

Filtered Data Export

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Church Commissioners

Proposal:

2. The Vision

1. To which part of the vision chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

2.4

3. Do you consider that this part of the vision chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the vision chapter, please use this box to set out your comments.: [Representation on behalf of the

Church Commissioners who comment in the context of land owned at Clyst Honiton.

Full representation uploaded which has been added to Commonplace linked to the specific policies commented on] The Commissioners is a registered charity that supports the work and mission of the Church of England across the country. Its investment policy is to hold a diverse portfolio of investments across a broad range of asset classes consistent with its ethical guidelines. Its Strategic Land team brings forward land for new housing development with the aim of delivering new homes and employment opportunities which support and enhance the local community. Many new developments also include new schools, community facilities, and new areas of open space, which benefit not only new residents but also neighbouring communities. The Commissioners own land in Clyst Honiton, East Devon, known as the Clyst Honiton Bypass Site('the Site'). The Site has previously been submitted to the East Devon District Council (EDDC) Call for Sites consultation and Preferred Options Regulation 18 Consultation, as well as the to the Clyst Honiton Neighbourhood Plan and Greater Exeter Strategic Plan Call for Sites in April 2017. The Site is proposed to be brought forward for development under a Neighbourhood Development order, and was considered as an allocation in the Regulation 14 Clyst Honiton Neighbourhood Plan consultation. This was subsequently disregarded as it was understood that the Neighbourhood Development Order would not be brought forward on the same timeline as the now made Clyst Honiton Neighbourhood Plan. A plan showing the location of the site is included at Annex 1. The Commissioners continue to engage with the Clyst Honiton Steering Group in relation to the emerging neighbourhood Development Order. The Commissioners generally support the vision and objectives set out in the consultation document. In short, the Commissioners support the focus for new development in the western part of the District and the introduction of the New Town

under Strategic Policy WS01. Whilst this is supported, the Commissioners acknowledge that EDDC are not seeking to address the full housing need of the district as established by the new standard method of the December 2024 NPPF.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Church Commissioners

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP01

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: [Representation on Behalf of Church Commissioners who own land in Clyst Honiton] The Commissioners supports Strategic Policy SP01 and the focus for new development on the West End of the district, including a new town and other strategic developments east of Exeter. In particular, we note that Clyst Honiton is identified as 'open countryside.' We would emphasise that Clyst Honiton is a sustainable and suitable location for development given the good connectivity to the existing road network, Exeter Airport and Exeter.

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Other party name (if relevant): Church Commissioners

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP02

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: [Representation on behalf of Church Commissioners who own land at Clyst Honiton] The Commissioners consider that the housing provision identified within the Policy SP02 is in contrast with the requirements of the December 2024 National Planning Policy Framework and its updated Standard Method. The December 2024 NPPF sets out that plans that are at Regulation 19 consultation stage by 12 March 2025 will be examined under the December 2023 version of the Framework. Paragraph 236 of the NPPF states where exempt plans demonstrate a housing requirement meets less than 80% of local housing need under the new standard method, work on a new plan must commence immediately following adoption of the plan currently under preparation in order to address housing needs. The Regulation 19 Consultation document identifies at paragraph 3.11 establishes that the new standard method generates an average housing need of 1,188 dwellings as of February 2025. East Devon District Council (EDDC) in its justification for Policy SP02 identifies the authority's housing need to be 80% of the figure produced by the new standard method, a requirement of 950.4 dwellings per annum. Policy SP02 proposes to address a housing need of 20,909 dwellings, which is equivalent to provision of 950.4 dwellings per annum. The document also identifies a 'surplus' (para. 3.11-3.12) of 1,707 dwellings when accounting for projected delivery including built dwellings, permitted, projected future windfalls and allocations (as of April 2024). Through its approach, EDDC inaccurately identifies its need to be 80% of its actual need, and states any provision over 80% of need to be 'surplus'. This demonstrates EDDC's unwillingness to engage with the real housing need presented in the district by the new NPPF, does not represent positive preparation, and is not a justified approach to housing need. Policy SP02 takes a bare minimum approach to the requirements of the NPPF, seeking to achieve only 80% of housing requirement, utilising a further 1,705 dwellings only in the event of non-delivery of

dwellings as opposed to accommodating the availability of land within the housing targets. Policy SP02, in this case, is unsound

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

The Commissioners recommend EDDC review this policy to identify and provide for 100% of the housing need required by the December 2024 NPPF and its transitional arrangements in Annex 1. The Commissioners acknowledge that the Office for National Statistics has published its affordability ratio for 2024 on 24 March 2025. This impacts the calculated housing requirement under the new standard method, reducing need. Whilst the need is reduced from the figure of 1,188 to 1,146, the need is still calculated to be greater than EDDC's proposed annual need of 950.4 dwellings and therefore the principles outlined above still apply.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Church Commissioners

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP03

3(a). If yes, and you wish to support the soundness of this part of the Spatial Strategy chapter, please use this box to set out your comments.: The

Commissioners own land in Clyst Honiton, East Devon, known as the Clyst Honiton Bypass Site ('the Site'). The Site has previously been submitted to the East Devon District Council (EDDC) Call for Sites consultation and Preferred Options Regulation 18 Consultation, as well as the to the Clyst Honiton Neighbourhood Plan and Greater Exeter Strategic Plan Call for Sites in April 2017. The Site is proposed to be brought forward for development under a Neighbourhood Development order, and was considered as an allocation in the Regulation 14 Clyst Honiton Neighbourhood Plan consultation. This was subsequently disregarded as it was understood that the Neighbourhood Development Order would not be brought forward on the same timeline as the now made Clyst Honiton Neighbourhood Plan. A plan showing the location of the site is included at Annex 1 [see uploaded document]. The Commissioners continue to engage with the Clyst Honiton Steering Group in relation to the emerging Neighbourhood Development Order.

The Commissioners support Strategic Policy SP03, which outlines the minimum development to take place in each Designated Neighbourhood Area during the plan period. We note the inclusion of a "minimum" figure, which provides a degree of flexibility that allows for additional development within the plan period. With respect to the Requirement Figures that support the policy in Appendix 2 of the Draft Plan, it is noted that the Commissioners' promoted Site, which is being pursued for development by the Clyst Honiton Parish Council through a Neighbourhood Development Order, is not accounted for within the figures. The Site has been excluded from the made Clyst Honiton Neighbourhood Plan (13 March 2025) due to a NDO not being able to be completed prior to the making of the plan. Whilst this is the case, the Site is likely to come forward within the plan period, and could be accounted for within Policy SP03 as a 'commitment.' This can assist to support in providing the shortfall in housing provision

as outlined above. The Site has been assessed to have a maximum capacity of 50 dwellings, employment space and a new community facility as promoted within the Regulation 14 and 16 Neighbourhood Plan consultations. As such, the Site could support the development of 50 dwellings.

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: [As above] Site [at Clyst Honiton] could be accounted for within Policy SP03 as a 'commitment.'

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Other party name (if relevant): Church Commissioners

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP04

3. Do you consider that this part of the Spatial Strategy chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Spatial Strategy chapter, please use this box to set out your comments.: [Representation on behalf of Church Commissioners who own land at Clyst Honiton] The Commissioners endorse EDDC's objective of supporting business investment and job creation opportunities within East Devon. The Commissioners have a record of delivering facilities in East Devon, including the Exeter Gateway Distribution facility to the north of the Site, at which Lidl and Amazon distribution centres are already operating. It is noted that Strategic Policy SP04 does not quantify a proportion of employment land contribution for windfall developments. The flexibility of this approach is supported by the Commissioners, as it allows site specific circumstances, such as location and viability, to be taken into account when determining appropriate land uses.

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Other party name (if relevant): Church Commissioners

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP06

3. Do you consider that this part of the Spatial Strategy chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Spatial Strategy chapter, please use this box to set out your comments.: [Representation on behalf of Church Commissioners who own land at Clyst Honiton] The Commissioners welcome the flexibility of Strategic Policy [SP06] to permit development outside of settlement boundaries where it is in accordance with specific Local or Neighbourhood Plan policies which explicitly permits such development, where it would not harm the distinctive landscape, amenity and environmental qualities of the area within which it is located. This approach will assist in bringing forward appropriate development on sites within rural Neighbourhood Plan areas that otherwise would be opposed within the Local Plan.

