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# EDDC Regulation 19 Consultation: Representations

Land East of Axminster

**Boyer**

Prepared on behalf of Persimmon South West Limited | March 25

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**REPORT CONTROL**

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## **APPENDICES**

**Appendix 1. Site Location Plan**

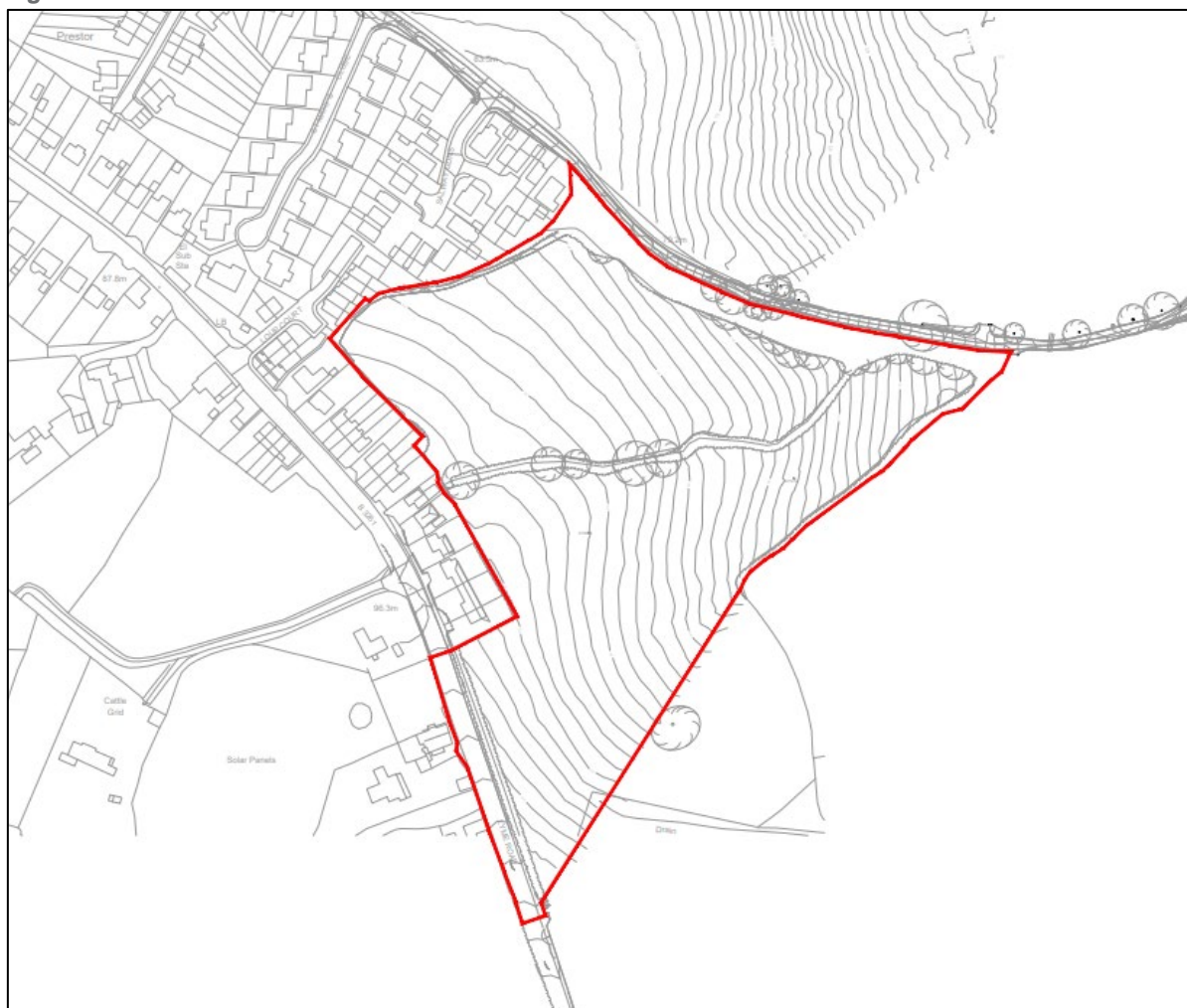
**Appendix 2. Extract of Draft LP Allocation Axmi\_22**

**Appendix 3. Decision Notice 15/0442/MOUT**

# 1. INTRODUCTION

- 1.1 These representations have been prepared by Boyer on behalf of Persimmon Homes South West Ltd (PHSW) in response to the East Devon District Council (“EDDC”) Local Plan (Regulation 19) Consultation Document (hereafter referred to as the “Draft LP”).
- 1.2 Representations for land south and east of Endfield Lyme Road, Axminster (“the Site”) have been previously submitted as part of the Regulation 18 Consultation undertaken in January 2021 by PHSW, and the second Regulation 18 Consultation in January 2023 by LRM Planning Ltd.
- 1.3 The Site extends to approximately 5.4ha as shown in Figure 1.1 below.

**Figure 1.1 Extract of Site Location Plan**



### Test of Soundness

- 1.4 These representations respond to the relevant draft Local Plan policies, with particular consideration given to the NPPF's tests of soundness:
- Positively Prepared;
  - Justified;
  - Effective; and
  - Consistent with National Policy
- 1.5 It is understood that EDDC are seeking to benefit from the NPPF Transitional Arrangements set out at Annex 1 of the NPPF (2024). As such, it is expected that this Draft LP will be examined under the provisions of the previous NPPF (2023). On this basis, these representations reference the soundness of this Draft LP against the requirements set out within the NPPF (2023).
- 1.6 Our comments set out the background to the Site, before responding to the emerging allocation "Axmi\_22" and responding to other relevant policies within the consultation document.

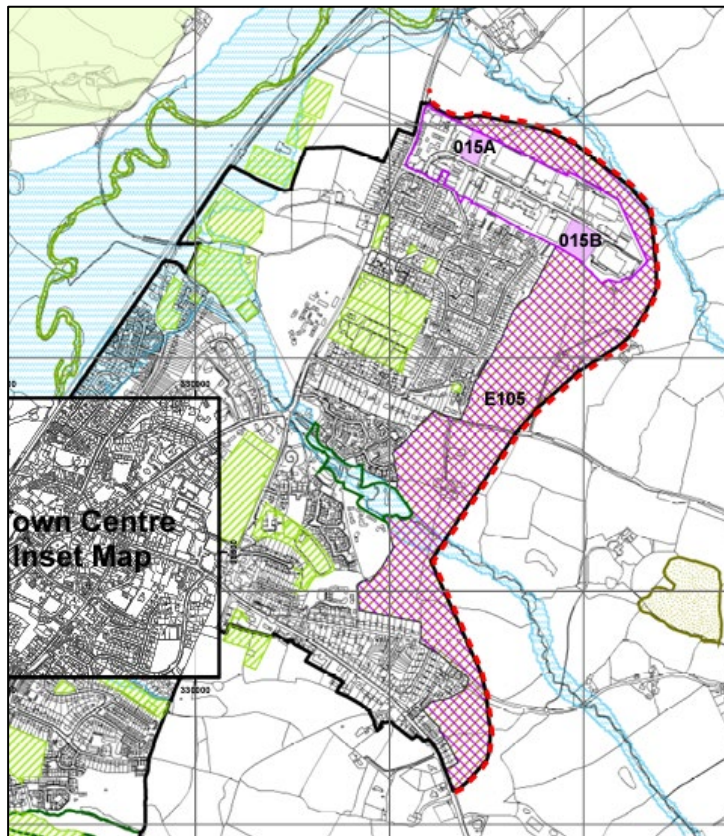
### Unpublished Evidence Base

- 1.7 It is noted that the Regulation 19 Consultation Evidence Base does not include a full suite of documents, with the following still unavailable to view upon publication:
- CCF-001 - Water Cycle Study
  - CCF-002 Strategic Flood Risk Assessment Surface Water Zone
  - CCF-005 - Coastal Change Topic Paper
  - HCO-004- Playing Pitch Strategy
  - HCO-005 - Open Space Strategy
  - HCO-006 - Sports Facilities Study
  - HRD-004 - East Devon Heritage Strategy (2024-2042)

