capacity to accommodate comprehensive development.



Nutrient Neutrality

The Council is progressing a mitigation strategy for the River Axe catchment to address the impacts of the proposed allocations. Any future applications will make appropriate contributions to this to ensure the future development is nutrient neutral. The effect of surface water on the River Axe SAC can be mitigated through drainage design, using SuDS and other established techniques.

Employment

As set out above, Strategic Policy SP04 identifies provision of 178.16ha of employment land against an identified need of 80ha. While reference is made to providing range and choice this significant over supply – some 98ha – is totally unjustified. The wording supporting Policy SP04 makes no explanation as to why it is appropriate to overprovide 98ha of employment floorspace, an oversupply of some 123%, when the same approach is not being applied (for example) to housing numbers, where the Council are only just meeting a target that falls short of the latest NPPF numbers.

In addition, the SP04 justification wording also fails to explain why a seemingly generic approach has been applied of allocating small pockets of employment floorspace as part of housing allocations. The Council's Site Selection Report (SAL-005), which supports the allocation of the Land East of Musbury Road, assesses Amxi_02, Axmi_08 and Axmi_09 for housing only and provides a yield accordingly (Axmi_02 – 100 dwellings, Axmi_08 – 68 dwellings, Axmi_09 – 270 dwellings). No mention is made of any potential capacity, or suitability for employment use. The site is also not assessed at all under the East Devon Employment Land Review (ECN-004) and so it remains unclear in which evidence document the Council has justified its position that this site is suitable for employment uses.

The site is not considered suitable for traditional employment 'sheds' due to its heritage and landscape sensitivities and small pockets of commercial use spread through residential development are very hard to make successful. Given the significant need for housing as compared to the much smaller need for employment land, it is not clear why the Council are not choosing to maximise housing delivery on suitable sites such as this.

Further it is noted that one of the proposed allocations at Axminster is on an existing employment site – Land at Axminster Carpets (Axmi_07). This site is currently a 4.99ha site, part of which is in active employment use. While being proposed as mixed use for 50 dwellings and the retention of the existing 0.5 ha of employment it would make more sense to increase/redevelop the employment use on this site rather than decant employment uses to our client's site.

Axmi_07 is more centrally located within the town, immediately adjacent to Axminster Train Station, so must be considered a better location for increased employment opportunities. The loss of part of the site to residential also conflicts with Strategic Policy SE04: Resisting the loss of employment sites. If the Council are



accepting the loss of 4.49ha of employment floorspace (total site area less the allocation requirement to retain 0.5ha) in a better location for such uses, it must undermine the justification for any employment being provided on Land East of Musbury Road.

Community Hall

While the provision of appropriate community infrastructure is supported, the need for such facilities and the challenges of delivery and operation need to be understood.

Axminster benefits from a number of existing community facilities including Phippen Community Centre, Axminster Leisure Centre, Axminster Community Shed, Axminster Bradshaw Heritage Meeting Room and the main Town Council office located close to the centre of the town, so the need for an additional hall or meeting place is questioned. There is also no evidence provided regarding overall Community provision in East Devon, or specifically in Axminster, neither has there been any evidence regarding interest from local groups or the Town Council in taking on such a facility. Mandating the delivery of such facilities in such circumstances risks leaving part of the site undeveloped or worse a structure unused that is not suitable for other uses.

If this element is retained in the policy, there needs to be referenced to evidenced need and an identified operator and / or flexibility about how the community element can be provided.

Viability is also an issue in Axminster as acknowledged by the Tree Dragons Viability Assessment so the requirement for additional facilities needs to be properly evidenced and the viability implications understood.

Highways Measures

The references in the policy to the provision of active travel links to the town centre and maximising opportunities for localised improvements/contributions to enhance sustainable travel modes is supported.

There is a concern however with the reference to the provision of off-carriageway bus stops on Musbury Road insofar as practicality of delivery.

While land from the site could be used to deliver such provision for the southbound direction, there is no land available on the other side of the road to provide an off-carriageway bus stop for the northbound direction. We note the policy only requires this to be explored, but it should not reference something which is known to not be deliverable.

Additionally current highway guidance "Buses in Urban Developments" published in 2018 by the CIHT on providing infrastructure for buses encourages the provision of on-carriageway bus stops to prioritise bus movements and make it easier for buses to pull out into traffic flow. As such specifically requiring the provision



of off-carriageway bus stops is not consistent with current best practice and one suggestion might be to drop the off-carriageway requirements and just refer to bus stops. It would then be for the highway authority to determine the appropriate arrangement through the planning application process.

