
East Devon Local Plan 2020-2040: Preferred Options Consultation Draft Plan

Prepared by Savills
on behalf of Land Value Alliances

1. Introduction

This Representation is made in response to the consultation on the East Devon Local Plan Review 2020-2040 Preferred Options Consultation. The representation is submitted by Savills on behalf of Land Value Alliances who have an interest in Land south of Furzehill, Sidbury, known as 'SIDM_34' in the Draft Plan. A copy of the Site Location Plan is attached at **Appendix 1**.

The land south of Sidbury has been promoted previously through the current adopted Local Plan, as well as through the now made Sid Valley Neighbourhood Plan. It has also been submitted in the past to the Council's previous SHLAA and 'call for sites' as recent as March 2022.

Our comments on the consultation and supporting evidence base are set out below and are made in accordance with paragraph 35 of the NPPF, to assist in ensuring that the Local Plan is found sound when examined in the future. We note that there is an ongoing consultation in regard to the changes to the NPPF, and that it is likely, given the published timelines for the Local Plan that these will be made prior to the Local Plan reaching a sufficiently advanced stage, and thus it will be this revised Framework upon which it will be examined.

2. The Spatial Strategy

Strategic Policy 1 – Spatial Strategy

Whilst we acknowledge that there is a need to focus the spatial strategy on development at the most sustainable towns in the district, we consider that the most sustainable villages are capable of playing a more significant role within the spatial strategy.

To ensure a deliverable and sound Local Plan, a range of housing sites should be allocated. For example, focussing purely on large scale development will have issues with deliverability, whereas too much of a focus on small sites will face difficulties in providing the requisite infrastructure.

Reference within the Draft Plan to an allowance for 'limited development to meet local needs at the Service Villages' should be amended with more of a focus on the opportunities to deliver sustainable development at the most sustainable villages, including Sidbury.

There are clearly sustainable villages within East Devon which are able to support growth at a higher scale than that currently proposed, and indeed there are examples, such as Sidbury, for which no allocations are proposed.

Overall, the Council must prepare a robust evidence base to support the proposed housing requirement, and this can then inform the spatial strategy, which as set out above should place a greater focus on delivery at the most sustainable villages.

Strategic Policy 2 – Housing distribution

As well as the need to ensure the Local Plan Review is supported by a robust evidence base to support the spatial strategy, we consider that further work is required on the proposed housing distribution.

Key to this will be the need to demonstrate that the proposed housing requirement of 18,920 has been carefully considered and planned for. When reviewing the proposed housing distribution it is clear that land for only 18,167 homes has been identified within the table on p16. This amounts to a shortfall of approximately 753 homes.

Furthermore, it is clear that whilst Policy 3 makes an allowance of 10% headroom which would result in a housing requirement of 20,800 dwellings overall, even when accounting for windfalls there would still be a shortfall against the requirement.

This shortfall should be planned for and should certainly be accounted for within the proposed housing distribution. In our view, sustainable settlements such as Sidbury provide a good opportunity to accommodate a higher level of growth than that currently proposed and this would also assist in addressing the current shortfall in planned supply. Furthermore, when reviewing the table on p16 of the Draft Plan, it is unclear why the supply of 18,167 homes has been calculated through a combination of both preferred sites and 'some' second choice sites. Logically, if sites are counted within the proposed supply then they should therefore be 'preferred' sites and not 'second choice'. The land south of Furzehill, Sidbury, for example, is listed as a second choice site in Strategic Policy 2, but the 38 dwellings proposed for SIDM_34 are also accounted for within the total supply figures.

In our view, second choice sites such as SIDM_34, which are being relied upon as part of the draft housing supply and distribution should logically and sensibly be identified as preferred allocations. Such a change would also ensure that Sidbury, identified as one of the sustainable villages in the District, is served by an allocation within the Draft Plan. As set out elsewhere within this representations, land should be allocated at Sidbury to ensure the local housing need is addressed and there are no other realistic site options capable of accommodating housing to meet the need.

Therefore, in our view, the land south of Furzehill, Sidbury, should be identified as a preferred site and ultimately allocated given the suitability of the site and the need for suitable sites at Sidbury to be delivered to address local housing need.