## 2. BACKGROUND

- 2.1 The Site has been promoted for residential development since 2003, which resulted in the Site being identified as part of a wider mixed-use land allocation E105 under Strategy 20 of the adopted East Devon Local Plan 2013 to 2031, January 2016.
- 2.2 The adopted East Devon Local Plan 2013 to 2031 designates Axminster as a Tier two settlement within the Plan's settlement hierarchy. The vision for Axminster is for extensive housing growth to be a catalyst for increased commercial activity. The Plan included a major mixed use strategic development to the east of the town for more than 650 new homes and a North-South relief. This strategic development aims to increase the number of homes in the town, thereby enhancing Axminster's viability.
- 2.3 Strategy 20 – Development at Axminster sets out the strategy for the town to reinforce its important role as a self-contained medium sized town, serving the employment, commercial and community services needs of the settlement and its rural surrounds. The land allocations at Axminster were identified as part of the delivery mechanism to deliver the identified strategy.
- 2.4 Land allocation E105 included the Site as part of a wider mixed use allocation. An extract of the Axminster section from the adopted Local Plan is provided at **Appendix 2** and for ease of reference an extract of the allocation wording relevant to the Site is provided below:
- a) North and East of the town (E105) for mixed uses to incorporate;*
- i) Around 650 new homes;*
- ii) 8 Hectares of land for mixed job generating commercial and employment uses;*
- iii) a range of social, community and open space facilities to support development;*
- iv) a 210 pupil primary school (1.5ha site – which forms part of the overall 8 hectare employment allocation), including a nursery and accommodation to support children's centre services; and*
- v) a North South relief road for the town will be delivered as part of this development linking Chard Road (A358) to Lyme Road (B261).*
- A Masterplan will be required for this site and development will be subject to improved public transport provision.*
- 2.5 It is important to note the extent of E105 allocation sought to link Chard Road (A358) to the north of Axminster to Lyme Road located to the east of Axminster as shown in Figure 2.1 on the following page to reduce congestion and enable the required housing delivery for the town.

**Figure 2.1 Extract of East Devon Local Plan 2013 to 2031 Proposals Map showing the extent of E105 Allocation**



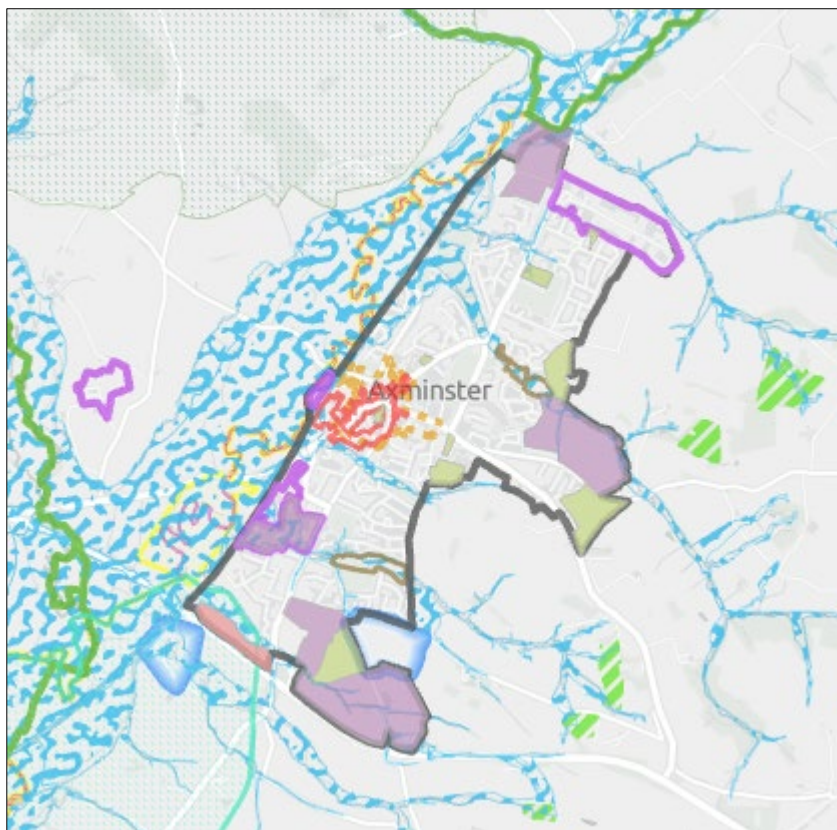
2.6 During the previous plan making period, PHSW worked alongside EDDC and the adjacent landowner to develop a comprehensive masterplan. An Environmental Screening Opinion request was submitted in October 2014 with a subsequent Scoping Opinion Request following in November 2014. At that time, as PHSW controlled the Site and land at Chard Road, it was agreed with the Council that applications could be submitted in advance of the masterplan. Further detail on the delivery of the Site is provided in Section 4.

### 3. AXMINSTER EMERGING ALLOCATION AXMI\_22

#### Summary

- 3.1 PHSW supports Strategic Policy SD02: Axminster and its development allocations, which includes land under their control.
- 3.2 While PHSW supports the allocation of land east of Lyme Road (Axmi\_22) for the delivery of 100 dwellings, to ensure the policy's soundness during examination, policy requirement to safeguard land for the relief road should be removed. We say this because:
- The Policy's requirement for a 'possible future relief road' lacks justification due to insufficient evidence of its necessity, feasibility or viability. A review of the current Regulation 19 consultation evidence base documents indicates that the relief road is unlikely to be delivered in the plan period.
  - By definition, the term 'possible,' refers to something uncertain or improbable. Since the inclusion for the relief road from the 20213-2031 adopted Local Plan (adopted in 2016), nine years have passed without its delivery. Substantial evidence reveals that the road it is not viable and therefore undeliverable.
  - The previous Regulation 18 Consultation Plan (August 2022) highlighted significant viability issues with the relief road. These concerns were also noted in EDDC's Strategic Planning Committee meetings.
  - For the plan to be made sound, reconsidering and removing the safeguarding of the possible future relief road is essential, allowing for the timely delivery of the Axmi\_22 allocation within the next 5 years.
- 3.3 Furthermore, it is important to consider the changes to the Key Diagram and Proposals Map relevant to Axminster. The Key Diagram designates Axminster as a Tier 2 settlement, marking it as a main centre planned to accommodate approximately 1,100 homes and 4ha of employment land. The online Draft LP Proposals Map identifies the Site as falling within the settlement boundary for Axminster. It also indicates a significantly reduced quantum of development on the eastern side of Axminster, with Site allocated for housing. The land to the north is allocated for both housing and employment.

**Figure 3.1 Extract of Regulation 19 online Draft LP Proposals Map showing Axminster and the extent of proposed allocations**



3.4 The reduction in the quantum of development compromises the ability to deliver the relief road originally envisioned for Axminster. The existing evidence base does not include any re-assessment of the necessity of a relief road. The evidence base, therefore, lacks any evidence to demonstrate that, given the reduction in scale and quantum of development planned in the emerging Plan, the relief road is still essential to mitigate the impacts of the development.