Full name: Zoe Mason

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Other party name (if relevant): Church Commissioners

Proposal:

4. Development at the West End

1. To which part of the Development at the West End chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS01

3. Do you consider that this part of the Development at the West End chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development at the West End chapter, please use this box to set out your comments.:

[Representation on behalf of the Church Commissioners who own land at Clyst Honiton] The Commissioners recognise that long-term strategic developments can be crucial to meeting housing requirements in the district, along with providing key infrastructure and facilities for new and existing residents. In this context, The Commissioners endorse Strategic Policy WS01 and the development of a second new town east of Exeter. The Commissioners particularly endorse the Option for allocation brought forward to the Regulation 19 Draft Plan, which benefits from good access via the A30, proximity to Exeter Airport and Exeter Gateway Distribution facility to promote commercial uses, and can be made acceptable in terms of landscape, heritage and ecology via appropriate masterplanning. The site would provide the opportunity to deliver infrastructure to support other development within the local area, particularly complementing the existing Clyst Valley Regional Park and providing opportunity for expansion.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Church Commissioners

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?:

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

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2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?:

-

2(a). If yes, and you wish to support the legal compliance of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

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2(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not legally compliant. Please be as precise as possible.:

-

2(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

-

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?:

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3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

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3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.:

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3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

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4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?:

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4(a). If yes, and you wish to support this part of the Development in the Towns and Villages chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

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4(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Please see accompanying Letter. We would like to attend any hearing sessions regarding housing/supply and those with respect to the policies we have objected to within our accompanying representations.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Church Commissioners

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?:

-

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

-

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?:

-

2(a). If yes, and you wish to support the legal compliance of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

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2(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not legally compliant. Please be as precise as possible.:

-

2(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

-

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?:

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3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

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3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.:

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3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

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4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?:

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4(a). If yes, and you wish to support this part of the Development in the Towns and Villages chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

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4(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

-

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Please see accompanying Letter. We would like to attend all hearing sessions relating to housing need/supply and the policies that we have objected to in our accompanying representations.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD04

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

On behalf of our client, Mr M.J. Nancekivell and Mr R.P. Nancekivell ('the Landowner'), we set out representations to the East Devon Local Plan Regulation 19 Consultation (the 'Draft Plan') in relation to land at Barrack Farm, Ottery St Mary ('the Site') The Site (Plan 1) is identified as a draft allocation (Otry_01b) for housing and employment development (70 homes and 1.25ha of employment land) in the Draft Plan. The purpose of these representations is to: 1 Outline the need for additional housing numbers in the Draft Plan. 2 Support the allocation of the Site for housing/employment and demonstrate the site is suitable, available and deliverable. 3 Demonstrate that the Site has capacity to deliver circa 90 homes (rather than 70) and 1.25ha of employment land, optimising its potential. 4 Comment on other policies in the plan insofar as they relate to the promotion of housing/employment development at the Site. The Landowner has other land interests in Ottery St Mary and we have submitted separate representations in relation to land at Gerway Farm (draft allocation ref. Otry_21). Strategic Overview and Housing Need We have provided a full assessment of the Draft Plan's strategic policies and the approach to meeting District-wide housing need in our representations to Otry_21. We do not repeat those details here but note the following headlines, because they support the principle that the capacity of allocated sites should be maximised where possible: 1 EDDC is proposing to reduce its rate of housing delivery below that achieved over recent years; 2 The approach to the NPPF's 'transitional arrangements' is flawed and EDDC cannot simply plan for 80% of its up-to-date housing need. The Draft Plan must be revisited to plan for its full need i.e. 1,188 dwellings per annum, over the plan period; 3 The approach to a phased housing trajectory does not comply with national policy. Planned delivery must meet or exceed the annual housing need figure; EDDC cannot plan to underdeliver for the first

11 years of its Plan and then make up for this in the latter years – this has significant implications for social and economic growth and will have resultant impacts on, for example, affordable housing and the wider housing crisis; 4 The Draft Plan does not deliver a 5YHLS with requisite buffer (20%) and will therefore immediately fail NPPF para. 78(c); and 5 There is an overreliance on the large/complex sites, particularly the new settlement. This includes a flawed approach to its assumed delivery rates (too soon in plan period, with implications for 5YHLS, and overestimated total delivery across the plan period). In conclusion, the Draft Plan is therefore not planning for sufficient housing across the full plan period and must be amended to plan for its full up-to-date housing need. There is a particular need to identify land to deliver additional housing numbers in the early-mid plan period and feed into 5YHLS. Housing numbers to one side, the Landowner supports the spatial approach to housing delivery across the settlements in East Devon, including the recognition that Ottery St Mary as a Main Centre should support significant development over the Plan period. It is therefore well placed to deliver some of the additional housing need for East Devon. Policy SD04: Ottery St Mary and its development allocations Land at Barrack Farm – Otry_01b Our client supports the allocation of Barrack Farm (Policy SD04, Otry_01b) for housing and employment use; the Council clearly recognises that the Site is suitable and available. In accordance with NPPF para. 130(a), however, policies should ensure that developments make optimal use of the potential of each site to meet as much of the identified housing need as possible. This also aligns with draft policy DS02 (efficient use of land). These representations explain that, through technical assessment and initial design concept work, the Site has capacity to deliver circa 90 homes and 1.25ha of employment land. Policy SD04 (Otry_01b) should be redrafted to reflect this. Housing Numbers The accompanying Vision Document (VD) (Annex 1) sets out a summary of the preliminary technical work undertaken to assess the constraints/opportunities of the Site, followed by initial design concepts to inform an indicative framework plan with developable areas. Based on relatively low densities of circa 35 dwellings per hectare (suited to this context) this clearly demonstrates the Site has capacity to accommodate a further 20 homes (in addition to the 70 homes referenced in the current draft allocation), plus the 1.25ha of employment land. This will assist in supporting East Devon to meet its increased housing need. The Site Selection Report (SSR) for Ottery St Mary states that the site is suitable for residential development at 30dpha, but no justification is given for the density stated, and the Methodology states that final allocation density will be determined in line with Stage 3: Site assessment: “The yield shown at the start of the site assessment is calculated using the maximum in the HELAA methodology. The site assessment may indicate that this should be reduced, for example to take account of landscape, ecological, or historic environment features; to achieve a higher yield in particularly accessible locations; or to reflect Local Plan consultation responses. Where this is the case, the yield will be adjusted to ensure that the Local Plan reflects a realistic site potential, and commentary will highlight parts of

the site where density should be lower or built development avoided.” (para. 1.25). For allocation ref. Otry_01b this must be adjusted to reflect the detailed technical work undertaken and optimise the potential of the Site. This would ensure draft Policy SD04 accords with the NPPF and draft policy DS02 (efficient use of land). Summary of Technical Assessment

Landscape and Visual Impact The accompanying VD includes a landscape and visual appraisal (pg. 10) which explains that the site: 1 Is of ‘Medium Value’ as ‘an ordinary landscape which is appreciated by the community but has little or no wider recognition of its value’.

2 While agricultural, it experiences urbanising influences including lit roads, built form and playing fields; and, 3 Has the capacity to successfully accommodate new development, with residential in the lower, eastern parts of the site opposite the existing urban edge, and employment land where the agricultural sheds are currently located.

Archaeology and Heritage The draft allocation requires further archaeological assessment prior to development. The Landowner has undertaken an archaeological assessment of the full extent of their interest at land parcel ref. Otry_01 (i.e. the draft allocation plus the fields immediately to the west), which identifies a short-lived early 19th century infantry barracks on the Devon Historic Environment Record towards the eastern end. The exact siting is unknown, but this is not a constraint that would prevent the development of the site subject to the draft allocation (ref. Otry_01b), and as shown in the framework plan in the accompanying VD. There are a number of listed buildings within 1km of the site and the Ottery St Mary Conservation Area covers the historic Town centre and lies 630m to the east of the site at its closest point. As a result of local topography and modern development activity, no potential impacts on the setting of designated or non-designated heritage assets have been identified.

Highways and Access We support the approach to coordinating the access between the two allocations Otry_01b and Otry_09. However, the responsibility for delivery of an

access to facilitate both allocations is only included within the wording of the Barrack Farm allocation (Otry_01b). This assumes responsibility of Otry_01b only, which is not justified, nor is this necessarily feasible. Draft Policy SD04 Otry_01b requires the site to 'provide a harmonized access and interaction with Land at Thorne Farm (Otry_09)'. It should simply be required to provide an access which does not fetter the potential for access to Otry_09, illustrating how both site entrances would work in harmony once both sites are delivered. These representations are accompanied by a Highways and Transport Technical Note (Annex 2) (HTTN), which explains that the Site: 1 Is suitable for development for around 90 dwellings and 1.25ha of employment land because a range of facilities and services are readily accessible by walking, cycling and public transport, meeting the requirements of draft Strategic Policy TR01 (walking, wheeling, cycling and public transport). 2 Vehicular access can be achieved from the unnamed road to the east of the allocation. 3 A safe pedestrian route can be provided through the Site to accommodate connections to the proposed commercial units. Detailed requirements for a travel plan/transport statements/transport assessments (draft Strategic Policy TR03) and regarding car/cycle parking and charging points can be addressed at the detailed design stage (draft Strategic Policy TR04: Parking standards - Residential).