Requested Changes

The following changes are requested to the site allocation (new text underlined):

This land is proposed for 438 dwellings ~~and 1.6 hectares of employment land~~. This allocation will need to come forward on the basis of an agreed masterplan for the whole site that clearly demonstrates how comprehensive development will be undertaken and implemented.

~~Through this masterplan particular account~~ The allocation will need to ~~be taken of providing~~ consider active travel links to the town centre and railway station, and the Masterplan should ~~together with~~ addressing the landscape and heritage sensitivities of the site. Highways access shall be taken from the A358 Musbury Road. The masterplan shall take full account of archaeological survey work within the allocation boundary to determine the extent of any remains associated with the adjacent Scheduled Ancient Monument. ~~Community facilities to include a hall or meeting place will need to be incorporated into and delivered by the development.~~ Connectivity onto Wyke Road and public rights of way will be required to ensure good pedestrian/cycle access. The development should maximise opportunities for localised improvements/contributions to enhance sustainable travel modes. In particular, it should explore opportunities to provide off-carriageway bus stops on Musbury Road to improve sustainable travel options.

Policy Comments

The following section contains general and specific policy comments and follows the order of the draft plan.

C G Fry fully endorses the aspirations of the plan to raise standards and deliver high quality development and good design and the need to assess and mitigate the impacts of development.

However, this is subject to the following caveats:

- All proposed local policies must be justified.
- Potential impacts on viability and deliverability must be properly understood.
- Policies should not seek to unnecessarily replicate the NPPF or Building Regs (or other regulatory regimes).
- Policies should not be drafted in such a way that they hinder or discourage development.



- Where any standards or thresholds are set out there needs to be flexibility built into the policy to take account of site specific, technical feasibility and viability considerations.

General Policy Comments

Local Plan Vision Statement

It is notable that the Vision does not refer to the allocation and delivery of sufficient land to meet housing needs, reflecting section 5 of the Framework and the Written Ministerial Statements of 30 July 2024 (Angela Rayner MP) and 12 December 2024 (Matthew Pennycook MP), which are material considerations.

This indicates that the draft LP places higher priority on environmental considerations than on addressing the national housing crisis. Indeed, many of the policies and provisions reflect this imbalance.

It is considered that the Vision should be re-balanced to acknowledge the need to address the housing crisis by providing a choice of decent housing for all, and this new balance should then be reflected in the policies and provisions of the plan, in accordance with our representations.

Housing Targets / Delivery

Up to 2031/32, the Council indicate a trajectory to deliver 850 dwellings per year on average, with the remaining plan period from 2032/33 onwards to deliver an annual average of 1,070 dwellings per year. Whilst this averages out to provide for the required housing need, it means that for the first part of the plan-period, the LPA will be under-delivering against their identified housing need and more than likely unable to demonstrate a five-year housing land supply within the early parts of the plan-period, as evidenced by Appendix 1 of the Draft Local Plan. This approach appears to be at odds with the Framework, in particular, the requirement to “meet the area’s objectively assessed needs”.

It is, effectively, a workaround, where the LPA will only be delivering 70% of the housing requirement, which would be averaged out by delivery later in the plan period, for the Plan to continue to be assessed against the previous version of the Framework and therefore requiring 80% of the housing requirement to be planned for.

Elsewhere in the Draft Local Plan, notably in Strategic Policy HN02 (Affordable Housing), it is referenced that 35% affordable housing would be a target for windfall development outside settlement boundaries. This appears at odds with Policy SP06 which restricts development outside settlement boundaries, presenting concerns about the level of contribution that windfall sites will provide to meeting housing need. Paragraph 75 of the Framework is clear that there should be “compelling evidence” that windfall sites will provide a reliable



source of supply. The current wording of Policy SP06 does not provide confidence that development on windfall sites will be a reliable source of supply.

In combination, the restrictive nature of Policy SP06, and the reliance of larger sites to deliver the required housing need later in the plan-period cemented by Policy SP02, presents the prospect of a deteriorating housing supply position from the point of adoption within the first half of the plan period. The Framework is clear that planning policies “should identify opportunities for villages to grow and thrive, especially where this will support local services”. The restrictive nature of Policies SP02 and SP06 is at odds with the clear intention of what the Framework is aspiring to achieve. Furthermore, the Framework is clear that strategic policies should provide for objectively assessed needs “as a minimum”.

Viability

The Three Dragons Viability Assessment does not appear to have taken account of the pending Building Safety Levy due to come into effect from Autumn 2026. The rate per sqm in East Devon is currently indicated to be £34.06/sqm so would be £3406 for each 100sqm open market dwelling.