**Emerging Allocation Axmi\_22**

3.5 Emerging Policy SD02 allocates the site for:

***“Land east of Lyme Road (Axmi\_22)***

*This site is allocated for 100 dwellings. The site layout should make provision for a suitable access road to facilitate the development of site GH/ED/80 to the north and also be built to a standard suitable for use as part of a possible future relief road to link to the A358, Chard Road, south of the Weycroft Bridge.”*

*(Underling Boyer emphasis)*

- 3.6 The current wording of emerging Policy SD01 is considered to be unjustified, and the inclusion of a requirement for the site to “be built to a standard suitable for use as part of a possible future relief road” is not suitable for the proposed scale of development currently identified for 100 homes.
- 3.7 There is a further reference of the ‘possible future relief road’ as part of allocation wording for land north of the site at Prestaller Farm, Beavor Lane (GH/ED/80a) which also forms apart of Strategic Policy SD02: Axminster. Specifically, that element of draft Policy SD02 states:

*“Development must incorporate a site road that is of a standard and is appropriately located so that it, and through potential future extension of the road, can form a possible future relief road to link to the A358, Chard Road, south of the Weycroft Bridge.”*

*(Underling Boyer emphasis)*

- 3.8 In both instances, there is no further justification to support the inclusion of a possible future relief road. It is noted that a further reference to the relief road is included as part of Strategic Policy TR02: Protecting transport sites and routes which is addressed in **Section 4**.
- 3.9 In preparing these representations, Boyer has undertaken a review of relevant supporting evidence base documents:

**Sustainability Appraisal Report, February 2025**

- 3.10 In considering further transport schemes, the Sustainability Appraisal Report (CSD-003) identifies the Axminster relief road as an outstanding project. There is no further reference to the relief road as part of the Sustainability Appraisal, albeit the review of sites against the Sustainability Objectives states that site specific mitigation measures have been incorporated for the sites allocated in Local Plan Strategic Policy SD02.
- 3.11 It is noted that in terms of the delivery of homes, Axmi\_22 is assessed to delivery over 100 dwellings resulting in a significant positive effect.

**Local Plan Viability Assessment, January 2025**

- 3.12 The Local Plan Viability Assessment (CSD-004) prepared by Three Dragons acknowledges that the delivery of development in Axminster, under the current adopted Local Plan, has been hindered by the requirement to provide a relief road. As highlighted in paragraph 2.8, the new local plan policies for Axminster still refer to the possibility of a future relief road. However, this road is anticipated to influence the design layout, rather than increase costs and impact on viability of the development.
- 3.13 In assessing the Plan’s viability, paragraph 6.4 identifies that beyond the towns of Exmouth, Honiton, Ottery and Seaton, Axminster is the next key area for development. Axminster is relied upon to provide a fifth of all the Plan’s total residential allocations, making its contribution crucial to the Plan’s overall viability.

- 3.14 In considering whether development can support specific policies for the allocations, with regard to Axminster paragraph 6.9 states:

*“It is clear that viability is weaker in Axminster and that some of the allocations may be unviable as tested although this affects only a minority of the dwellings proposed. In order for these unviable allocations to proceed there may be some adjustment to land value or developer return to enable the schemes to proceed – or a well-designed scheme focussed on the local market may be able to achieve higher values than those tested here. Flexibility about affordable housing tenure will strengthen viability. Some of the allocation policy requirements reference a possible future relief road although it is understood from the Council that this is unlikely to proceed in the foreseeable future and that the requirement will require a suitable layout instead.”*

*(Underling Boyer emphasis)*

- 3.15 Appendix B sets out the local policy review, which reflects the requirement for a possible future relief road as part of draft Strategic Policy SD02. The inclusion of the relief road has been carried through without commentary being provided on the viability and actual delivery of the relief road other than to relay the position from the Council that it is unlikely to proceed in the foreseeable future.

#### **Promoting Sustainable Transport Modes Background Evidence, January 2025**

- 3.16 Amongst others, the ‘Promoting Sustainable Transport Modes’ background evidence paper (tri-017) considers sustainable transport modes and potential transport sites and routes. Figure 3.1 sets out the transport sites and routes identified within local policy with an assessment as to whether it would be consistent with the NPPF to protect these sites and routes in the East Devon Local Plan, or whether there is a need to locate large scale transport facilities in the district. The protection of the Axminster North South relief road is identified as being consistent with the NPPF. Specifically, Figure 3.1 shown on page 23 of the evidence paper states:

*“Yes – route would widen transport choice and realise opportunities for large scale development at Axminster. Although the original larger site to the east of Axminster is not being carried forward in the emerging Local Plan, Devon County Council has requested the route of a potential relief road continues to be protected.”*

- 3.17 Whilst Devon County Council has requested the route of the potential relief road to be protected, PHSW would like to emphasise that EDDC have acknowledged the relief road is unlikely to proceed within the foreseeable future and there is no evidence of funding being available to deliver the link road. PHSW do not consider it appropriate to continue to safeguard a possible relief road which has no funding or ability of being delivered. Its inclusion is simply not justified for inclusion within the requirements of the site allocation particularly given the Site is identified to include up to 100 homes.

**Axminster Site Selection Report, February 2025**

3.18 In reviewing the site selection report (sal-005) land allocated at Axminster, there is reference to the pending applications on the Crown Estate land to the north of the Site (LPA Ref. 19/1074/MOUT) and the Site (LPA Ref. 19/0150/MFUL). Consideration was given to other sites which were previously included for allocation but since been removed. Notably, for the CE land to the north (Site Ref. GH/ED/80/a) is included for allocation, whilst land further north (GH/ED/80/b) is removed. There are no objections from the highway authority to developing the site from Lyme Road through the neighbouring allocation (Axmi\_22).

3.19 The site assessment summary and conclusion for the Site, it is noted as follows:

*“Devon County Council comment that this site is on the proposed route of the Axminster North-South Relief Road and should be accessible for vehicles from that route. Any development would be expected to contribute to the cost of the relief road. Although these references are now dated as the expectation is that the relief road will not now be built. Sector Lane to the north of the site should be used by pedestrians and cyclists as a route to the town centre.”*

3.20 PHSW remain concerned that developers will be expected to contribute to the cost of the relief road when the need for it is not justified by any up-to-date evidence that reflects the reduced quantum of development. Until such evidence is available developers should not be expected to contribute to the cost of the relief road.

**East Devon Local Plan – Topic Paper Chapter 5 Development in the Town and Villages Audit trail local plan evolution document and consultation statement, February 2025 - Version 02**

3.21 This topic paper (ote 006) explains the evolution of the Publication Draft LP setting out the key issues raised in the consultation and EDDC’s response. An extract of the pertinent points are provided below:

Key issues raised in consultation	EDDC Officer commentary in response
DCC support the removal of development around the northern end of the proposed Relief Road given issues with delivering the infrastructure.	<i>“The adopted local plan included allocations and a relief road to the east of the town and a subsequent masterplan showed how this could be delivered. Following changes to central funding mechanisms the scheme is not viable.”</i>
Relief road needed and housing should be built to the east to facilitate it.	
Axminster Neighbourhood Plan Survey <ul style="list-style-type: none"> <li>• Infrastructure – There is a critical need for infrastructure before building new homes, but the proposed relief road has not been delivered, and hundreds of new homes have been built without</li> </ul>	

Key issues raised in consultation	EDDC Officer commentary in response
<p>infrastructure. Local roads are overloaded, and health and education facilities are struggling to cope with the current population, let alone a major expansion. All the survey responses where a preference was expressed supported this analysis.</p> <ul style="list-style-type: none"> <li>• GH/ED/79 - principle of development accessed from Lyme Road without relief road is acceptable. A majority of respondents supported this view, but some did not, citing the lack of a relief road, flooding and highway safety as concerns.</li> <li>• GH/ED/80a - The Steering Group commented that providing effective flood mitigation will be difficult and access from Sector Lane would be unacceptable. It felt that the closure of Sector Lane proposed through the relief road would be impractical and the steep slope would make pedestrian and cycle access difficult. All but one respondent agreed with several expressing concerns about flooding and highway access.</li> </ul>	

3.22 Despite EDDC Officers response regarding changes to central funding mechanisms rendering the relief road scheme unviable, EDDC has maintained a reference to a 'possible future relief road'. Although the relief road is currently neither viable nor justified, PHSW highlights comments related to GH/ED/80a, pointing out significant topographical challenges that complicate the road's construction. Furthermore, no evidence has been provided in respect of latest traffic counts and congestion data.