The Transport Technical Note explains that analysis has been undertaken (using DataShine Commute) to establish the likely trip distribution for about 90 houses and 1.25ha of employment land. It confirms vehicles will disperse within the road network in Ottery St Mary and this is not likely to result in an unacceptable impact. It is concluded that satisfactory access can be achieved and the Site is deliverable from a transport and movement perspective. We are aware that the site is within the Aerodrome Safeguarding outline area. However, residential development will not exceed three storeys, nor will it have high structures, and it will therefore not interfere with radio signals or create bird strike hazards.

Flooding The Technical Note on Flooding, Water Efficiency and Green & Blue Infrastructure at Annex 3 explains that: 1 The site is within fluvial Flood Zone 1 and is at very low risk of flooding, and therefore no flood mitigation is required; 2 A flood risk assessment will be prepared to support a planning application due to a site area of

over 1ha, as per national requirements; 3 Surface water flooding can be accommodated through a comprehensive drainage network, including use of sustainable drainage systems; and, 4 Water efficiency can be addressed at the detailed design stage and can be achieved through the installation of reduced water fittings and water butts as needed. There are no flood risk or drainage matters that would preclude development of the Site for about 90 houses/1.25ha of employment land and any proposal would accord with the requirements of draft Strategic Policy AR01 regarding Flooding.

Ecology The accompanying Ecology Appraisal (EA) (Annex 4) confirms that the site is not affected by; 1 Any habitat designations; and, 2 Has limited ecological value. The Site does provide suitable habitat for a range of species including protected species such as badgers and dormouse. Habitats of higher value are trees, hedges and the riparian corridor associated with the River Otter, which would be unaffected by the draft allocation. Ottery St Mary is an inherently sustainable location for housing growth and the site is highly deliverable. It is anticipated to come forward in the early-mid Plan period. The Landowner strongly supports the allocation of land at Barrack Farm under draft Policy SD04 (Otry_01b) and is committed to working collaboratively with EDDC to ensure a robust policy context that supports the delivery of housing and employment on the Site. As is typical of a site subject to a draft allocation at Regulation 19 stage, there are some elements of the proposed land use quantum which require refinement; these are set out in the above representations and accompanying technical reports with the objective of ensuring the site's potential is optimised and contributes suitably to East Devons housing need.

We trust this assists in refining draft Policy SD04 (Otry_01b) and would welcome minor updates on this basis, in accordance with the NPPF and other policies of the Draft Plan. Please do not hesitate to contact me or my colleague Sophie White should you require any clarification

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will

be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

In light of the above, we propose that the wording of policy SD04 with respect to Barrack Farm be amended to: “Barrack Farm (Otry_01b) This land at Barrack Farm, is allocated for around 90 new homes and up to 1.25 hectare of employment land provision, to be provided in accordance with Strategic Policy SP04. Archaeological assessment will be required prior to development commencing and will need to inform development proposals. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes. Development at this site should not fetter the potential for access to Otry_09, illustrating how both site entrances would work in harmony once both sites are delivered.” We also propose that the wording of policy SD04 regarding Land at Thorne Farm (Otry_09) is amended to reflect the need for joined up thinking in respect of access: Land at Thorne Farm (Otry_09) This land, which lies west of the town and adjacent to the sports centre and school, will provide around 90 new homes as well as space for an educational facility. Further flood risk assessment is required and an undeveloped buffer should be maintained to protect the County Wildlife Site and Ancient Woodland to the north west of the site. Development at this site should not fetter the potential for access to Otry_01b, illustrating how both site entrances would work in harmony once both sites are delivered”.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP04

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not legally compliant. Please be as precise as possible.: Whilst the Landowner is supportive in principle of delivering employment land within allocation Otry_01b, there must be flexibility in the draft policy to account for any changes to the market or changes in employment demand in the future.

2(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Spatial Strategy chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The following text should be added to Policy Sp04: "If market testing for 12 months at an appropriate market rate demonstrates a lack of demand for the employment land then a revised scheme mix can be considered including the delivery of additional homes." This is to ensure that sufficient flexibility is included within the draft policy.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN03

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
No

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.: Draft Policy HN03 requires: "All general housing proposals, subject to commercial viability, will be required to deliver specialist housing for older people as follows: A: Schemes for 50 to 199 dwellings should include at least 10% of dwellings on-site as specialist older person dwellings (Use Class C3); B: Schemes for 200 or more dwellings should include at least 10% as on-site as specialist older person dwellings as either C3 dwellings and/or C2 equivalents." The NPPF explains that within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes housing for older people. In this case, no justification has been provided as to how the threshold or requirement has been determined. Moreover, some sites may not be suitable for housing for older people and on other sites this type of housing will not be viable. The policy is also unclear as to how "specialist older person dwellings" is defined (beyond Use Class). On this basis, the policy is not considered to be sound as it is not effective or justified or consistent with national policy.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN05

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
No

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.: Draft Policy HN05 states that on sites of 20 or more dwellings, 5% should be made available as serviced plots for self and custom build. Whilst the NPPF sets out that Council's should make provision for self- build and custom build housing (para. 73), the 20-dwelling threshold and 5% requirement is not justified and there is no evidence to explain what this is based on. Whilst the proportion of self-build and custom housing is considered by the Council to be viable within the Viability Appraisal, no justification is provided within the Viability Appraisal or Sustainability Appraisal as to why these thresholds have been set. Moreover, the policy applies district-wide (with the exception of the Built-up Area Boundaries defined in the Cranbrook Plan), and does not allow for any flexibility to respond to local circumstances. The Landowner, therefore, objects to this policy.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Strategic Policy AR02 requires the 'optional' standard of 110 litres per person per day from Part G of the Building Regulations as the baseline figure to be applied to all development, as opposed to the baseline requirement of 125 litres per day, also within Part G of the Building Regulations. The policy is not justified. The Draft Plan references a Water Cycle Study which provides evidence to justify the stricter requirements. This is not available in the evidence base. We request that this be provided so that an appropriate assessment of the 'sound-ness' of Policy AR02 can be undertaken. Should this not be justified through the Water Cycle Study, we propose the omission of this policy as the requirements are already established within Building Regulations. This would be in line with the sentiment of paragraphs 13 and 25 of the Government response to the proposed plan-making reforms: consultation on implementation (27 February 2025) HSE, which seeks to avoid 'unnecessary duplication' with national policy. The Landowner, therefore, objects to this policy.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 15. Our Outstanding Historic Environment

1. To which part of the Our Outstanding Historic Environment chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HE01

3. Do you consider that this part of the Our Outstanding Historic Environment chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Historic Environment chapter is not sound. Please be as precise as possible.: The Landowner supports the preservation of archaeological and heritage assets. Strategic Policy HE01 outlines requirements for preserving the historic environment and references the identification of heritage assets “through the planning application process”. This is in conflict with the Planning Practice Guidance (PPG), which suggests that in most cases Non-Designated Heritage Assets should be identified and published by the LPA and only in rare cases, normally associated with archaeological discoveries, should they be identified through the Planning Application Process.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Historic Environment chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Historic Environment chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: To ensure the policy is in keeping with PPG it should be amended as follows: “Non-designated heritage assets, where identified through local or neighbourhood plan-making, the Local List119, Conservation Area Appraisal or review or through the planning application process (in exceptional circumstances), will be recognised as heritage assets in accordance with national guidance and any local criteria. Development proposals that directly or indirectly affect the significance of a non-designated heritage asset will be determined with regard to the scale of any harm or loss and the significance of the asset.” Our client is broadly in support of Policy HE04, however the statement: “development must protect the site and setting of Scheduled Monuments, designated or undesignated archaeological remains, including ancient routeways and milestones,” is unclear on the degree to which undesignated archaeological remains are to be protected, and infers that all archaeological remains, whether designated or not, are to

be protected in all circumstances which is contrary to National Policy. Given the sentiment behind the statement is repeated in the subsequent policy wording, which provides more clarity on how non-designated archaeological remains are to be considered, we propose that the first sentence of the policy be omitted to ensure soundness.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The Landowner supports the objective to protect and enhance the natural environment and supports biodiversity net gain (BNG). However, our client objects to draft Strategic Policy PB05, which requires a minimum of 20% BNG for major development proposals. This is on the basis that: 1 The national legislative framework requires the provision of 10% BNG. 2 There is no justification for the increased requirement of 20% BNG. This policy is therefore, not sound due to lack of justification and lack of positive preparation through lack of consideration of suitable alternatives.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: We propose that Policy PB05 be amended to accord with the national legislative requirement for delivery of 10% BNG for major development.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB06

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB06 addresses the Local Nature Recovery Strategy and Nature Recovery Network (NRN).