Strategic Policy 3 - Levels of future housing development

In addition to the points outlined above in relation to the spatial strategy and housing distribution, we do support reference within the draft strategic policy on housing levels to the need for the plan to be sufficiently flexible and provide 'headroom' for housing supply. We therefore also support the proposal that supply in East Devon should be 10% above the proposed housing requirement, equating to about 20,800 dwellings overall.

Strategic Policy 4- Employment Provision and Distribution Strategy & Strategic Policy 5 - Mixed use developments incorporating housing, employment and community facilities

We have significant concerns over the proposal within draft policy 4 to require all development at the tier 3 and 4 settlements to provide employment floorspace as part of mixed use schemes, as expanded upon within Strategic Policy 5.

We disagree that providing a proportion of employment as part of mixed use sites would directly assist with reducing commuting and increasing self-containment. The Draft Plan appears to be placing a significant emphasis on the fact that a) such employment floorspace on all qualifying sites would be deliverable and viable, and b) that the new residents of each site would seek employment in the employment floorspace provided on the same sites. Such an approach is neither proven nor justified.

With specific reference to draft policy 5 we have fundamental concerns over the requirements to include a proportion of employment floorspace on all sites over 25 dwellings in the tier 3 and 4 settlements. It is noted that the reasons given for promoting this policy is to provide workspace for new and existing residents, to improve settlement self-containment, and to reduce the need to commute to work.

It is also interesting to note that the Draft Plan states:

Working on the basis of around one economically active person on average per each new home built and with an aspiration on qualifying sites for each resident to have the potential to 'work on site' it generates the site space requirements established in policy.

Such an approach, along with the statement above, is entirely inappropriate and unjustified. Key to the delivery of employment across the district is robust evidence to justify demand and distribution. There is a complete lack of evidence to justify either of these with the Draft Plan simply seeking to base a strategy around the need to deliver both housing and employment across the District in tandem to promote self-containment. The Council has presented no evidence to demonstrate that a proportion of new or existing residents in each respective location would potentially be able to work in the workspaces provided on the qualifying sites.

The delivery of new employment must be based on demand, and should therefore be located in the right locations to address such identified demand. By seeking to provide a proportion of employment floorspace on all qualifying developments (i.e. over 25 dwellings) this is highly likely to result in employment development in the wrong locations in areas where the demand for such floorspace will simply not exist.

Furthermore, by increasing the number of jobs at a settlement does not necessarily mean that more residents of the settlement will work in that employment. There is therefore a risk that such a strategy will in fact have the opposite effect, by spreading a number of jobs to settlements which then encourage employees to travel greater distances often by private car.

With reference to Sidbury, it is clear that land is already allocated for employment floorspace a short distance to the south at Sidford (041A and 041B) for the provision of up to 5 hectares of employment land, with a particular onus on B1 space. Despite these two sites being allocated in the adopted Local Plan in 2016, over 6 years ago, these employment sites have not come forward. This therefore further demonstrates the need for robust evidence to support the Council's blanket approach to draft policies 4 and 5, but also suggests that with land already allocated nearby there is currently no evidence to suggest further employment land is required at Sidbury.

Furthermore, with specific reference to SIDM_34, the Council's supporting Sustainability Appraisal specifically states "*employment allocation 800m to south not yet developed. Site not considered appropriate for significant economic provision*". The Council's own evidence therefore demonstrates that the land south of Furzehill, Sidbury, is unlikely to be suitable for employment provision.

We therefore strongly object to draft policies 4 and 5 in relation to Sidbury, and fundamentally disagree that employment provision should be required on the land south of Furzehill which would fall over the proposed threshold.

Strategic Policy 26 - Development at Service Villages

In line with our comments to the other draft strategic policies above, we consider that there should be a greater focus on growth at the service villages and particularly at Sidbury.

Indeed, the Draft Plan does not include any preferred allocations for Sidbury, and instead lists the land south of Furzehill, Sidbury (SIDM_34), as a second choice site. However, despite being listed as a second choice site, the 38 dwellings proposed for the site are accounted for in the housing distribution set out in draft Strategic Policy 2.