This so would represent a significant additional cost that needs to be taken into account in assessing the viability of the local plan.

Specific Policy Comments

CHAPTER	CHAPTER 5. MITIGATING CLIMATE CHANGE
Policy	Strategic Policy CC02: Net zero carbon development
Comment	<p>Part A requires compliance with the Future Homes Standard 2025 or successors or if not implemented, the Future Homes and Buildings Standards 2023.</p> <p>The Written Ministerial Statement dated 13 December 2023 in respect of energy efficiency standards states that:</p> <p><i>The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government’s commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:</i></p>



	<ul style="list-style-type: none"> • <i>That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.</i> • <i>The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).</i> <p>Based on current experience the values put in the Three Dragons Viability Assessment for the additional costs associated with achieving Future Homes standards are too low. However more fundamentally as the government are still consulting on the various options for how Future Homes could be achieved it is impossible to properly cost achieving this at this time. As such the viability impacts of the policy cannot be tested as is required by the above WMS and so the policy should not be retained.</p> <p>The Council should not seek to pre-empt national standards.</p> <p>The policy is also not expressed in such a way that complies with the second bullet.</p> <p>Even if the policy is found sound, it must be applied flexibly where the applicant can demonstrate that meeting the higher standard is not technically feasible in relation to the availability of appropriate local infrastructure, in accordance with the WMS.</p> <p>Part C: New homes to be designed to avoid temperature discomfort. Temperature discomfort is not defined.</p>
Requested Amendments	Policy should be deleted.
Policy	Strategic Policy CC06: Embodied Carbon
Comment	<p>While C G Fry supports consideration of embodied carbon the requirement for all major developments to undertake an embodied carbon assessment appears excessive and unjustified. This should only be required where the particular circumstances of the proposal raise significant embodied carbon issues.</p> <p>The financial implications of this additional requirement on development costs is also not assessed in the Three Dragons Viability Assessment.</p> <p>If this requirement is found sound it would also provide greater clarity if the Policy identified which nationally recognised Whole Life Cycle Carbon Assessment procedure the Council would expect to be completed.</p>
Requested Amendments	Policy to be deleted or amended to refer to justified circumstances and confirm which Whole Life Cycle Carbon Assessment should be completed.



CHAPTER	CHAPTER 7. ADAPTING TO CLIMATE CHANGE
Policy	Strategic Policy AR02: Water efficiency
Comment	<p>Policy AR02 imposes the standard of 110 litres per day per person of water usage. The supporting text refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence.</p> <p>The Written Ministerial Statement of 25 March 2015 states that “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.”</p> <p>The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans (Paragraph: 002 Reference ID: 56-002-20160519).</p> <p>Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327).</p> <p>The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56-014-20150327). The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence:</p> <ul style="list-style-type: none"> • existing sources of evidence*. • consultations with the local water and sewerage company, the Environment Agency and catchment partnerships. • consideration of the impact on viability and housing supply of such a requirement. <p>*EA’s Water stressed Areas 2021 classification, water resource management plans produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327)</p> <p>There is no hard technical evidence to support the stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).</p>
Requested Amendments	The policy should be deleted.



CHAPTER	CHAPTER 8. MEETING HOUSING NEEDS
Policy	Strategic Policy HN01: Housing to address needs
Comment	<p>While the general aims and objectives of Strategic Policy HN01 are supported, the approach to self and custom build housing (SCB) raises concerns.</p> <p>General aims:</p> <p>E – This section refers to meeting identified local demand for self and custom build (SCB) but Policy HN05 (discussed further below) mandates a blanket requirement of 5% of plots on schemes of 20 or more to be provided as SCB plots. Any requirement for SCB plots should be based on up-to-date needs evidence and a blanket approach does not align with this.</p> <p>Housing mix:</p> <p>D. It is not considered that serviced SCB plots on larger housing developments is the most effective way to meet any identified SCB need (discussed further below).</p>
Requested Amendments	<p>Required change:</p> <p>General aim criteria E – No specific changes requested</p> <p>Housing Mix criteria D – Amend to refer to suitable sites rather than serviced plots of land.</p>
Policy	Strategic Policy HN02: Affordable housing
Comment	<p>The identified affordable percentages are generally considered reasonable (subject to a full update to the Viability Assessment to take account of the Building Levy) .</p> <p>Regarding the identified tenure split, social rent as opposed to affordable rent does have significant viability implications. While explicit reference is made to the tenure split for Axminster being flexible through the consideration of viability, this flexibility needs to apply to all sites.</p> <p>Viability supporting a lower percentage or different tenure mix is referred to further down in the policy but this explicit reference to Axminster in the main part of the policy risks causing confusion.</p> <p>There is also an inconsistency regarding the policy and C2 housing. In the introductory paragraph it states the policy specifically applies to C2 uses but lower down it states that C2 uses are exempt – this needs to be clarified.</p>
Requested Amendments	<p>Text to be clarified regarding C2</p> <p>Affordable table – tenure mix column – final paragraph (amended text underlined):</p>