The accompanying EA notes that the limitation of provision of off-site biodiversity provision within the NRN areas only could limit opportunities to deliver otherwise important ecology and biodiversity gains in alternative locations.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB01

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB03

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB08

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR03

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR04

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN01

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN02

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
Yes

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD04

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

1.1 These representations are submitted on behalf of Mr M.J. Nancekivell and Mr R.P. Nancekivell ('the Landowner') in response to the East Devon District Council's (EDDC) Local Plan Draft 2020-2042 Regulation 19 Consultation Document (the 'Draft Plan'). They relate to the Landowner's interest in Ottery Saint Mary (OSM) at Gerway Farm (the Site, Plan 1), to the southwest of OSM, capable of delivering 150 homes.

1.2 The site comprises: 1 Land to the east, which is allocated for housing development (70 homes) in the Draft Plan (Policy SDo4 Otry_21) and referred to as the "eastern parcel". 2 Land to the west, which is unallocated but represents a viable and logical opportunity to delivery more houses (about 150 units across both land parcels), referred to as the "western parcel". 3 Additional land under the same ownership which is available for Biodiversity Net Gain and green/blue infrastructure to support the delivery of the housing allocation, referred to as the "additional land".

Plan 1: The Site

Source: The Richards Partnership. Reproduced from the Ordnance Survey Map with permission of Her Majesty's Stationery Office (c) Crown Copyright Licence no 100046803.

1.3 The purpose of these representations is to: 1 Explain that the Council's assessment of housing need is flawed such that more sites need to be allocated. 2

Support land to the south of Ottery St Mary as a suitable and sustainable location for growth, as acknowledged by the draft allocation. 3 Promote land to the west of the site as an extension to the draft allocation. 4 Demonstrate the suitability and deliverability of the wider site for comprehensive development to deliver around 150 homes. 5 Comment on other policies in the plan insofar as they relate to the promotion of housing development on our Landowner's site.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

In light of the above, we propose that the wording of policy SD04 with respect to Barrack Farm be amended to: "Barrack Farm (Otry_01b) This land at Barrack Farm, is allocated for around 90 new homes and up to 1.25 hectare of employment land provision, to be provided in accordance with Strategic Policy SP04. Archaeological assessment will be required prior to development commencing and will need to inform development proposals. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes. Development at this site should not fetter the potential for access to Otry_09, illustrating how both site entrances would work in harmony once both sites are delivered." We also propose that the wording of policy SD04 regarding Land at Thorne Farm (Otry_09) is amended to reflect the need for joined up thinking in respect of access: Land at Thorne Farm (Otry_09) This land, which lies west of the town and adjacent to the sports centre and school, will provide around 90 new homes as well as space for an educational facility. Further flood risk assessment is required and an undeveloped buffer should be maintained to protect the County Wildlife Site and Ancient Woodland to the north west of the site. Development at this site should not fetter the potential for access to Otry_01b, illustrating how both site entrances would work in harmony once both sites are delivered".

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP02

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.:

2.1 The adopted East Devon Local Plan (2013-2031) identified an annual housing need of 950 dwellings per annum; 17,100 dwellings over the plan period. The 2023 housing delivery test established that 118% of housing need had been delivered in East Devon (need for 2,482 dwellings vs delivery of 2,940). Table 1 below shows that the number of homes required was exceeded by those delivered in years 2020/21, 2021/22 and 2022/23. The most recent two years in particular (2021-2023) clearly demonstrate that East Devon is capable of delivering at rates beyond those set in the Local Plan and this has been a successful Plan strategy. 2.2 East Devon has progressed its Draft Plan to Regulation 19 to accord with the 'transitional arrangements' set out in the December 2024 NPPF. Para. 234a states that, if "...the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need" then the plan will be examined under the relevant previous version of the Framework i.e. the 2023 NPPF. Page 5 of the Draft Plan confirms this: "this plan, and policies within it, are drafted to accord with the December 2023 National Planning Policy Framework and all references in the plan are to this document, unless specifically stated otherwise".

2.3 This is critical to considering East Devon's housing need. In summary: 1 The new standard method sets an annual local housing need for East Devon of 1,188 dwellings per annum. Projecting this over a 22 year Plan period (2020-2042) generates a minimum housing need of 26,136 dwellings. Even if the period 2020-2024 was assumed at the adopted Local Plan level of need (950 dwellings, or 4 years at 3,800 dwellings), increasing to 1,188 for 2025-2042 (18 years so 21,384), this would total 25,184 dwellings over the 22 year Plan period. 2 The 2023 version of the standard method generated a local housing need for East Devon of 893 dwellings per annum, or 19,646

dwellings over the Plan period. 3 East Devon commissioned ORS to prepare a Local Housing Needs Assessment in September 2022 which confirmed the “...minimum Local Housing Need figure across

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East Devon is 918 dwellings per annum” (para. 6.2). At that time a 20-year Plan was anticipated, but based on the 22 year Draft Plan, this totals 20,196 dwellings.

2.4 The 2023 standard method and the locally assessed housing figures (i.e. no.2 and 3 above) equate to less than 80% (75 - 77%) of the new standard method figure and therefore fail the NPPF’s ‘transitional arrangements’. Instead, the Draft Plan will simply deliver 80% of the new standard method which “...generates the annual average housing level of 950.4 new homes, a 22-year plan requirement of 20,909” (para. 3.11). On this basis, ‘Strategic Policy SP02: Levels of future housing development’ states “...housing provision will be made for at least 20,909 dwellings (net) to be delivered in the plan area between 1 April 2020 to 31 March 2042. The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1,070 homes per year from 2032/33 to 2041/42”.

2.5 Whilst the ‘transitional arrangements’ exist to enable Plans to progress where they have got to Regulation 19 by 12 March 2025, this is where they have been prepared in accordance with the previous Framework i.e. the 2023 NPPF, and meet ‘at least’ 80% of local housing need. Para. 234a was not intended as a tool to simply ‘cut the numbers’ that would otherwise be required and plan for -20% of up-to-date need. Further, the 80% is a minimum, not a target to plan for.

2.6 The ‘justification’ text for policy SP02 states: 1 “Projected delivery from all sources, from a monitoring base position of 1 April 2024...provide for 22,614 homes. 2

Of these 3,514 have been built which if deducted from gross projections leaves a net delivery of 19,100 and a net need, with the same subtraction, of 17,395. 3Deducting

the net need from net delivery generates a 'surplus' of 1,705, this... gives a healthy headroom surplus of 9.8% that will account for any possible non-delivery".

2.7 This 'surplus' / 'headroom' is an arbitrary figure which does not reflect real 'need' – it cannot therefore be considered a surplus. By planning for precisely 80% of up-to-date need (i.e. the new standard method), the Draft Plan immediately fails to meet 'need', and even with the 'surplus' of 1,705 dwellings it still falls well short.

2.8 It is therefore concluded that the Draft Plan has failed to be positively prepared, and takes an unjustified approach to its housing numbers. When East Devon concluded that its local housing need as assessed under the previous Framework, and/or by ORS in 2022, was less than 80% of the new standard method, it should have resolved to prepare a Local Plan to meet up-to-date need, planning for the full new standard method requirement i.e. 1,188 dwellings per annum, and a minimum of 26,136 dwellings over the plan period. Seeking to get to Regulation 19 by the 12th March 2025 deadline with an unsound plan, simply to secure agreement to delivery of 20% less than identified housing need, should be firmly rebutted. Distribution Over Time

2.9 The Plan's soundness is further undermined by the approach in Policy SP02 to a 'stepped housing trajectory' where delivery targets only 850 homes per annum from 2020/21 to 2031/32, increasing to 1,070 homes per year from 2032/33 to 2041/42. The first 11 years of

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the Plan (and 5 years from adoption i.e. the five year housing land supply) fall well short of meeting minimum need, whether under the new or old standard method, or indeed the need assessed by ORS in 2022. This is a fundamentally unsound approach and raises various significant issues.