When reviewing the supporting Sustainability Appraisal, the site scores well on the majority of assessment criteria, and concludes that:

Sidm_34 - this site is preferred as it provides an opportunity for limited development, well aligned to the existing built-up area, consistent with the spatial strategy for Sidbury as a Service Village. There may be an opportunity to provide improved pedestrian pathways from the Hillside Estate through to the village core. Heritage and landscape impact assessments of any future proposal would be required. The site yield is significantly reduced due to constraints present.

In terms of constraints, it is noted that the SA also states:

Site is located entirely within AONB. Short distance views into site from A375 are limited due to topography and mature vegetation, but site is clearly visible from elsewhere in the AONB, for example from Buckley Road across the valley to east. A sensitive site in the AONB. Large 20thC residential estate to north may provide opportunity for improved access. Overall, the site has a high / medium landscape sensitivity to new development.

In response to this, it is acknowledged that the site is visible from views from the east of Sidbury looking towards the village. However, even from these views, the development of the site would sit against a backdrop of development to the north and south, and would be read as 'infill development' given the existing housing on both sides. This is an important consideration given that Sidbury and the surrounding land is washed over by the AONB and therefore land which is visible from any of the key views is likely to raise a constraint. The Land South of Furzehill would therefore be capable of accommodating development without impacting on this important local policy consideration.

A copy of the site analysis undertaken which demonstrates how development could be accommodated in a sensitive manner is enclosed at **Appendix 2**.

Therefore, whilst located within the AONB, it is clear that the village and surrounding area is covered by this designation, and therefore any development within the village or extension to the village would need to be delivered within this designation. As a result, future development will need to be accommodated on the most suitable site, and as already demonstrated in previous representations and again in the next Section of these representations, the Land South of Furzehill is considered to be the only suitable site capable of accommodating small scale development to meet local housing need.

Overall therefore, the land south of Furzehill, Sidbury (SIDM_34) should be identified as a preferred site in the next version of the Draft Plan given the suitability of the site as recognised by the Council's own published evidence, and the need for land to be allocated at Sidbury to address local housing need.

3. Draft Policies

Draft Policy 27 – Climate Emergency

We support the Council's desire to address the climate emergency and welcome the ambition to become carbon neutral by 2040. support the recognition that new development must respond to health and wellbeing, and consider that the consultation document accurately reflects the range of elements that this covers; active lifestyles, community facilities, quality of place and the natural environment. This is reflected in the NPPF, paragraph 91, which clearly identifies the role of local plans in facilitating the delivery of health, inclusive and safe places.

The challenge for East Devon, which is consistent with all authority areas, is the need to balance the response to the climate emergency with development to meet ongoing need in the long-term. This is not just about viability, although viability is an important consideration, but it also needs to take into account the way in which improvements to Building Regulations will enable to continued improvement to development in this respect.

Draft Policy 28 – Net Zero Carbon Development

It is concerning that the Council's approach to this policy has not changed since the previous Reg 18 version of the Draft Plan was issued for consultation. Any approach seeking standards higher than Building Regulations would have a significant impacts on the development industry.

In accordance with the 2022 Building Regulations, the role of developers is to achieve a reduction in carbon emissions by at least 31% (compared to the old regulations). This is the first step towards the Future Homes Standard in 2025, which will reduce emissions by 75 to 80% (compared to current standards).

Whilst we generally support the Council's ambition to ensure that new developments mitigate and adapt to the impacts of climate change, we have significant concerns over the proposals within draft Policy 28 to achieve zero carbon which not only set a much higher bar than the revised Building Regulations but also set a requirement much earlier than the proposed timelines set out by the Government.

Any standards set above the national Building Regulations, will need to be demonstrated as feasible, viable and achievable in practice, and will need to be balanced against wider aspirations in the Local Plan, such as the delivery of affordable housing. Regardless of this, the Building Regulations is considered the appropriate regime to manage such improvements to development.

In particular, we note that the PPG confirms that:

“The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building’s sustainability to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability”. [Paragraph Reference ID: 6-009-20150327]

Draft Policy 40 – Affordable Housing

Whilst we support the aspiration to deliver much needed affordable housing across the District, including in locations such as Sidbury, we are concerned that the draft policy has not yet been the subject of viability testing and this will be crucial to demonstrate that the percentage and mix of affordable housing is viable within the plan.