	<p><u>At all sites, and in particular</u> at Axminster there will be flexibility, through consideration of viability assessments and where schemes are non-viable, to vary tenure percentages.</p>
Policy	Policy HN03: Housing to meet the needs of older people
Comment	<p>Extra care housing is stated to be a C3 use but whether such a use falls into C2 or C3 depends on the accommodation and facilities provided, the level of care and services offered as part of the accommodation, and the specific care needs of the occupants. Whether a property is C2 or C3 has implications for Section 106 obligations so this needs to be assessed on a case-by-case basis.</p> <p>While the aim of increasing the amount of specialist accommodation is admirable the blanket requirement for all general housing schemes of 50 to 199 homes to provide 10% of dwellings as ‘specialist older person dwellings (C3)’ and for schemes of 200+ to provide 10% dwellings as ‘specialist older person dwellings (C3) and/or C2 equivalents’ is not supported.</p> <p>Firstly, it is not clear what is meant by ‘specialist older persons dwellings’ (and how this relates to the requirements of Policy HN04 discussed further below) or how the two threshold requirements differ. It is noted the Three Dragons Viability Assessment refers to 10% bungalows, but this is not what is set out in the policy.</p> <p>Secondly it is not reasonable or practical to impose a blanket percentage requirement as the provision and composition of such accommodation should be based on evidenced need. Further for the C2 accommodation this would need interest from a care operator/provider which may not be available.</p> <p>While the reference to commercial viability is welcomed (noting the apparent conflict between the Viability Assessment and the policy as to what is meant by the policy) , mandating the provision of a percentage of older person housing where the earlier criteria listed at A – F in the policy may not be achievable (for example H - having flat topography) and/or place additional burdens on developers (for example F - the need for a Care Needs Assessment) is not reasonable.</p> <p>Further in regard to viability the Viability Assessment confirms that older persons housing is not viable in Axminster as tested so a blanket requirement is not justified.</p>
Requested Amendments	<p>The policy should be amended as follows (new text underlined):</p> <p>Use Class C3 (dwellings) - Market accommodation for older people in the form of age restricted general market housing, retirement living or sheltered housing and extra care housing or housing with care are<u>will</u></p>



	<p><u>generally be considered as falling within Use Class C3 (dwellings) subject to information being provided regarding the level of care and facilities provided and the needs of the residents.</u></p> <p>The blanket requirement for a percentage of older persons housing should be deleted.</p>
<p>Policy</p>	<p>Policy HN04: Accessible and adaptive housing</p>
<p>Comment</p>	<p>The aim of increasing accessible and adaptable housing is supported and the reference to site suitability and site viability is welcomed but the mandated standards set out in the policy raise serious concerns.</p> <p>As a starting point any higher standards needs to be evidence, the implications in terms of scheme deliverability and viability need to be properly tested and understood, and there needs to be flexibility.</p> <p><u>100% delivery of M4 (2)</u></p> <p>This proposal is of significant concern in terms of the implications for site yield, viability, and site suitability:</p> <ul style="list-style-type: none"> • Many sites in the district do not have suitable topography to fully meet the M4(2) standards. • M4 (2) external parking standards, due to the additional space requirements (up to 3.3m wide), has a potentially significant cumulative effect on developable areas affecting site yield and/or street scene quality by increasing hard surfacing and reducing space for street trees/landscaping The additional circulation space required for M4(2) units will, together with the internal room requirements of NDSS (discussed under Strategic Policy DS01), significantly increase the built footprint of each unit thereby reducing development numbers and density. • For flat blocks this will require lifts which for occupiers and in particular RP's would cause additional maintenance costs burdens. <p>Further mandating M4 (2) standards on self and custom build plots (discussed further below) would go against the essence of allowing people to design and build their own bespoke home.</p> <p><u>5% affordable rent M4 (3) (a) or homeownership M4 (3) (a) or (b)</u></p> <p>The provision of a smaller percentage to M4(3) is not as much of a concern, although it is considered any such accommodation should be evidenced.</p> <p>If such accommodation is to be provided there is strong preference for M4 (3) (a) wheelchair adaptable which can be suitable for all occupiers giving maximum flexibility whereas the specific internal requirements of M4 (3) (b) wheelchair dwellings (for example internal cabinet and worktop heights) is not really suitable for a non-wheelchair user. Provision of affordable M4 (3) (a) or(b) units should be informed by the needs evidence noting that for some wheelchair users often a more bespoke design can be needed.</p>