2.10 Firstly, the proposal for a stepped trajectory 'backloads' a significant proportion of housing delivery. In years 1-4 post adoption (where it assumes 850 units a year from 2026/27- 2031/32) this totals only 4,250 dwellings (89% of the Draft Plan minimum requirements, and only 72% of the new standard method). Even more concerning is how this is further compounded by the housing trajectory at Appendix 1 to the Draft Plan, which identifies delivery of: 1 2025/26: 781 dwellings 2 2026/27: 660 dwellings 3 2027/28: 645 dwellings 4 2028/29: 448 dwellings

2.11 Applying the above, in the next 4 years delivery would be only 67% of the Draft Plan minimum requirement, or 53% of the new standard method. In 2028/29, delivery wouldn't even reach 50% of the minimum Draft Plan requirement, or 40% of the new standard method. This is profoundly unsound.

2.12 Delivery is then stated to jump dramatically to 1,078-1,494 dwellings in 2029/30-2038/39, before dropping down again to 646-911 in the final 3 years of the Plan (the reason for the latter is unclear, particularly given this is when one would assume the new settlement is at its peak delivery). This shows a huge overreliance on large strategic sites coming online in years c.10-20 i.e. 5 years post adoption, at the expense of meeting immediate housing need; there is also significantly more risk and uncertainty in delivery of these large sites, as accepted in the Draft Plan; para. 3.12 states "in recognition of the complexities inherent in delivering major development sites, particularly the proposed new community provision of new homes will come forward under a stepped trajectory...". This is not a sound reason for a stepped trajectory.

2.13 Planning for delivery to fall well short of recent trends and identified need is a flawed and unsound approach and will have significant economic and social implications for East Devon. This is not taking a positive approach to plan-making.

2.14 EDDC must therefore revisit its overall housing numbers and how these feed into the delivery trajectory, with amendments to Strategic Policy SP02 and Appendix 1. This will also have implications for Strategic Policy SP03 (currently unsound as drafted, as additional numbers must be planned for in the Designated Neighbourhood Areas) and then Chapter 5, as a number of new/expanded site allocations will be required; EDDC must allocate land to increase its supply for the 5 years of the Plan post adoption i.e. unconstrained and deliverable small/medium sized sites, such as those under the control of the Landowner in Ottery St Mary, as well as – fundamentally – planning for its true housing need over the full plan period.

Five Year Housing Land Supply

2.15 The Draft Plan must identify a 5 year housing land supply (5YHLS) from the intended date of adoption; this is a requirement of the NPPF. Critically for East Devon, para. 78c of the NPPF will immediately apply as the Local Plan is not due for adoption until late 2026/early '27. By planning for an annual average housing need of 950 new homes, which is precisely 80% of new standard method figures (arguably below 80% as a need for 950.4 should be rounded up to 951), the 20% buffer will be required.

2.16 The Draft Plan must address this now. Beyond increasing its allocated housing land/associated trajectory for 2026/27 – 2031-32 to address actual housing need, it must add a 20% buffer to this. The implications are significant. Applying a housing need figure of 950 dwellings per annum + 20% equates to 1,140 per annum, or 5,700 dwellings over 5 years; a total increase of 1,450 dwellings. When considering this in the context of the current 850 dwelling stepped trajectory, the increase to what is currently being planned for becomes even more significant.

2.17 The Draft Plan is supported by a “Technical Assessment of Housing Delivery” (Feb 2025). This states at Section 5 that the 20% buffer has been applied and from adoption the Plan will have a 6.22 year supply. Appendix 5 is flawed (see copy at Table 2 below); it is based on an annual housing need of 850 dwellings, with the buffer increasing this to 1,020 (5,080 total). Based on a Local Plan annual housing target of 950 dwellings (not 850) this must be increased to 1,140 dwellings, or 5,700 over 5 years.2.18

It is clear from this trajectory that the land supply in the first two years will fall well short – in year 1 supply is just 57% of need, and in year 2 only 39%. The significant jump from year 2 (448 dwellings) to year 3 (1,471 dwellings) is not justified. Whilst it is agreed that some of the allocations set out in the Draft Plan will deliver within the first 5 year period, it is highly unlikely this will reflect Appendix 4 of the Technical Assessment of Housing Delivery paper which shows almost all the Draft Plan's allocations suddenly delivering units in years 2029/30 (having delivered none beforehand).

2.19 Based on Lichfields Start to Finish research, delivery would come from some of the small site allocations, yet the Council's projections have the 10,000 unit new settlement delivering 144 units from year 2029/30, increasing to 216 units from 2031/32. This is unsound. Large sites of 2,000 units plus take on average 5.1 years for the planning approval period, plus 1.6 years from planning to delivery; that is almost 7 years. This settlement is

not yet subject to a planning application and is unlikely to be until the Plan is at Examination/adopted (2026/27). Even this would be ambitious given the Council is at vision/early consultation stage; planning submission post Plan adoption appears more likely. In its first delivery year, units/numbers are generally low given supporting infrastructure required to service the first parcel. The first year is likely to start at 50-100 dwellings and ramp up to 200 per annum over 1-2 years, depending on the number of housebuilder outlets.

2.20 This new settlement is therefore highly unlikely to deliver units in the first 5 years of the Plan period, and it is not feasible for it to have delivered 144 units on site within 3 years; it should be a 'Y' for 'challenging' at Appendix 4 and pushed back to at least 32/33. This immediately removes 504 units from the 5YHLS and calls into question the assumptions made on other allocations. It also raises significant concern regarding the Draft Plan's assumption that 3,300 dwellings will be delivered at this new settlement by 2042, which has wider implications for the plan's wider land supply.

2.21 The approach to 5YHLS and NPPF para. 78 is therefore flawed, as are the general assumptions around delivery at the new settlement. Additional small/medium site allocations must be made in the Draft Plan to demonstrate a 5YHLS with appropriate buffer, and wider land supply must be reviewed to avoid overreliance on the new settlement delivering 3,300 units by 2042. Supply Breakdown and Geographic Delivery

2.22 The evidence base document "Housing Need, Supply and Requirement Interim Topic Paper" (November 2022) refers to a land supply of approximately 20,441 dwellings for the years 2020-2040, which is less than the Draft Plan's identified (albeit under cooked) need of 20,909. It is noted that this does not accommodate 2040-2042. Table 1 of the paper identifies supply to include:

1 Completions and existing commitments:
6,295 dwellings
2 Cranbrook DPD Expansion Area Allocations: 4,170 dwellings
3 New Town allocation: 2,500 dwellings
4 Other allocations: 5,141 dwellings
5 Windfall allowance: 2,335 dwellings

2.23 Without interrogating the numbers, there are some fundamental issues with this approach:

- 1 Over 50% of need being planned for in the Draft Plan is already completed/an existing commitment, or forms part of the Cranbrook expanded community;
- 2 Cranbrook and the new town address 33% of need (and including completed/committed development, 63% of need).

This shows a significant reliance

moving forwards on the large and complex strategic sites; 3 Beyond this, only 25% of need is to be met from new/other allocations. This is less than double that from windfalls and should be increased, to first address the distribution of supply (geographically and trajectory), secondly provide headroom (see 5 below) and thirdly spread risk of non-delivery;

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4 'Other allocations' accounted for 5,141 dwellings in the 2022 paper, when the Plan period was 2 years shorter; it does not appear that 'other allocations' have been increased/extended despite the plan period being extended, albeit without an update to the "Housing Need, Supply and Requirement Interim Topic Paper" this cannot be clearly understood; and, 5 The 2022 Paper acknowledges it is "...not enough simply to identify sufficient housing for forecast supply, including new site allocations, to match the housing requirement. The local plan should also manage the risks relating to the uncertainties of future housing delivery. The Council cannot guarantee delivery so it is realistic to acknowledge that some approved or planned sites may not come forward. An effective way to manage uncertainty is to reduce this risk by allowing for supply 'headroom'." Whilst this approach is commended, and the Draft Plan notes some headroom (c. 1,700 units), the assumptions it has made to inform this e.g. for the new town are not sound and will affect that headroom materially.2.29 Whilst the spatial approach to housing delivery across the settlements in East Devon is supported, including the recognition that Ottery St Mary is a Main Centre and should support significant development over the Plan period, the approach taken to assessing and then planning to meet housing need, both in distribution and trajectory, is unsound because:

1 EDDC is proposing to reduce its rate of housing delivery below that achieved over recent years; 2 The approach to the NPPF's 'transitional arrangements' is flawed and EDDC cannot simply plan for 80% of its up-to-date housing need – the Draft Plan must be revisited to plan for its full need i.e. 1,188 dwellings per annum, over the plan period; 3 The approach to a phased housing trajectory does not comply with national policy. Planned delivery must meet or exceed the annual housing need figure; EDDC cannot plan to underdeliver for the first 11 years of its Plan and then make up for this in the latter years – this has significant implications for social and economic growth

and will have resultant impacts on, for example, affordable housing and the wider housing crisis; 4 The Draft Plan does not deliver a 5YHLS with requisite buffer (20%) and will therefore immediately fail NPPF para. 78(c); 5 There is an overreliance on the large/complex sites, particularly the new settlement. This also includes a flawed approach to its assumed delivery rates (too soon in plan period, with implications for 5YHLS, and overestimated total delivery across the plan period).