**East Devon Local Plan (Regulation 18) Further Consultation (16 May to 27 June 2024)**

3.23 The further consultation focussed on eight specific topics not previously addressed in the Original (Regulation 18) consultation which included consultation on new housing and mixed-use site allocations and sustainability appraisal. The further consultation draft did not include reference to the Site.

### Former East Devon Local Plan 2020 to 2040 Preferred Options Regulation 18 Consultation Draft Plan, August 2022

3.24 The former East Devon Local Plan 2020 to 2040 Preferred Options Regulation 18 Consultation Draft Plan, August 2022 included the Site as land east of Lyme Road (GH/ED/79) alongside Penstaller Farm, Beavor Lane (Part of GH/ED/80 – shown as GH/ED/80a on the policies map). The preferred allocation included reference to the Axminster Masterplan as providing guidance for how the Site should come forward, including the identification of constraints.

3.25 Specifically, despite a masterplan envisaging the delivery of up to 850 houses, a school, employment land and a distributor road there were very significant viability issues concerning the delivery of the relief road. Supporting paragraph 6.10 stated:

*“The currently adopted local plan allocates a strategic site to the east of the town as an urban extension and this includes provision for an Axminster relief road. A masterplan envisaged the delivery of up to 850 houses, a school, employment land and a distributor road. However, there are very significant viability issues concerning the delivery of the relief road which would require in the region of £15million of public money to deliver. It is very unlikely that such funding will become available, and it would not be possible to demonstrate that allocations requiring the relief road are viable and deliverable. It is not recommended that the new local plan includes policy for a relief road to the east of Axminster because we cannot demonstrate that it could be implemented.”*

*(Underlining Boyer emphasis)*

3.26 Paragraph 6.10 of the Consultation Draft Plan indicated the relief road would require in the region of £15m of public money to deliver and stated:

*“... It is very unlikely that such funding will become available, and it would not be possible to demonstrate that allocations requiring the relief road are viable and deliverable. It is not recommended that the new local plan includes policy for a relief road to the east of Axminster because we cannot demonstrate that it could be implemented.”*

3.27 It is also worth noting that despite the viability concerns relating to the relief road, the Site was assessed within the accompanying Sustainability Appraisal as being a preferred site because it is consistent with the spatial strategy, with good access to facilities and employment. Since the Sustainability Appraisal, the cost of the relief road will have increased exponentially, and there is an ongoing phosphate issue which further compounds the issue of viability within the District.

### Relevant EDDC Strategic Planning Committee meetings

3.28 PHSW has continuously monitored EDDC Strategic Planning Committee meetings over the recent years to keep up to date with discussions regarding the emerging Local Plan and policy requirement for the north south relief road. Of note, attention is drawn to the following meetings:

**9<sup>th</sup> December 2019 Strategic Planning Committee**

- 3.29 Whilst East Devon were successful in their application for obtaining a £10m grant for the relief road from the Housing Infrastructure Fund (HIF); it was anticipated that an additional £7m would be funded by the developers of the planned extension to the east of Axminster. Following changes made by Homes England to the HIF, and given the land value of the site, additional funding was required. As a result, it was likely that the HIF would be withdrawn. As a result of the requirement for additional funding, the delivery options for the Axminster Urban Extension were re-assessed at the 9<sup>th</sup> December 2019 SPC. It was noted within the printed minutes that officers were struggling to find sufficient funding to deliver the relief road.

**8<sup>th</sup> February 2022 Strategic Planning Committee**

- 3.30 The working draft of the proposed East Devon Local Plan was discussed at the 8<sup>th</sup> February 2022 Strategic Planning Committee (SPC). The 14<sup>th</sup> December 2021 Draft LP proposed under Option E for Axminster that:

*“Given the difficulties in delivering the relief road the preferred approach would not seek to allocate the land to the east of Axminster in this Plan. Clearly, however, there is an option to reallocate the land and explore further opportunities for funding or other solutions to bring this site forward. Alternatively, there is available land to the south of Axminster which would take the edge of Axminster up to the A35 which could be pursued.”*

- 3.31 With regards to the relief road, the December 2021 Draft LP stated that:

*“Previous work on a neighbourhood plan for Axminster stalled due to uncertainty regarding the proposed eastern urban extension and associated relief road.*

*The relief road had not come forward at that point in time, partly due to the high cost of delivery the road.*

*Alternative options needed to be considered for the new local plan, including measures to help with traffic management in the town centre if a relief road cannot be provided to the east.*

*In the absence of funding for the relief road or alternative solutions, site allocations within Axminster will be undeliverable.”*

- 3.32 The meeting minutes highlighted that the provision of a relief road for Axminster had been removed from the future Local Plan as it was not deliverable and including this was a means to address the housing shortfall.
- 3.33 It was noted in the meeting minutes that Option E is incorrect, as it implies that the land east of Axminster should be excluded from the Local Plan due to the lack of funding for a relief road. However, it is evident that there has been ongoing discussion and speculation regarding the deliverability and viability of the relief road coming forward for a considerable amount of time.

- 3.34 In light of the above, retaining a 'possible future relief road link' fails to consider whether such a road is necessary for the reduced quantum of development. The evidence lacks any justification for its necessity beyond a DCC request. PHSW maintain that for the Draft LP to be found sound reference to a 'possible future relief road link' needs to be removed.

## 4. DELIVERY OF THE SITE

- 4.1 Focussing on the delivery of the Site, PHSW remain committed to delivering much needed housing in the short term. Alongside the promotion of the Site, PHSW have continued to work with the Council to address all technical issues that have arisen through the planning application process.
- 4.2 Through ongoing joint working with the adjacent landowner, the Crown Estate (CE), and EDDC, a comprehensive masterplan has been prepared. There was extensive public consultation with PHSW responding to consultation feedback and a comprehensive Transport Assessment and Travel Plan which sets out the improved public transport provision. The previous Environmental Statement was reviewed and updated to address the consultee feedback and to address the relevant reasons for refusal.
- 4.3 In December 2018 a detailed planning application (LPA Ref. 19/0150/MFUL) was submitted for the construction of 104 homes, associated highways, construction of a section of the North South Relief Road between Lyme Road and the site boundary, drainage, engineering and landscaping. The application was validated on 11<sup>th</sup> January 2019 and remains pending determination. The main factors delaying the determination of the application relate to:
- The loss of possible funding to deliver the North South relief road (which is addressed in **Section 3**).
  - Ongoing delays with the River Axe Nutrient Management Plan, specifically securing funding albeit PHSW are in the process of securing relevant credits to enable the delivery of the site.
  - Location within the critical drainage area for Axminster requiring consultation to ensure surface water is managed effectively to reduce flood risk.
  - Changes to national planning policy, including change in Government, which has resulted in protracted emerging LP timescales.
- 4.4 Over recent months Boyer and PHSW have been in close dialogue with planning and highway officers to progress the application in response to the latest consultee responses. It has been demonstrated that the Site can be successfully delivered without the need of the North South relief road. At the time of writing an addendum to the planning application is being submitted to EDDC; and PHSW remain keen to progress the development and much needed homes for the local community.