	<p><u>Viability</u></p> <p>Regarding the Three Dragons Viability Assessment it is not clear as to whether the additional costings allowed for M4(2) and M4(3) just address internal costs or also take account of additional levelling/retaining wall works that would be involved in providing level access on uneven sites, which can be significant.</p>
<p>Requested Amendments</p>	<p>A reduced percentage requirement (e.g. 30%) for M4 (2) dwellings would be more acceptable and reasonable.</p> <p>Flats, 1 bed units, and self and custom build plots should be excluded entirely.</p> <p>M4 (3) only where up to date evidence of need.</p>
<p>Policy</p>	<p>Policy HN05: Self-build and custom build housing</p>
<p>Comment</p>	<p>A set out in respect of Strategic Policy HN01: Housing to address need, imposing a mandatory percentage requirement for self and custom build (SCB) plots on larger residential schemes is not considered the right approach:</p> <ul style="list-style-type: none"> • Provision of SCB plots should be based on up to date evidenced need both in terms of numbers and location, rather than imposing a blanket requirement on all sites. The latest Self Build Demand and Supply Monitoring Report from 31/10/23 to 30/10/24 (reported to SPC on 4 February) at para 3.4 identifies that even with a noted decrease in the number of consented plots “the supply meets both the ‘residual’ demand from the 31/10/21-30/10/2022 (3 plots) and covers all the demand from the 31/10/2022-30/10/2023 base period (9 plots), with a surplus of 3 plots.” As the identified need is being met currently without a bespoke SCB policy this does not justify the policy approach now proposed. • If there is local demand the required plot sizes may not be in keeping with rest of the development accounting for local characteristics and density requirements. • If there is local demand the required plot sizes may not be in keeping with rest of the development accounting for local characteristics and density requirements. • Delayed build out of SCB plots by private individuals / separate companies creates considerable logistic and safety issues for developers in terms of construction phasing, safety for plot occupants and established residents, and residential amenity impacts. Leaving plots unfinished for completion for potentially up to 2 years risks considerable disturbance to new residents and ongoing management for developers/management companies. • Providing SCB plots in this way also means more creative solutions for SCB provision do not need to be pursued. It is envisaged that the majority of people wanting to build their own home will not want to be on a modern housing estate limited by plot passports or design codes (noting the



	<p>requirement of this and Policy DS02). If the need is met by serviced plots on larger schemes this could stifle community led or individual schemes in other locations and stifle design and creativity which are specifically noted as benefits of SCB housing in the policy justification.</p> <p>There are also concerns with the following policy requirements:</p> <p>B – This may lead SCB plots to need be delivered in early phases where road access is provided which in turn will be more visually prominent. As above visually prominent serviced plots left undeveloped for up to 2 years will have a detrimental visual impact on schemes.</p> <p>C – Specifically requires plot sizes to meet local demand but if there is no local demand this cannot be complied with.</p> <p>Regarding the provision of affordable SCB plots for schemes over 250 dwellings it is not clear how this would be delivered.</p> <p>The policy states that schemes over 100 dwellings should use a design code but this conflicts with Policy DS02 which requires design codes on all major schemes or those in environmentally or heritage sensitive locations. There needs to be consistency where Design Codes are required.</p> <p>Finally, the policy states that all plots must be completed within 3 years of the plot purchase. This is not a reasonable requirement as time limits for development commencing are set in the relevant permission and once implemented there is no requirement to complete a scheme. Further the policy does not set out what would happen if it not completed within 3 years from the plot being purchased.</p>
Requested Amendments	<p>A better and more proactive approach would be for the Council to allocate sites specifically for SCB housing in locations where need and demand is evidenced with reasonable contributions from certain scale developments to be collected towards the delivery of these plots.</p>

CHAPTER	CHAPTER 10. HIGH QUALITY DESIGN
Policy	Policy DS02: Housing density ad efficient use of the land
Comment	<p>The 1st paragraph of Policy DS02 is supported.</p> <p>However the 2nd paragraph is unrelated to housing density or making efficient use of land. In any event, “...environmentally or heritage sensitive locations...” is not defined and too vague.</p>



	Furthermore, design codes should only be required on larger strategic sites where delivery will be phased and the site is in multiple ownership, with development being undertaken by more than one developer. To require them for all major development schemes as proposed adds an additional layer of approval process that would delay housing delivery unnecessarily.
Requested Amendments	It is considered that the 2 nd paragraph should be deleted.