Our view is also that the size and type of affordable housing should be a matter for negotiation on a site by site basis. Proposing, for example, a rigid 36% of all affordable housing to be first homes is not sufficiently flexible. Going forward, and until an updated SHMA or other assessment of local housing need has been published, along with supporting viability evidence, the tenure mix should not be prescriptively applied and the Council should apply a bespoke approach to addressing local affordable housing need. In so doing it will also be necessary to take into account the mix of housing types and sizes which are appropriate to the location of a planning application. A particular affordable housing mix should not be enforced to the extent that it causes harm to other planning considerations.

Draft Policy 87 – Biodiversity Net Gain

We have significant concerns with the approach set out in draft Policy 87.

The approach to net biodiversity gain is being set out a national level to ensure a standardised approach is taken across England. This pertains both to the scale of net biodiversity gain required (at 10%), but also the mechanism through which it should be delivered, i.e. onsite, offsite, and then a strategic financial contributions. Our understanding is that there will be no flexibility for the Local Plan to set out an alternative approach to this proposed legislative requirement.

Fundamentally, seeking to introduce a requirement for developments to deliver at least a 20% biodiversity net gain is not only contrary to the Environment Bill but also will potentially have significant impacts on development sites, particularly on smaller sites which as we have highlighted have an important role to play in order to ensure the plan delivers a mix of suitable sites across the District. It is often challenging enough under the current Metric used to calculate BNG to deliver 10% net gains on sites and therefore introducing a higher requirement of 20% will be simply unachievable for some sites, if not the majority.

The NPPF also only refers to the need for 'net gains' and does not set out a specific percentage requirement.

In order to ensure that delivering housing to meet the identified needs is at the heart of the Draft Plan and ensure delivery is not compromised we strongly recommend that the Council review the approach to BNG, and change the requirement to 10% in line with the draft national requirements.

4. Land south of Furzehill, Sidbury (SIDM_34)

The site is situated between the main village of Sidbury and the lower part of the village, known as Hillside (see site location plan at **Appendix 1**). The land comprises fields between Furzehill to the north and Hillside to the south. Chapel Street is situated to the east.

The site is a short distance to the centre of Sidbury to the north, providing access to a range of services and facilities in the village, including the local primary school. The nearest bus stop is located adjacent to the south east corner of the site on Chapel Street.

The site is suitable, available and deliverable, and there is no restriction to it contributing towards meeting the housing needs for Sidbury and East Devon as a whole.

The Concept Design Statement (**Appendix 3**) sets out the vision for the development of the site and rationale for the proposals. A key driver for the proposals, along with the need to address local housing need, is the ability to facilitate the delivery of the Sidford to Sidbury cycle route 'Phase 2'.

The first phase of the cycle route, which is being driven by Devon County Council, would run between Sidford and Hillside, which forms the lower part of Sidbury. However, there is a need for a second phase of the cycle route, to connect Hillside to main part of Sidbury.

As part of the proposals for the site, phase 2 of the cycle link is accommodated through the site which represents a very good opportunity to deliver the second phase of the County Council's cycle route, on land which is generally unconstrained. This provides a wider opportunity to deliver a residential scheme to facilitate the delivery of this phase 2 cycle route, in a manner which is sensitive to the AONB setting whilst also delivering substantial public benefits in terms of the delivery of housing to meet local need, and by enabling the delivery of a safe and secure option for the 'Phase 2' County Council cycle route to complete the route between Sidford and Sidbury.

The enclosed Concept Design Statement outlines the options available for providing the extension to the off-road multi-use path between Sidford and Sidbury. In both options an additional pedestrian route is proposed linking properties on Chapel Street through the site to provide an alternative off-road route, whilst also providing a central pocket park in the centre of the site to provide a place to pause with benches, a community orchard, wildflower meadow and natural play area.