## 5. OBJECTIVES AND STRATEGIC POLICIES

5.1 Aside from draft Strategic Policy SD02, this section sets out PHSW's response to other relevant strategic policies in chronological order.

### **Strategic Policy SP01: Spatial Strategy**

5.2 PHSW **supports** that new development should be directed towards the most sustainable locations in Devon as set out within Strategic Policy SP01 which directs new development at the West End of the District, followed by the Principal Centre of Exmouth and the Main Centres, which include Axminster.

5.3 This approach is considered to be **consistent with National Policy** and the Government's long-standing policy of directing growth to the most sustainable locations as detailed within the NPPF (2023).

### **Strategic Policy CC02: Net-Zero Carbon Development**

5.4 PHSW consider that Strategic Policy CC02 is unnecessary as Future Homes Standard (FHS) will come into force by the adoption of the Draft LP, and that the current policy text repeats legislation and requirements which is not required.

5.5 In addition, the PHSW consider that the proposed policy text should be amended accordingly to ensure that there is flexibility with particular regards to application types, as it is unlikely that this information will be available at outline application stage. The policy text should therefore be updated to acknowledge this will only be available at a detailed design stage.

### **Strategic Policy CC05: Heat Networks**

5.6 Strategic Policy CC05 requires "For all major developments proposed within 1km of an existing heat network connection to the existing heat network should be provided".

5.7 As currently worded, Strategic Policy CC05 is **unjustified** and **unsound** for the following reasons:

- There is no flexibility within the policy when considering on a case-by-case basis if achieving a connection is feasible.
- Further information is required regarding where the existing heat networks are located within East Devon to ensure there is clarity on networks and connectivity requirements. The draft policy map does not currently include heat network areas.

5.8 As the ability to access heat networks is currently outside of the control of the landowner and developer, further work is required to demonstrate that the heat network can be secured at an affordable price, whilst benefiting from the same safeguarding as a domestic supply.

5.9 As land at east Axminster will deliver up to 100 homes, it is not anticipated that a heat network would be delivered as part of the development.

**Strategic Policy HN02: Affordable housing**

- 5.10 The proposed targets for affordable housing with Policy HN02 are **supported** by PHSW. For sites falling within the settlement boundary within Axminster, affordable housing is set for 25%. We agree with this approach and can confirm that land at east Axminster is policy compliant with the ability to provide 25% affordable housing.
- 5.11 It is noted the policy provides a proposed tenure mix of 65% social rent and 35% intermediate or other forms of affordable housing. Whilst the principle of the tenure mix is supported, PHSW suggest that sufficient flexibility should be included for all forms of development to ensure that affordable housing accords with the definition within Annex 2 of the NPPF. It is acknowledged that flexibility has been provided with regards to tenure mix for sites in Axminster, which is welcomed.

**Policy HN03: Housing to Meet the Needs of Older People**

- 5.12 Whilst addressing the growing need for diverse housing options within East Devon is supported by PHSW, the policy should include sufficient flexibility to consider sites on a case-by-case basis to ensure that local needs are considered. Whilst the reduction from a 20% requirement of specialist older persons dwellings to 10% is welcomed, as worded there is currently no mechanism for off-site contributions if necessary.
- 5.13 The policy text should therefore be updated to include sufficient flexibility for sites to be considered on a case-by-case basis.

**Policy HN05: Self-build and Custom Build Housing**

- 5.14 PHSW support Policy HN05 and welcome that it is acknowledged if plots have not been sold after 2 years of being marketed, they shall be made available for development on the open market.
- 5.15 Whilst point b of the proposed policy requires suitable road access to be delivered at an early stage in development, we consider that the proposed policy wording should include sufficient flexibility to ensure that appropriate triggers can be negotiated on a case-by-case basis.
- 5.16 Policy HN02 Also requires sites of over 250 dwellings or more to make available a proportion of plots for affordable housing, to be secured through legal agreement, subject to viability. PHSW consider this requirement should be removed from the policy text for the following reasons:
- The requirement for affordable housing will create viability and delivery constraints for developers.
  - Joint working would be required with Housing Associations and third sector groups, creating a complexity and time constraint to the delivery of development.
  - It must be acknowledged that Housing Associations and third sector groups may not be in a position to purchase self-build and custom build plots, and there may not be a local need for this addition.

- This requirement creates an unnecessary barrier to the delivery of homes.

### **Strategic Policy TR02: Protecting Transport Sites and Routes**

- 5.17 Whilst PHSW acknowledge the importance of developing infrastructure, we consider Strategic Policy TR02 to be unjustified due to lack of sufficient evidence regarding the delivery and viability of the Axminster relief road.
- 5.18 Within the evidence base for the Draft LP, there is no evidence of a review of the current requirement for a relief road, nor is there any information demonstrating that the relief road is viable, deliverable or justified following the history of funding issues. Until the evidence base is updated accordingly to include further information with regards to the delivery of the relief road, there is no justification for safeguarding land for the purposes of the Axminster relief road. To be considered sound, any reference to safeguarding land for the route of Axminster relief road should be removed from Policy TR02.
- 5.19 The proposed development at land at east Axminster is deliverable and is not reliant on the relief road to come forward.

### **Policy TR04: Parking standards**

- 5.20 Policy TR04 proposes an average of 1.7 car parking spaces per dwelling (rounded up to the nearest whole number in individual applications) and 1 cycle parking space per bedroom. PHSW Support Policy TR04 and welcome the flexibility for different provision based on public transport accessibility, the nature of occupants of dwellings or presence of locally available off-road parking provision.

### **Policy TR06: Digital connectivity**

- 5.21 Policy TR06 states that *“planning permission for major developments, that will be used or occupied by people, will not be granted unless the scheme will have access to terrestrial or satellite superfast broadband and high-quality communications”*. Whilst PHSW understand that EDDC support digital connectivity, we question whether this is justified.
- 5.22 The current policy wording has no flexibility for areas where superfast broadband and high-quality communications may not be available. As digital connectivity is in the control of strategic providers, and not in the control of the developer, Policy TR06 is therefore considered to be unreasonable and **unjustified**.
- 5.23 The policy text should therefore be amended to provide flexibility and request that digital connectivity be provided on site in accordance with the current building regulations.

### **Strategic Policy PB05: Biodiversity Net Gain**

- 5.24 Strategic Policy PB05 requires development to provide at least 20% biodiversity net gain (BNG), calculated using the most up to date statutory metric. PHSW do not believe this request is justified, nor supported by a robust evidence base.

- 5.25 Strategic Policy PB05 is therefore considered to be **unjustified** and **unsound** for the following reasons:
- The Nature Recovery Declaration (Doc Ref. ENV-025) which has informed the proposed policy text has been prepared on the assumption that developments will deliver the mandatory requirement of 10%;
  - The 20% BNG requirement has not been referenced or justified by any of the existing nature recovery plans / delivery partners;
  - The proposed costs identified within the Draft LP Viability Assessment are not appropriate and make assumptions on the cost implications for developers;
  - The 20% BNG requirement would implicate the availability of land on site required to deliver homes; and
  - The Draft LP Viability Assessment prepared by Three Dragons concluded that 10% is the right level to demonstrate net gain, emphasising that a 20% requirement is not justified.
- 5.26 The justification used for the 20% BNG requirement is based on the Nature Recovery Declaration for East Devon document which sets out the Local Nature Recovery Strategies within East Devon. This report states that the strategies are:
- “Designed to work closely alongside other measures in the Act. They will, for example, support delivery of mandatory Biodiversity Net Gain (BNG) and provide a focus for a strengthened duty on all public authorities to conserve and enhance biodiversity”*
- 5.27 This implies that the report has been prepared on the assumption that developments will be delivering the mandatory requirement for BNG at 10%.
- 5.28 In addition, none of the existing nature recovery partners / delivery partners noted within the Nature Recovery Declaration, strategy and policy reference or justify the inclusion of a 20% BNG requirement within the Draft LP. The current policy is therefore not considered to be supported by robust evidence.
- 5.29 It is noted that the Draft LP Viability Assessment prepared by Three Dragons (Doc Ref. CSD-004) makes financial assumptions of £1,188 per dwelling (greenfield) and £321 per dwelling (brownfield) to deliver EDDC’s Draft LP policy of 20% BNG. It is noted that this report confirms the 20% BNG requirement will result in a 19% net additional cost to developers on an annual basis. PHSW therefore consider the BNG requirement of 20% is not appropriate, nor justified by the Viability Assessment which concluded that 10% is the right level to demonstrate net gain.