CHAPTER	CHAPTER 11. SUSTAINABLE TRANSPORT AND COMMUNICATIONS
Policy	Policy TR04: Parking standards
Comment	<p>The requirement for 1 secure and under cover cycle space per bedroom for all dwelling types has the potential to impact on plot layout, potentially requiring larger plots, with cumulative effects across a larger scheme in terms of the ability to achieve the required level of housing.</p> <p>Equally, the blanket reference to garage spaces not counting towards car parking space quantum has land take implications. In other authority's garage spaces can be included subject to a minimum size threshold (internal dimension of 6m by 3m with 2.3m headroom that enables space for storage as well as parking of a car. Flexibility should be provided through the policy to enable such an approach.</p> <p>The viability implications of this have not been specifically assessed in the Three Dragons Viability Assessment.</p>
Requested Amendments	<p>Any standard needs to be properly justified.</p> <p>Flexibility should be included in relation to inclusion of garages as parking spaces with reference to a minimum garage size as referred to.</p>

CHAPTER	CHAPTER 12. OUR OUTSTANDING LANDSCAPE
Policy	Policy OL10: development on high quality agricultural land
Comment	<p>Policy OL10 overly restrictive and does not balance the protection of best and most versatile land (BMV) with accommodating development. It will be used to prevent housing and other development from coming forward on sustainable sites that will support the Council in maintaining its housing land supply and meeting its Local Plan housing targets.</p> <p>It is also inconsistent with the Framework, which requires the economic and other benefits of BMV to be recognised (paragraph 180 b). Footnote 62 states that "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the</p>



	other policies in this Framework, when deciding what sites are most appropriate for development.” The tone of the Framework does achieve the balance claimed in the Justification and should be reflected in Policy OL10.
Requested Amendments	The policy should be amended to better reflect the NPPF.

CHAPTER	CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY
Policy	Policy PB03: Protection of irreplaceable habitats and important features
Comment	<p>Mature trees and hedgerows are not necessarily irreplaceable habitats and should be removed from the list of irreplaceable habitats.</p> <p>The phrase “evidenced in earnest” in the context of the mitigation hierarchy being applied to proposals resulting in the loss and/or degradation of hedgerows is too vague.</p>
Requested Amendments	<p>Remove mature trees and hedgerows from the list of irreplaceable habitats</p> <p>Replace “evidenced in earnest” with “robustly evidenced”</p>
Policy	Strategic Policy PB05: Biodiversity Net Gain
Comment	<p>The requirement for at least 20% BNG is double the statutory requirement of 10%. It has not been justified in terms of any local evidence demonstrating a significant biodiversity deficit in East Devon or that the mandatory regime is not adequate. Reference is made in the support text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Reference is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 10% BNG target but this is not set out in this document. As such, it is unjustified and unsound.</p> <p>Those proposals that cannot achieve 20% BNG will be required to submit viability appraisals. These will be costly and time consuming to produce and audit. They will place heavy resource and financial burdens on both applicants and developers and will at the very least delay housing delivery.</p> <p>The viability testing for the proposed 20% increase in the Three Dragons Viability Assessment, which estimates a per unit additional cost of £1,188 for greenfield sites and £321 for brownfield sites, is disputed. These figures are based on the MHCLG BNG Impact Assessment from 2019 but on reviewing this document it gives an estimated figure of £11,000 per offsetting unit which is significantly lower than current offsetting unit prices (which vary depending on the type of habitat but on average are around £25,000 per unit). This in turn casts doubt on the robustness of this earlier assessment as a basis for current costings.</p> <p>Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any</p>



	<p>event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.</p> <p>A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application.</p> <p>It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site. The requirement in policy for offsite habitats to be provide in the locality is contrary to the Regulations associated with BNG.</p> <p>In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires <i>a gain</i> to be achieved.</p>
Requested Amendments	Strategic Policy PB05 should be deleted.