2.30 In conclusion, the Draft Plan is (i) not planning for sufficient housing across the full plan period and (ii) is therefore not positively prepared.

2.31 It must be amended to plan for its full up-to-date housing need, with additional housing allocations identified, particularly to deliver earlier in the plan period and feed into 5YHLS.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP02

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.:

2.24 Notwithstanding the above significant issues with housing numbers, the general spatial strategy set out at Strategic Policy SP01 is supported in so far as development is directed to the West End (Cranbrook / new community), the Principal Centre of Exmouth and then the Main Centres, which include Ottery St Mary.

2.25 The Landowner is supportive of the recognition that Ottery St Mary can take 'significant development' to serve its own need as well as that of the wider area, given it is a settlement "...with strategic and local facilities that serve both their immediate area and surrounding communities, offering a balanced mix of jobs, services, and growth potential" (Draft Plan para. 3.4).

2.26 In this context, the focus should remain on these settlements to accommodate the additional housing numbers required over the Plan period, looking to the Principal and Main Centres first for additional and/or expanded allocations to accommodate need, before looking at the Local Centres and Service Villages. Ottery St Mary is a highly sustainable settlement and we support it as a geographic focus for significant development.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP06

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.:

2.27 Strategic Policy SP06: Development Beyond Settlement Boundaries states: “In locations outside of the defined settlement boundaries development will not be permitted unless it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development”.

2.28 This policy is unsound and unjustified. It in effect stops any development from taking place outside of the settlement boundaries. This could include house extensions, agricultural development, additions/enhancement to business or industrial parks, highways works etc. This is fundamentally flawed and would have hugely negative impacts on East Devon’s economy and wider social and environmental sustainability. We assume this refers to new dwellings outside of the settlement boundaries, with the exception of allocations, but this must be clarified and the policy updated. Further, as well as reference to Local or Neighbourhood Plan policy, reference should be made to the NPPF as there are exceptions

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through e.g. para. 84 (isolated homes in countryside) or para. 82 (rural exception sites); the Local Plan must not preclude this.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD04

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

3.1 The Ottery St Mary Site Selection Report (February 2025) (SSR) identifies 15 sites for potential residential and commercial development in Ottery St Mary. The selection of sites for allocation within the SSR is completed in accordance with the published Site Selection Methodology. The SSR, and Draft Plan policy SD04, allocate: 1 Barrack Farm (Otry_01b): 70 dwellings, 1.25ha employment land; 2 Thorne Farm (Otry_09): 90 dwellings, educational facility; 3 Salston Barton (Otry_10): 20 dwellings; 4 Bylands (Otry_15): 8 dwellings; 5 Strawberry Lane (GH/ED/27): 60 dwellings; and, 6 Gerway Farm (Otry_21): 70 dwellings.

3.2 The Landowner is fully in support of the approach to allocate development in and around Ottery St Mary, a sustainable location. In response to the housing need assessment provided in Section 2.0 of this Statement and the settlement hierarchy established in policy SP01 of the draft Plan, Ottery St Mary can accommodate further growth in line with its Main Centre Status, assisting with delivery of the additional housing needed by EDDC. Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network

5.23 Strategic Policy PB06 of the Draft Plan addresses the Local Nature Recovery Strategy and Nature Recovery Network.

5.24 The accompanying EA notes that the limitation of provision of off-site biodiversity provision only within the overall NRN could limit opportunities to deliver otherwise important ecology and biodiversity gains in alternative locations.

5.25 The proposed allocation provides opportunities to protect and enhance habitats in the area, particularly the riparian corridor of the River Otter, and therefore complements Strategic Policy PB06.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Land at Gerway Farm – Draft Allocation Otry_21

3.3 Part of the land under the Landowner’s control is allocated (Otry_21, see Plan 1 above) “for 70 homes” under draft Policy SD04. Our Landowner supports this policy subject to: 1 Capacity for all allocations should be consistently referred to as ‘around’ or ‘about’ (aligned with some of the other draft allocations) rather than fixing this at a set number, to build in the necessary flexibility and reflective of the fact that detailed design has not yet been undertaken; and 2 The allocation should be expanded to include the land immediately to the west (see Plan 1 for expanded allocation area) to deliver a total of ‘around 150 units’. This is covered under Section 4.0 to follow.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD04

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

Land at Gerway Farm – The Expanded Allocation

3.4 The Ottery St Mary SSR considered the Landowner's interests under two separate site references – see GH/ED/29a and GH/ED/29b at Plan 2 below. Pg 10

Plan 2: GH/ED/29 Site

Source: Ottery St Mary Site Selection Report

3.5 The Council's assessment of GH/ED/29a (then draft allocated) and GH/ED/29b is the same for "infrastructure", "landscape", "historic environment", "ecology", "accessibility" and "contribution to spatial strategy". On this basis, and given that GH/ED/29a was found to be suitable for allocation, it would be consistent and logical to also allocate the expanded area proposed at Plan 1.

3.6 The Council has concluded in the SSR that GH/ED/29b should not be allocated because: 1 It forms an unacceptable extension into open countryside: Given the excessively large extent of GH/ED/29b assessed in the SSR, this appears to be a

reasonable conclusion. 2 It has inadequate access arrangements: Given the single point of access, and assuming the development of 200 units, this appears to be a reasonable conclusion. 3 It is an unacceptable large scale: If this point is linked to the extent of the red line and the ability to access 200 units off a single access, this would appear to be a reasonable assumption. However, there is no evidence that the scale of development would be unacceptable against other indicators, including 'infrastructure' and 'accessibility'.

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Critically, if a smaller area had been assessed – such as the land subject to this representation – a different conclusion would arise. 4 The Council also identifies further reasons for not allocating GH/ED/29b but these fall away for the smaller area subject to these representations. For example, parts of the site are constrained but these are not insurmountable issues for the site extent now proposed for allocation. The SSR constraints can be addressed as: a The site is irregularly shaped and comprises grade 2 and 3 agricultural land: Whilst this is applicable to wider GH/ED/29b (i.e. the land to the south is largely Grade 2), the proposed expanded allocation area shown at Plan 1 is largely grade 3 agricultural land with some small areas of grade 2 agricultural land in the southern area of the land parcel. It is also important to confirm that the allocation extent in the Draft Plan (GH/ED/29a) contains a similar proportion of Grade 2 vs Grade 3 land, demonstrating this was accepted by EDDC. b Part of the site is within floodzones 2 and 3: None of our Landowner's site is in flood Zone 3. A small part is within flood zone 2 (associated with low lying land) and we explain in Section 4.0 that any risks can be mitigated through reprofiling and a suitable drainage system. c

Potential access to Claremont Field would need to cross a band of floodplain: This does not apply to the promotion site because development can be accessed without requiring a new vehicular access to Claremont Fields; access can be taken from Sidmouth Road. The existing Public Right of Way will be retained and as per above any flood risk can be managed. d A small area of surface water flood risk crosses the site: A small area of surface water flood risk is within GH/ED/29a. Remaining surface water flood risk broadly follows the fluvial Flood Zones 2 and 3 that runs north-east to north-west across the northernmost part of the site, which can be managed as per above. e The HSE major hazard pipeline runs through the southern edge of the site and the consultation zone extends to cover approximately 4.2ha of the site (approx. 0.35ha of which is also floodplain). We have received confirmation from HSE that there are no implications for the expanded allocation site (Appendix 5). f Electricity wires cross the site and would need to be undergrounded: Electricity lines cross our Landowner's ownership and can be re-routed or undergrounded at the application

stage. This 'constraint' would not preclude residential development. g It is very sensitive in heritage terms: We assume this is a reference to historic field enclosure pattern to the south of our Landowner's ownership. As per draft allocation Otry_21, further evaluation will be needed but we explain below that geophysical surveys currently suggest no archaeological interests that would require preservation in situ. h It is visible in long range views: We understand that the Council might be concerned about the impact of development across the whole of GH/ED/29b. However, Otry_21 was found to be acceptable in landscape terms and the principles would apply to the expanded allocation area. We comment further on landscape and visual impacts at Section 4.0 below.