## 6. SUMMARY

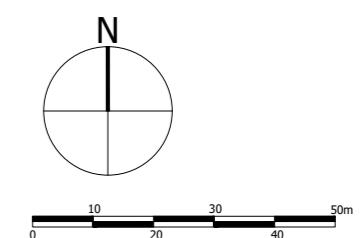
- 6.1 PHSW supports Strategic Policy SD02: Axminster and its development allocations, which includes land under their control. While PHSW supports the allocation of land east of Lyme Road (Axmi\_22) for the delivery of 100 dwellings, to ensure the policy's soundness during examination the policy requirement to safeguard land for the relief road should be removed. We say this because:
- The Policy's requirement for a 'possible future relief road' is not justified due to insufficient evidence of its necessity, feasibility or viable. A review of the current Regulation 19 consultation evidence base documents indicates that the relief road is unlikely to be delivered in the plan period.
  - By definition, the term 'possible,' refers to something uncertain or improbable. Since the inclusion for the relief road from the 20213-2031 adopted Local Plan (adopted in 2016), nine years have passed without its delivery. Substantial evidence reveals that the road it is not viable and therefore undeliverable.
  - The previous Regulation 18 Consultation Plan (August 2022) highlighted significant viability issues with the relief road. These concerns were also noted in EDDC's Strategic Planning Committee meetings.
  - For the plan to be made sound, reconsidering and removing the safeguarding of the possible future relief road is essential, allowing for the timely delivery of the Axmi\_22 allocation within the next 5 years.
- 6.2 Land at East Axminster is allocated as part of a wider mixed-use allocation E105 within the adopted Local Plan for the north and east of the town. The proposed development will provide high quality homes in a sustainable location to address housing need within Axminster, and EDDC.
- 6.3 PHSW are concerned that developers will be expected to contribute to the costs of the relief road, when the inclusion is not justified, and there is no evidence to demonstrate the relief road has been revisited to reflect the reduced quantum of development within Axminster. Until such evidence is available, developers should not be expected to contribute to the costs of the relief road, and consequently safeguarding land for a possible relief road which is unlikely to be delivered is not justified.
- 6.4 To enable the delivery of Axmi\_22 within the next 5 years it is considered that references to the Axminster relief road should be removed from the Draft LP to be considered sound.
- 6.5 PHSW has prepared an addendum planning application submission (LPA Ref: 19/0150/MFUL) for land at east Axminster, which is submitted to EDDC to address the latest consultee comments on the planning application. The submission demonstrates that the site is deliverable, with all technical constraints successfully mitigated.

- 6.6 With regards to the proposed draft LP policies, revisions are required to ensure that there is sufficient flexibility to support the emerging allocations.
- 6.7 In light of these representations, it is imperative that EDDC reassesses its Draft LP, incorporating the amendments proposed.
- 6.8 To ensure the Plan is found sound it must:
- Remove the inclusion of any references to a 'possible future relief road' within Policy SD02: Axminster and its development allocations as this is not considered to be justified and there is a lack of sufficient evidence to demonstrate it is required, viable, or even deliverable.
  - Consider including more flexibility for types of applications, or the removal of Strategic Policy CC02: Net-Zero Carbon Development from the Draft LP as the current text repeats legislation and requirements which is not required.
  - Include flexibility within Strategic Policy CC05: Heat Networks to ensure that sites can be considered on a case-by-case basis. In addition, it must be acknowledged that access to heat networks is currently outside of the control of the landowner and developer.
  - Strategic Policy HN02: Affordable Housing should include flexibility for all forms of development to ensure that the requirements accord with the definition within Annex 2 of the NPPF.
  - Sites should be considered on a case-by-case basis with regards to Policy HN03: Housing to meet the needs of older people, and as worded there is currently no mechanism for off-site contributions if necessary.
  - The proposed policy HN05: Self build and custom build housing should remove reference to affordable housing requirements and include additional flexibility for appropriate triggers to be negotiated on a case-by-case basis.
  - Strategic policy TR02 Protecting Transport Sites and Routes is unjustified as currently drafted as there is a lack of sufficient evidence regarding the delivery and viability of the Axminster relief road. References to the Axminster relief road should therefore be removed.
  - As areas of superfast broadband and high-quality communications are outside of the control of the developer, Policy TR06 Digital connectivity is unjustified. The policy text should be amended to provide flexibility.
  - The proposed 20% requirement for BNG is unjustified, nor supported by a robust evidence base. Strategic Policy PB05 should therefore be updated to 10% to ensure the Draft LP is consistent with National Policy.

## **APPENDIX 1. SITE LOCATION PLAN**

The scaling of this drawing cannot be assured

Revision	Date	Drn	Ckd
A Red line revised to suit 19-0150-MFUL Application	12.12.24	RM	MRW
B Red line amended	27.03.25	MR	KR



Project  
**Land East of Axminster**  
**Axminster**  
 Drawing Title  
**Location Plan**

Date	Scale	Drawn by	Check by
11.12.2024	1:1250@A2	RM	MRW
Project No	Drawing No	Revision	
333101454	PL-01	B	



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## **APPENDIX 2.      EXTRACT OF DRAFT LP ALLOCATION AXMI\_22**

actively encouraged. Part of the site is at risk of flooding and a Level 2 SFRA has been undertaken, the results of which should be incorporated into the development. A sequential test has been undertaken as part of the local plan.

## **Axminster**

**5.4.** The Local Plan strategy establishes Axminster as a Tier 2, Main Centre, settlement and as such as an appropriate location for future growth and development.

### **Strategic Policy SD02: Axminster and its development allocations**

The sites/areas listed below, as identified on the Policies Map, are allocated for development.

#### **Land east of Lyme Road (Axmi\_22)**

This site is allocated for 100 dwellings. The site layout should make provision for a suitable access road to facilitate the development of site GH/ED/80 to the north and also be built to a standard suitable for use as part of a possible future relief road to link to the A358, Chard Road, south of the Weycroft Bridge.

#### **Prestaller Farm, Beavor Lane (GH/ED/80a)**

This site is allocated for 225 dwellings and a community hub to the south of the Mill Brook. The community space should provide opportunities for a workspace, café/shop and meeting space. To the north of Mill Brook land has the potential for use as a multi-functional public open and natural space as well as for habitat mitigation purposes. Where this is required to meet the needs of the development provision will be required. Vehicular access to the site shall be from the allocated land to the south (Axmi\_22) unless otherwise agreed.

Development must incorporate a site road that is of a standard and is appropriately located so that it, and through potential future extension of the road, can form a possible future relief road to link to the A358, Chard Road, south of the Weycroft Bridge. Part of the site is at risk of flooding and a Level 2 SFRA has been undertaken, the results of which should be incorporated into the development. A sequential test has been undertaken as part of the local plan.