Policy	Policy PB07: Ecological enhancement and biodiversity in the built environment
Comment	<p>The delivery of ecological mitigation for each development proposal should be based on evidence submitted in connection with the relevant planning application:</p> <p>C - A blanket requirement for the provision of an integrated bat loft with all major planning applications, without any reference to such a feature being required is not justified. The provision of such feature does give rise to design and management implications and may be hard to deliver on every scheme.</p> <p>E – A mandatory requirement to provide overhanging eaves suitable for nesting house martins in all major development is too prescriptive and would not allow different architectural design approaches, for example more contemporary design may not be suitable but could be fully appropriate for the context</p>
Requested Amendments	Delete requirements C and E
Policy	Policy PB08: Tree, hedges and woodland on development sites
Comment	Policy PB08 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted.



	<p>Mandated tree replacement standards, not based on the specific site circumstances or the composition of trees lost, could be particularly onerous if a large number of trees were to be lost on a site for example if a site had significant amounts of ash dieback.</p> <p>Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.</p> <p>Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology.</p> <p>Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a local plan. At best</p>
Requested Amendments	The policy should be amended
Policy	Policy PB09: Monitoring requirements for new planting schemes
Comment	<p>The introduction of a requirement for a developer to place a bond equal to 25% of the calculated planting cost of the scheme is unreasonable, unevidenced and has not been tested in terms of scheme viability and the implications on housing delivery. It also imposes additional administrative burdens on the Council and the applicant at a time when local authorities are under increasing financial and resourcing pressures.</p> <p>The requirement for a 25% bond has not been explained or justified in terms of challenges with the existing system of a standard landscape condition and monitoring by the council as enforcement authority. The bond will be potentially significant for larger strategic schemes and its implications on cash flow and wider scheme viability has not been assessed. This process will also require additional administration from the applicant and the Council. The retention of the bond for what in effect will be 5 years after construction has been completed is unreasonable.</p> <p>A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, no evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.</p>
Requested Amendments	This policy should be deleted.

CHAPTER	CHAPTER 14. OPEN SPACE AND SPORTS AND RECREATION
General Comment	The open space and recreation policies are overly prescriptive and contain a bewildering array of requirements. The sensible approach would be to refer to Fields in Trust standards, but there is no justification for setting the Natural England standards. These standards have not been subject to public



	<p>consultation, nor has the impact of them on housing delivery been tested. Moreover, they may be challenging to meet in many cases, especially for residential development in excess of 200 – 300 dwellings. It is considered that at most, planning policies should require schemes to have regard to the Natural England standards, taking into account existing local provision (to be identified by councils as part of their evidence base) and local context.</p>
Policy	Strategic Policy OS01: Access to open space and recreation facilities
Comment	<p>It is unclear from the policy which party – the Council or the applicant – will be required to undertake a quantitative and qualitative assessment of open space provision and its accessibility in terms of what exists now and what is planned.</p> <p>It is considered that it is incumbent upon the Council to maintain its own objective evidence base for such purposes. This will enable all applicants in a single area to apply the same evidence in a consistent way to their schemes, rather than each applicant having to undertake its own assessment for each application. This is especially key where many large sites are allocated for development in a settlement.</p>
Requested Amendments	Amend policy to confirm that the Council will be responsible for providing the evidence base.
Policy	Policy OS02: Sport, recreation, open space provision in association with development
Comment	<p>The open space typology requirements with reference to Fields in Trust is supported.</p> <p>The additional reference to Natural England’s Green Infrastructure and Accessible Greenspace Standards is not considered necessary.</p> <p>The requirement for applicants on schemes over 200 dwellings to undertake their own audit of existing open space and its capacity is unreasonable. As above, it is for the Council to maintain its evidence base, against which applicants can design their individual schemes.</p> <p>It will be challenging for all schemes of more than 300 homes to incorporate all the open space typologies listed in the table, especially formal playing pitches. No evidence has been presented by the Council to justify the effect of this blanket requirement on the delivery of new homes and other scheme elements and ultimately, the effect on viability and the ability to deliver a policy compliant level of affordable housing. Coupled with this is the requirement for playing pitches to be within 1,200m of all dwellings within a scheme. Again, this is where the Council’s quantitative and qualitative evidence should identify opportunities for improvements to existing facilities through commuted sum payments, where on-site formal sports provision is not appropriate.</p>