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3.7 In assessing GH/ED/29b, the Council misdirected itself by not looking at this area at a finer grain. The constraints – and apparent weaknesses - are not equally applicable across the whole site. Notably, the constraints do not affect the expanded allocation area to the same degree and the site promoted in these representations is more akin to the assessment of Otry_21 and can therefore be allocated. Pg 13

4.0 Suitability of the Promotion Site for Allocation

4.1 The Landowner is proposing that Otry_21 is extended as shown on the framework plan below to form 'Amended Allocation Otry_21', delivering a total of about 150 houses. This is hereafter referred to as 'the site'.

Plan 3 Framework Plan for Extended Allocation

Source: The Richards Partnership

4.2 The site is suitable for housing. The Vision Document (Appendix 1) explains that a well- conceived scheme can be delivered which responds positively to the site's context, achieves ecological enhancement and creates an appropriate landscape setting. Overall, housing can be delivered on the current draft allocation (eastern parcel) and the western parcel. It would be possible to provide extensive landscaping. Beyond this, further to the west, a significant area of land could be utilised to achieve a well-connected network of publicly accessible green and blue infrastructure.

Landscape and Visual Impact

4.3 The Vision Document explains that: 1 Only limited parts of the site will be visible in views from the footpath network to the south. From most views, the site will be seen on the context of existing built development. 2 View from Sidmouth Road to the south would be occasional glimpses. The site is well screened by high hedgerow and roadside banks. 3 Views from publicly accessible locations in the wider landscape are well contained, screened by hedgerows/woodland block or viewed against the backdrop of existing development.

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4.4 Extensive landscaping could be accommodated on site. Existing trees and hedges can be retained, managing the impact of development in the local context.

4.5 The site is located approximately 1.5km from the East Devon National Landscape. From its boundary, the town is seen in distant views. The changes at the site, viewed from the edge of the Natural Landscape would 'read' in the context of existing development. As a result, we would expect the special qualities that contribute to the landscape and scenic beauty of this part of the Natural Landscape to be conserved and that its setting would not be materially altered by this development.

Transport and Access

4.6 Connect Consultants has prepared a Highways and Transport Technical Note (Appendix 2). It explains that the site: 1 Is suitable for development because a range of facilities and services are readily accessible by walking, cycling, and public transport, meeting the requirements of draft Local Plan Strategic Policy TR01 (walking, wheeling, cycling, and public transport). 2 There is capacity in the highway network to accommodate about 150 houses with no unacceptable impact on the local road network. 3 Vehicular access can be achieved from Sidmouth Road. An initial design of a simple T-junction is achievable and suitable for about 150 homes. 4 A safe segregated pedestrian route can be created from the site along the western side of Sidmouth Road to connect to the existing pedestrian footway at Gerway Close, from where there is a continuous pedestrian route into Ottery St Mary. 5 Pedestrian routes within the site can accommodate the existing Public Rights of Way and link through to Claremont Field.

4.7 Detailed requirements for a travel plan/transport statements/transport assessments (draft Strategic Policy TR03) and regarding car/cycle parking and charging points can be addressed at the detailed design stage (draft Strategic Policy TR04: Parking standards - Residential).

4.8 The site is within the Aerodrome Safeguarding outline area, but residential development will not exceed three storeys, nor will it have high structures, and it will therefore not likely interfere with radio signals or create bird strike hazards.

4.9 In assessing Otry_21 and GH/ED/29b, the Council notes in the SSR that: “Sidmouth Road at this point is a reasonably wide C-class road, potentially capable of accommodating additional development and associated movements in itself. However, the road narrows significantly towards Sidmouth to the south and access into and through Ottery is constrained by narrow roads and a single route through the town centre. Further investigation may be required to determine if more significant highways improvements (bypass/distributor road) might be necessary. Development of the site has the potential to impact on Junction 29 of the M5, which suffers from congestion at peak periods.”

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4.10 The Transport Technical Note explains that analysis has been undertaken (using DataShine Commute) to establish the likely trip distribution for about 150 houses. It confirms that traffic effects during the weekday AM and PM peak hours are likely to be in the region of: 1 An additional 64 vehicles in the AM peak and 59 in the PM peak are likely to travel on Sidmouth Road north of the Site, which will disperse within the road network in Ottery St Mary. This equates to an average of approximately one additional vehicle per minute, which is not likely to result in an unacceptable impact. 2 Only 10-13 additional vehicles are shown to travel on Sidmouth Road south of the Site during the AM and PM peak hours. Again, this is not likely to result in an unacceptable impact.

4.11 The Transport Technical Note concludes that satisfactory access can be achieved. The promotion site is deliverable from a transport and movement perspective. Heritage and Archaeology

4.12 There are no heritage issues above or below ground that would preclude the site being allocated. Of note; 1 A desk-based heritage assessment and geophysical survey of site GH/ED/29 (including the promotion site) were undertaken by the Council in 2023. They provide evidence of archaeological potential and suggest that the promotion site may have been part of the open field system associated with the town in the later medieval period. The field pattern survives in part to the south of the promotion site, but otherwise has been eroded through the removal of hedgerows to create larger fields for modern farming. 2 The geophysical survey recorded sub-surface remains of the former field boundaries within the promotion site. There is potential to restore some of

the lost boundaries as part of the proposed green infrastructure, presenting a heritage benefit. 3 There are no indications that any of archaeological features would be of the higher level of significance that would warrant preservation in situ.

4.13 In summary, as per the existing Otry_21, no heritage constraints have been identified that would prevent development on the promotion site. Ecology

4.14 The SSR explains that Otry_21 and GH/ED/29 would result in a predicted “minor adverse effect...(not significant)” on Ecology. The same conclusion applies to the expanded allocation i.e. the site.

4.15 The Ecology Appraisal (EA) (Appendix 3) confirms that the site is not affected by; i any habitat designations; and ii has limited ecological value.

4.16 It does provide suitable habitat for a range of species including protected species such as badgers and dormouse. Habitats of higher ecological value are trees, hedges, and the riparian corridor associated with the River Otter.

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4.17 The initial Framework Plan shows that mitigation can be designed into the development, including the retention of trees and hedgerows, additional planting and the management of a significant area of green space to the west of the site for biodiversity gain. The need for further mitigation can be addressed at the planning application stage.

4.18 A protected belt of trees is identified along the western boundary of the wider site to be used for green space, and further protected trees in the northwestern point of the wider site, and many mature and veteran trees are noted within the SSR.

4.19 The site is located within the East Devon Pebblebed Heaths SAC HRA mitigation zone. There is an adopted strategic mitigation solution, The South-East Devon European Sites Mitigation Strategy, involving financial contributions, with which the Otry_21 and the promotion land can also comply (EA para 3.6).

4.20 There are no issues that would preclude housing development on the site. At least 10% Biodiversity Net Gain (BNG) in accordance with statutory requirements can be achieved given scale and control of the site. Emerging policies can be satisfied; 1

Strategic Policy PB01, protecting internationally and nationally important wildlife sites. 2 Policy PB03 of the Draft Plan, irreplaceable habitat and habitat features,

such as hedgerows, will be maintained. 3 Strategic Policy PB04, which sets out mitigation measures with respect to the Pebblebed Heaths Habitats Site would be adhered to in line with the South-East Devon European Sites Mitigation Strategy. 4

Policy PB07, which outlines design expectations for ecological enhancement and biodiversity in addition to BNG. 5 Policy PB08, which relates to the

accommodation of trees, hedges and woodland in built development. 6 Policy PB09, which outlines the approach to monitoring new planting schemes. Flooding and drainage

4.21 The Technical Note on Flooding, Water Efficiency, Green & Blue Infrastructure (Appendix 4) explains that: 1 A small area of land to the north of the site is within flood zone 2 and 3. The Vision Document shows that about 150 houses can be

developed on the site without any incursion into the flood zone. 2 There are pockets of land around the site boundary that are at risk from surface water flooding, but this is reflective of low-lying land and can be addressed through reprofiling and the introduction of suitable drainage systems. 3 Additional mitigation if needed, can be addressed by ensuring appropriate finished floor levels which can be fixed at the planning application stage. 4 Sustainable Drainage Systems will be utilised to control surface water runoff and ensure ecological benefits. The Vision Document shows scope for provision to the west of the site.

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5 Water efficiency can be addressed at the detailed design stage and can be achieved through the installation of reduced water fittings and water butts as needed.

4.22 There are no flood risk or drainage matters that would preclude development of the site for about 150 houses and any proposal would accord with the requirements of draft Strategic Policy AR01 regarding Flooding.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Summary and suggested policy wording

4.23 The site is a deliverable and sustainable opportunity to help meet East Devon's housing in the early-mid Plan period.