Sector Lane should be reconfigured and harmonised into future proposals. Public Rights of Way enhancements should also be explored. The development will need to

maximise opportunities for localised improvements/contributions to enhance sustainable travel modes.

#### **Land west of Chard Road (GH/ED/83)**

This land is allocated for 140 dwellings and 0.8 hectares of employment land. Development proposals should seek to introduce bus stops on Chard Road to promote sustainable travel into Axminster and to railway station. Development should also ensure pedestrian/cycle access onto Axminster Footpath 79.

#### **Land west of Musbury Road (Axmi\_01a)**

This land is allocated for 2 hectares of employment land. The site contains two World War II pill boxes and development between them and the railway line to the west should be kept as public open space with interpretation boards to explain the significance of their role in the Taunton Stop Line. Part of the site is at risk of flooding and a Level 2 SFRA has been undertaken, the results of which should be incorporated into the development. A sequential test has been undertaken as part of the local plan.

#### **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.

#### **Land at Axminster Carpets (Axmi\_07)**

This land is allocated for mixed-use redevelopment to retain the existing employment use and accommodate 50 dwellings plus additional employment uses. This allocation will need to be supported by further flood risk assessment and a comprehensive

masterplan to secure pedestrian, environmental and other improvements. Part of the site is at risk of flooding and a Level 2 SFRA has been undertaken, the results of which should be incorporated into the development. A sequential and exception test has been undertaken as part of the local plan. Development should be appropriately designed to accommodate pedestrian/cycle access and through routes.

#### **Scott Rowe Building, Axminster Hospital, Chard Road (Axmi\_10)**

This brownfield land redevelopment opportunity land is allocated for 10 dwellings.

#### **Land at Lea Combe, Field End (Axmi\_12)**

This land is allocated for 9 dwellings. The site will need to be carefully designed to accommodate and protect the trees, which are subject to a Tree Preservation Order, and also to protect the setting of nearby heritage assets.

#### **Land east of Lyme Close (Part of Axmi\_11c )**

This land is allocated for 50 dwellings and 0.4 hectares of employment land.

The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes.

#### **Land at Millwey, Chard Road, Axminster (Axmi\_17)**

This land is allocated for 19 dwellings. Part of the site is at risk of flooding and a Level 2 SFRA has been undertaken, the results of which should be incorporated into the development. A sequential test has been undertaken as part of the local plan. This site is an existing open space, with a previous use for sports pitches, the loss of which will need to be addressed through the development process. Careful consideration of access arrangements may require the relocation of the southbound bus stop.

#### **Millwey Garages, St Andrews Drive (Axmi\_18)**

This Brownfield land is allocated for 6 dwellings.

#### **Websters Garage, 9 Lyme Street (Axmi\_23)**

This land is allocated for 10 dwellings as part of a mixed-use development. Though with well-designed development there is potential scope to accommodate more new homes potentially as well as commercial space or community facilities. Very careful design will be needed to reflect the Conservation Area location and the setting of surrounding heritage assets. Support will be given for incorporation of unused or underused land and buildings adjoining the allocated site to be incorporated into a comprehensive scheme.

Opportunities for low-car development should be explored, due to the site's proximity to town centre and local services.

#### **Land west of Prestaller Farm, Beavor Lane (Axmi\_24)**

This land is allocated for 29 dwellings. Development at this location is likely to be dependent on neighbouring developments coming forward. Improvements will be needed to ensure pedestrian/cycle accessibility.

## **Honiton**

- 5.5.** The Local Plan strategy establishes Honiton as a Tier 2 settlement and as such as an appropriate location for future growth and development. Plan policy sets out land allocations for development and these are shown on the policies map along with other policy boundaries that are at the town.

### **Strategic Policy SD03: Honiton and its development allocations**

The sites/areas listed below are identified on the Policies Map and are allocated for development.

#### **Land west of Hayne Lane (Gitti\_03, Gitti\_04 and Gitti\_05)**

Land to the west of Hayne Lane, on the western side of Honiton, is allocated for a mixed-use development to provide:

- A. 310 homes; and
- B. 14.6 hectares of land to accommodate employment and community uses.

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. Southern parts of the site are in the East Devon National Landscape and this area will require very careful design to take account of its landscape setting. On the western edges the site is close to the historic village of Gittisham and particular sensitivity will need to be attached to preventing adverse heritage impacts. These southerly and westerly parts will be best suited for open space uses.

Commercial and employment uses will need to be concentrated to the north of the railway line bisecting the site with residential uses to the south. Community facilities, to include a shop or shops and a hall, will need to be provided within or next to

## **APPENDIX 3. DECISION NOTICE 15/0442/MOUT**

**TOWN AND COUNTRY PLANNING ACT 1990**

**REFUSAL OF PLANNING PERMISSION**

**Applicant:** Persimmon Homes (SW) Ltd      **Application No:** 15/0442/MOUT

**Address:** C/o Agent

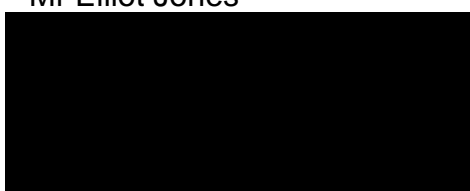
**Date of** 30 January 2015

**Registration:**

**Agent:** Boyer Planning Ltd

**Date of Decision:** 26 January 2016

**Address:** Mr Elliot Jones



**Proposal:** Outline application (access to be considered) for the construction of up to 75 no. dwellings including up to 25% affordable housing, new access onto Lyme Road, open space, landscaping and drainage

**Location:** Land East Of Axminster - Southern Area  
(East Of Lyme Road)  
Axminster

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The Council hereby refuses permission to carry out the development described in the application and the plans attached thereto for the following reasons :

1. The proposed development, by reason of:
  - The submission of an unacceptable masterplan that has not been subject to meaningful stakeholder engagement and that does not adequately justify the proposed development in isolation from the delivery of the wider site allocation and fails to ensure full provision of a viable development across the whole allocation and delivery of the North South relief road in full together with all requirements of the strategic land allocation section of Strategy 20 of the Emerging New East Devon Local Plan;
  - Proposing development extending outside of the mixed use allocation without providing sound justification for departing from the allocation outside the built up area boundary;
  - Failure to provide an acceptable level of affordable housing;
  - Failure to adequately justify the acceptable provision of improved public transport provision;

- Failure to adequately justify that the new development will have an acceptable impact on the River Axe; and

- Failure to adequately demonstrate that the visual impact of the development upon the countryside will be acceptable

is contrary to Policy S5 (Countryside Protection) of the East Devon Local Plan, Strategy 6 (Development within Built-Up Area Boundaries) and Strategy 20 (Development at Axminster) of the Emerging New East Devon Local Plan and guidance within the National Planning Policy Framework. As such the adverse impacts from the development significantly and demonstrably outweigh the benefits.