The site is capable of accommodating 40 to 50 new homes, including affordable housing and the potential for self-build plots. Whilst only currently at conceptual at this stage, it is envisaged that the designs would be based around homes which would complement the local area and the surrounding countryside, and provide low-carbon building design with generous private garden space. Both options also show a significant amount of integrated multifunctional green space that is easily accessible for the use and enjoyment of the whole community and makes connections with the wider landscape - including a new pocket park, a community orchard and new hedgerows, wetland and meadow areas to enhance biodiversity. Furthermore, the new dwellings would comprise a natural extension to the existing houses at Furzehill and Hillside, sitting in the lower part of the valley with minimal landscape and visual impact on the wider area, sensitive to the AONB setting. Indeed, the site is physically surrounded by built development to the north, south and east, and is therefore capable of seamless integration with the village and being developed with relatively limited visual impact.

In terms of access, the development would be accessed from Chapel Street, with the access strategy designed to work with the site contours, siting the houses within the valley where they will be seen as part of the village with a good relationship to existing residential properties at Hillside and Furzehill. Development on the upper slopes would be avoided in order to reduce the landscape impact of the scheme and ensure the new dwellings integrate seamlessly with the existing village.

The delivery of the off road cycle link is considered a significant benefit which can be delivered as part of the development of the site. Currently, there is a section of Chapel Street which does not have a footpath, and is very narrow, and therefore local residents already experience problems connecting from the southern end of Sidbury, past the site, towards the village centre. The provision of phase 2 of the County Council's proposed link, through the site, would therefore allow both new and existing residents to find safe access to the village centre, rather than negotiate a section of Chapel Street which does not benefit from a footpath.

In addition, given LVA have control over a wider area of land there are significant opportunities to provide links through the site to link the southern end of Sidbury, at Hillside, to the centre of the village without as an alternative to negotiating Chapel Street.

The Concept Design Statement incorporates the retention of trees and hedgerow within the site, and explores opportunities for additional planting as a part of a landscape-led approach. Given the land is within the control of one landowner, as well as much of the surrounding land, there are clear opportunities to explore biodiversity net gain in the scheme, as this will be explored further following this pre-application enquiry.

Density and scale have been carefully considered to reflect the character of the surrounding residential properties on Furzehill, Chapel Street and Hillside, and ensure seamless integration with the village with relatively limited visual impact.

5. Summary and Conclusions

We welcome the Council's decision to progress with the Local Plan despite the national uncertainty in terms of plan-making, and recognise that it is currently at an early stage.

Overall, we consider that the Draft Plan should be doing more to allocate additional land to ensure that the housing requirement is planned for, and this can be achieved partly by planning for a higher level of housing at the sustainable villages.