	<p><u>Additional requirements for residential developments over 200 dwellings</u></p> <p>These additional requirements for development over 200 (and 300) dwellings are unduly onerous and will be very challenging to achieve. Moreover, they have not been justified and tested against housing delivery and viability criteria, especially in lower value areas such as Axminster.</p> <p>The requirement for schemes of over 300 dwellings to provide 10 ha of Neighbourhood Accessible Greenspace within 1km of each home may well be a laudable objective but it is simply unrealistic and unachievable. The implication is that applicants will have to purchase an additional 10 ha of land adjoining or near to the site in order to meet the requirement. Policy OS02 has the clear potential on create a ransom in circumstances where an applicant is forced to acquire additional 3rd party land in order to satisfy open space requirements. Planning policies should act in the public and should not serve private interests. As above, no assessment has been undertaken of the effect of this requirement on scheme viability.</p> <p><u>Open space requirements for non-residential use</u></p> <p>The requirements are far too vague and incapable of objective assessment, leading to confusion for applicants.</p> <p>The elements of this policy that have not been justified are unsound and should be deleted.</p>
<p>Requested Amendments</p>	<p>Delete the following parts of the policy:</p> <ul style="list-style-type: none"> • Natural England’s Green Infrastructure and Accessible Greenspace Standards • The requirement for schemes over 200 to undertake an open space audit • Additional requirements for schemes over 200 • Open space requirements for non-residential use

<p>CHAPTER</p>	<p>CHAPTER 15. OUR OUTSTANDING HISTORIC ENVIRONMENT</p>
<p>General Comment</p>	<p>The heritage policies not only contain widespread duplication with the relevant provisions of Chapter 16 of the Framework, but in many cases go above and beyond those Framework provisions and are overly prescriptive. In their sum total, they are confusing and as a result, challenging to interpret in an objective way.</p>
<p>Policy</p>	<p>Policy HE01: Historic Environment</p>
<p>Comment</p>	<p>It is not clear what Policy HE01 adds, that is not already contained in the Framework or policies HE02 and HE03.</p>
<p>Requested Amendments</p>	<p>Policy should be deleted.</p>



Policy	Policy HE02: Listed Buildings and Policy HE03: Conservation Areas
Comment	<p>Policy HE02 and Policy HE03 repeat many elements of Chapter 16 of the Framework, and these make no material contribution to the policy requirements.</p> <p>Elsewhere, both policies set a series of higher-bar tests than those in the Framework. This includes the application of selected tests in chapter 16 the Framework, but in a blanket manner and in a way not intended by the Framework.</p> <p>For example:</p> <ul style="list-style-type: none"> • Policy HE02 introduces a test relating to wider social and economic effects. • Under the first part A of Policy HE02, <i>Conserve</i> is not a test at paragraph 212 of the Framework. Furthermore, it is not clear how development within the setting of a listed building can enhance or better reveal those elements which contribute to heritage significance. <p>Policy HE02 addresses substantial harm, but not less than substantial harm.</p> <p>Under Policy HE02, it is not clear how unknown features can be investigated and recorded (3rd part C). This may be a drafting point ie it may be referring to features that have not yet been discovered. This an example of a policy attempting to be overly prescriptive.</p> <p>Finally, under Policy HE02, there are two sets of parts A – C and a further part A – D, which will cause confusion.</p>
Requested Amendments	Policy should be deleted.
Policy	Policy HE04: Archaeology and Scheduled Monuments
Comment	<p>The requirement for development to <i>protect</i> the site and setting of Scheduled Monuments and archaeological remains is unduly onerous and not consistent with the Framework and in respect of archaeological remains, jars with the approach set out in the remainder of the policy.</p> <p>Large sections of the policy repeat the provisions of the Framework and as such do not contribute to the relevant tests.</p>
Requested Amendments	Policy should be deleted.



CHAPTER	CHAPTER 16. COMMUNITY FACILITIES
Policy	Policy CF02: Loss of Community Facilities
Comment	<p>The use of “...over a shorter and longer term...” in part A 1 and 2 is undefined. A specific time period for marketing should be identified.</p> <p>“Community value” is a subjective term and is not defined. An alternative wording could be “...and is at least a like for like replacement in terms of size and facilities.”</p>
Requested Amendments	Policy should be amended to provide greater clarity.

SUMMARY

The above representations are submitted by CarneySweeney on behalf of C G Fry.

Site Allocation

C G Fry strongly supports the allocation of Land east of Musbury Road (Axmi_02, Axmi_08 and Axmi_09) for residential development but not for employment or the community hall, for the reasons set out, there being no evidenced justification for those uses.

The site is deliverable and there are no adverse impacts/technical issues identified that would preclude the site from coming forward.

Policies

There are a number of policies that impose technical and other standards that while entirely laudable, have not been properly evidenced or justified and as such are, in themselves, unsound. Cumulatively these policies could hinder housing delivery by placing undue burdens on developers and landowners and affecting scheme viability.

We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.

In the meantime, should you have any queries please do not hesitate to contact us.

Our Ref – CSE2025

Name – Simon Coles - Director