2. The application proposes affordable housing at a level of 25%, a proportion of the built form as proposed would lie outside the allocation area as defined by Strategy 20 of the Emerging New East Devon Local Plan, accordingly on these parts of the site the level of affordable housing should contribute a level of 50% affordable housing in accordance with Strategy 34 of the Emerging New East Devon Local Plan. In the absence of a suitable viability appraisal, the application fails to justify the proposed level of affordable housing and therefore adequately mitigate the impact of the development in accordance with Strategy 34. The proposal is therefore considered to be contrary to Strategy 34 (District Wide Affordable Housing Provision Targets) of the Emerging New East Devon Local Plan.
3. A new access would be formed from Lyme Road initially through a new 'T' junction and eventually through a changed priority junction that would form the southerly junction for the whole allocation as defined by Strategy 20 of the Emerging New East Devon Local Plan. The application fails to satisfactorily demonstrate that the proposed junction layouts are of sufficient gradient and diameter to accommodate the size of vehicles likely to use them. Furthermore, insufficient information regarding the safety of the proposal (no Stage 1 Road Safety Audit) and the impact on the wider highway network. The proposal therefore fails to demonstrate that a safe and suitable access can be achieved without severe impacts upon the transport network contrary to Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan, Policy TC7 (Adequacy of Road Network and Site Access) of the Emerging New East Devon Local Plan and Paragraph 32 of the National Planning Policy Framework
4. The proposed development has the potential to impact upon the strategic highway network, specifically the A35 trunk road to the south of the site. There are two junctions that have the potential to be impacted upon and insufficient information has been submitted to indicate the level of anticipated traffic. In the absence of this information the application fails to determine that there would not be a detrimental impact on high way safety or traffic flows on the trunk road through the eastern junction. As such the proposal is contrary to Policy TA7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan, Policy TC7 (Adequacy of Road Network and Site Access) of the Emerging New East Devon Local Plan and Paragraph 32 of the National Planning Policy Framework
5. The application, by virtue of a lack of information, fails to demonstrate that the proposal would not have a detrimental visual impact on the quality and appearance of the historic landscape and wider landscape character. As such the proposal is contrary to Policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan, Policy D1 (Design and Local Distinctiveness, Strategy 7 (Development in the Countryside) and Strategy 46 (Landscape Conservation and

Enhancement and AONBs) of the Emerging New East Devon Local Plan and guidance in the National Planning Policy Framework.

6. Insufficient information and no appropriate mechanism has been submitted or secured to ensure that sufficient and appropriate contributions towards the provision of affordable housing and necessary infrastructure (including provision towards open space, education, public transport and foul water drainage) to serve the demands of the proposed dwellings would be forthcoming. As such the proposal would be contrary to Policies, S7 (Infrastructure Related to New Development), TA1 (Accessibility of New Development) and RE3 (Open Space Provision in New Housing Development) of the East Devon Local Plan, Strategy 34 (District Wide Affordable Housing), Strategy 43 (Open Space Provision in New Housing Development) and TC2 (Accessibility of New Development) of the Emerging New East Devon Local Plan and advice contained in the National Planning Practice Guidance.
7. The application seeks to connect to the public foul drainage sewerage system which has an outfall into the River Axe which is designated as a Special Area of Conservation (SAC). Insufficient information has been submitted to indicate whether or not improvements are required to the public system to build in additional capacity to deal with the foul drainage from the proposed development and whether the mitigation measures to deal with the increased phosphate levels as a result of the proposal can be satisfactorily implemented. The proposal cannot therefore be concluded to have no likely significant impact on the River Axe SAC. The proposal is therefore contrary to Policy EN18 (Adequacy of Foul Sewers and Sewerage Treatment Works) of the East Devon Local Plan, Policy EN19 (Adequacy of Foul Sewers and Adequacy of Sewerage Treatment System) of the Emerging New East Devon Local Plan and Regulation 61 of The Conservation of Habitats and Species Regulations 2010.

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

The plans relating to this application are listed below:

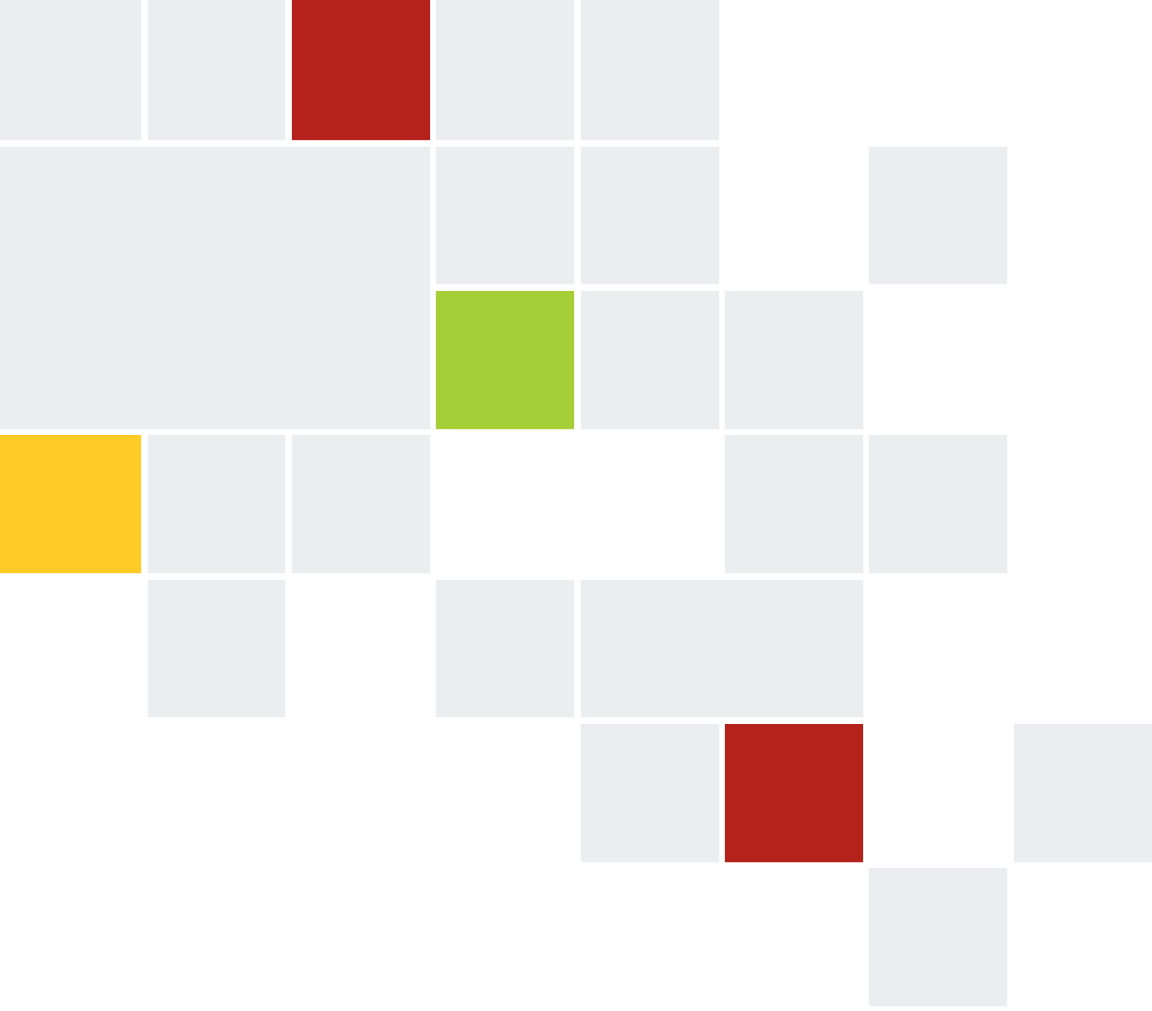
9405	Other Plans	30.01.15
9100-1 A	Other Plans	30.01.15
9405-01	Other Plans	30.01.15
9602-1 B	Other Plans	30.01.15
9604-1 C	Other Plans	30.01.15
9603-1 B	Other Plans	30.01.15

9000 E	Location Plan	30.01.15
9601-1 C	Other Plans	30.01.15
9000-01 F	Proposed Site Plan	30.01.15
14487-P012 A	Other Plans	30.01.15
9000 F	Proposed Site Plan	30.01.15



Service Lead - Planning

Please refer to the accompanying notes which form part of this decision notice.



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**Boyer**