4.24 The evidence above identifies; 1 The site is necessary to provide the additional housing numbers required for East Devon and could deliver about 150 new homes in total; 2 There will be no detrimental impact on the highways infrastructure; 3 The National Landscape is unaffected; 4 The site is well connected the town centre for pedestrians and cyclists; and, 5 Other technical policy issues relating to heritage, ecology and flood risk can be addressed at the planning application stage.

4.25 We propose that the boundary of allocation Otry_21 is as per the plan at Appendix 6 and that the wording of Strategic Policy SD04: Gerway Farm is amended as below (bold as additions and strikethrough as deletions): This Land at Gerway Farm, off Sidmouth Road, is proposed for about 150 houses and associated infrastructure 70 houses. Archaeological assessment is required prior to development. Flood risk assessment and measures to ensure that safe cycle and pedestrian access to nearby facilities can be achieved will be required."

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN01

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
Yes

3(a). If yes, and you wish to support the soundness of this part of the Meeting Housing Needs chapter, please use this box to set out your comments.:

5.1 Draft Policy HN01 requires development sites to provide a balanced and mixed housing provision in line with the September 2022 East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment (September 2022), successor documents, or subsequent superseding documents, or local housing need evidence assessments.

5.2 The Landowner welcomes the flexibility afforded to the reference documents that demonstrate local housing needs, to ensure the policy remains relevant for the duration of the plan.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN02

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
Yes

3(a). If yes, and you wish to support the soundness of this part of the Meeting Housing Needs chapter, please use this box to set out your comments.:

5.3 Draft Policy HN02 outlines affordable housing requirements against the settlement hierarchy for developments of 6 dwellings or more in designated rural areas and 10 or more in non-designated rural areas. Allocated development is subject to a 30% affordable housing provision, whereas unallocated development is to be subject to 35% affordable housing provision.

5.4 The Viability Assessment demonstrates a considered approach to viability, assessing both 30% affordable housing and 35% affordable housing with respect to allocations and typologies represented in value area 3 (VA3).

5.5 The Landowner considers that the requirement for provision of 30% affordable housing on allocated sites is justified and viable. This Policy is supported.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN03

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
No

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.:

5.6 Draft Policy HN03 requires: "All general housing proposals, subject to commercially viability, will be required to deliver specialist housing for older people as follows: A: Schemes for 50 to 199 dwellings should include at least 10% of dwellings on-site as specialist older person dwellings (Use Class C3); B: Schemes for 200 or more dwellings should include at least 10% as on-site as specialist older person dwellings as either C3 dwellings and/or C2 equivalents."

5.7 The NPPF explains that within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes housing for older people.

5.8 In this case, no justification has been provided as to how the threshold or requirement has determined. Moreover, some sites may not be suitable for housing for older people and on other sites this type of housing will not be viable. The policy is also unclear as to how "specialist older person dwellings" is defined (beyond Use Class). On this basis, the policy is not considered to be sound as it is not effective or justified or consistent with national policy.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN05

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
No

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.:

5.9 Draft Policy HN05 states that on sites of 20 or more dwellings, 5% should be made available as serviced plots for self and custom build. Whilst the NPPF sets out that Council's should make provision for self-build and custom build housing (para. 73), the 20-dwelling threshold and 5% requirement is not justified and there is no evidence to explain what this is based on. Whilst the proportion of self-build and custom housing is considered by the Council to be viable within the Viability Appraisal, no justification is provided within the Viability Appraisal or Sustainability Appraisal as to why these thresholds have been set.

5.10 Moreover, the policy applies district-wide (with the exception of the Built-up Area Boundaries defined in the Cranbrook Plan), and does not allow for any flexibility to respond to local circumstances. The Landowner objects to this policy.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

5.11 Strategic Policy AR02 requires the 'optional' standard of 110 litres per person per day from Part G of the Building Regulations as the baseline figure to be applied to all development, as opposed to the baseline requirement of 125 litres per day, also within Part G of the Building Regulations.

5.12 The policy is not justified. The Draft Plan references a Water Cycle Study which provides evidence to justify the stricter requirements. This is not available in the evidence base. We request that this be provided so that appropriate assessment of the 'sound-ness' of Policy AR02 can be undertaken. Should this not be justified through the Water Cycle Study, we propose the omission of this policy as the requirements are already established within the Building Regulations, in line with the sentiment of paragraphs 13 and 25 of the Government response to the proposed plan-making reforms: consultation on implementation (27 February 2025)HSE, which seeks to avoid 'unnecessary duplication' with national policy. The landowner objects to this policy.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR03

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Sustainable Transport and Communications chapter, please use this box to set out your comments.:

5.13 Draft Policy TR03 outlines EDDCs approach to Travel Plans, Transport Statements and Transport Assessments. 5.15 The Landowner supports the above policies and expects that development of the promotion site for around 150 dwellings will comply with all the requirements of the above.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR04

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Sustainable Transport and Communications chapter, please use this box to set out your comments.:

5.14 Draft Policy TR04 identifies the requirement for 1.7 car parking spaces per dwelling and 1 cycle space per bedroom in all residential development. 5.15 The Landowner supports the above policies and expects that development of the promotion site for around 150 dwellings will comply with all the requirements of the above.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 15. Our Outstanding Historic Environment

1. To which part of the Our Outstanding Historic Environment chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HE01

3. Do you consider that this part of the Our Outstanding Historic Environment chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Historic Environment chapter, please use this box to set out your comments.: Chapter 15: Our outstanding historic environment

5.16 The Landowner supports the preservation of archaeological and heritage assets.

5.17 Strategic Policy HE01 outlines requirements for preserving the historic environment.

5.18 This is out of keeping with National Policy, and therefore is not considered sound. The identification of heritage assets “through the planning application process” is considered to be in conflict with the Planning Practice Guidance, which suggests that in most cases Non- Designated Heritage Assets should be identified and published by the

LPA and only in rare cases, normally associated with archaeological discoveries, should they be identified through the Planning Application Process.

3(b). If no, please give details of why you consider this part of the Our Outstanding Historic Environment chapter is not sound. Please be as precise as possible.:

5.19 To ensure the policy is in keeping with PPG it should be amended: “Non-designated heritage assets, where identified through local or neighbourhood plan-making, the Local List¹¹⁹, Conservation Area Appraisal or review or through the planning application process (in exceptional circumstances), will be recognised as heritage assets in accordance with national guidance and any local criteria. Development proposals that directly or indirectly affect the significance of a non-designated heritage asset will be determined with regard to the scale of any harm or loss and the significance of the asset.”

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 15. Our Outstanding Historic Environment

1. To which part of the Our Outstanding Historic Environment chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HE04

3. Do you consider that this part of the Our Outstanding Historic Environment chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Historic Environment chapter, please use this box to set out your comments.: We are broadly in support of Policy HE04, however it is noted that the statement “development must protect the site and setting of Scheduled Monuments, designated or undesignated archaeological remains, including ancient routeways and milestones,” is unclear on the degree to which undesignated archaeological remains are to be protected, and infers that all archaeological remains, whether designated or not, are to be protected in all circumstances which is contrary to National Policy.

3(b). If no, please give details of why you consider this part of the Our Outstanding Historic Environment chapter is not sound. Please be as precise as possible.: Given the sentiment behind the statement is repeated in the subsequent policy wording, which provides more clarity on how non-designated archaeological remains are to be considered, we propose that the first sentence of the policy be omitted to ensure soundness.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

5.20 The Landowner supports the objective to protect and enhance the natural environment and support an increase in biodiversity, but objects to draft Policy PB05.

5.21 Strategic Policy PB05 requires a minimum of 20% biodiversity net gain is expected to be demonstrated for major development proposals. The National legislative framework requires the provision of 10% biodiversity net gain. Policy PB05 is not sound, and has no justification for the increased requirement of 20% biodiversity net gain as opposed to 10%.

5.22 This policy is not found to be sound due to lack of justification and lack of positive preparation through lack of consideration of suitable alternatives.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: We propose that Policy PB05 be amended to accord with the national legislative requirement for delivery of 10% BNG for major development.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB06

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

5.20 The Landowner supports the objective to protect and enhance the natural environment and support an increase in biodiversity, but objects to draft Policy PB05.

5.21 Strategic Policy PB05 requires a minimum of 20% biodiversity net gain is expected to be demonstrated for major development proposals. The National legislative framework requires the provision of 10% biodiversity net gain. Policy PB05 is not sound, and has no justification for the increased requirement of 20% biodiversity net gain as opposed to 10%.

5.22 This policy is not found to be sound due to lack of justification and lack of positive preparation through lack of consideration of suitable alternatives.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: We propose that Policy PB05 be amended to accord with the national legislative requirement for delivery of 10% BNG for major development.

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Proposal:

5. Development in the Towns and Villages