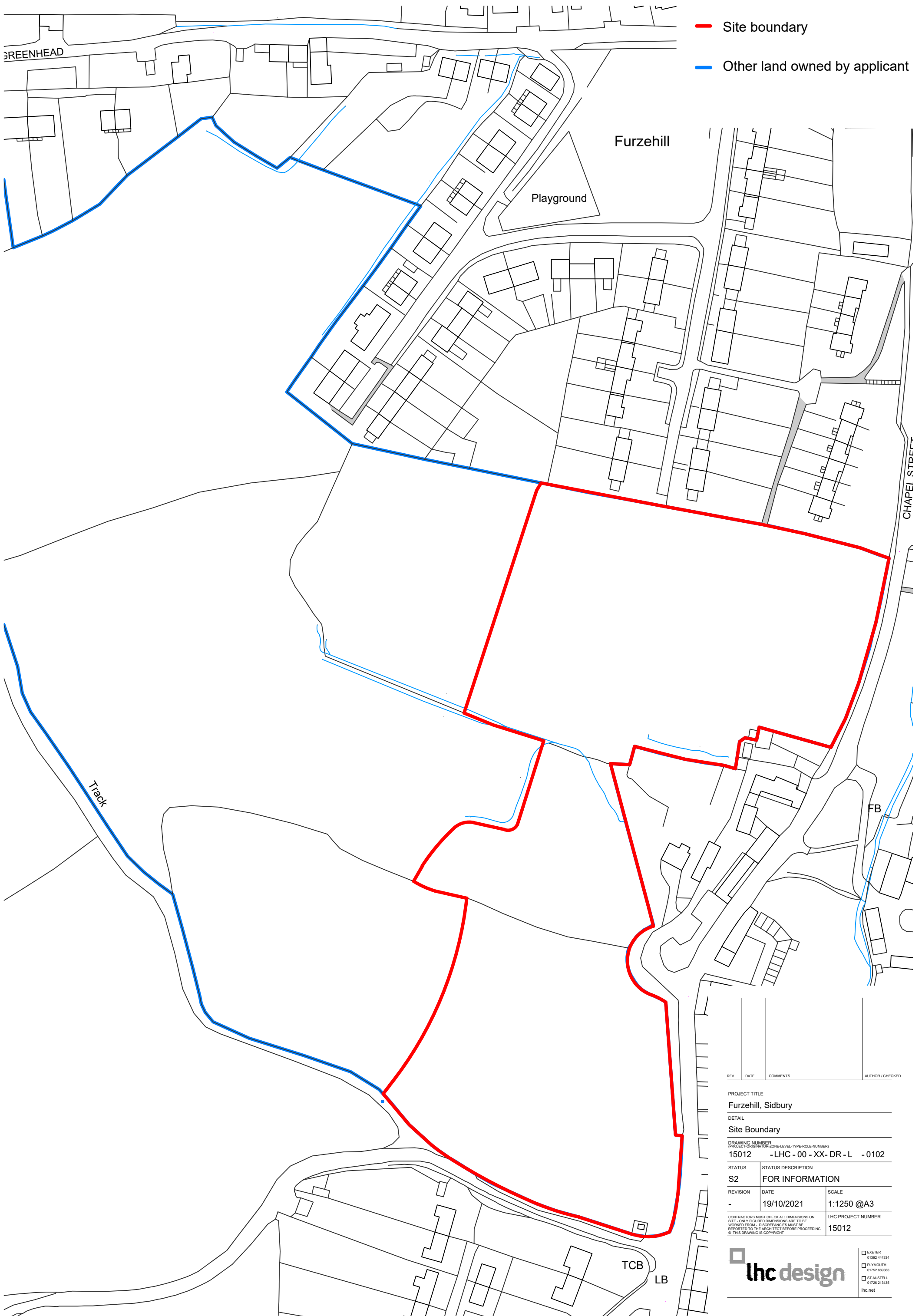
Of greatest concern is the approach in draft policies 4 and 5 and the requirement for mixed use sites to be brought forward based on a standardised threshold. This is inappropriate for locations such as Sidbury.

Overall, Sidbury has consistently been identified as one of the most sustainable villages where growth should be focussed and the land south of Furzehill, Sidbury is ideally placed to assist in delivering sustainable development in this location. Indeed, the site represents a logical solution to addressing the identified housing needs of both the village (including the delivery of affordable housing) and wider East Devon.

The site is already identified as a second choice site in the Draft Plan and there are a number of reasons, as outlined in these representations, why the site should be included as a preferred allocation in the next version of the Plan. This is supported by the Council's own published evidence, and there is also a significant opportunity to allocate land for development to facilitate the second phase to the Devon County Council cycle route from Sidford to Sidbury.

We trust our comments should be fully taken on board and changes to the Draft Plan made as a result.

Appendix 1: Site Location



- Site boundary
- Other land owned by applicant

REV	DATE	COMMENTS	AUTHOR / CHECKED

PROJECT TITLE
Furzehill, Sidbury

DETAIL
Site Boundary

DRAWING NUMBER
PROJECT ORIGINATOR (ZONE-LEVEL-TYPE-ROLE-NUMBER)
15012 -LHC - 00 - XX- DR - L - 0102

STATUS
S2 FOR INFORMATION

REVISION	DATE	SCALE
-	19/10/2021	1:1250 @A3

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LHC PROJECT NUMBER
15012

lhc design

- EXETER 01392 444334
- PLYMOUTH 01752 669368
- ST AUSTELL 01726 213435
- lhc.net

Appendix 2: Site Analysis

Site Analysis

OPPORTUNITIES

- Existing public footpath connecting the site to the village centre (on the east side of Chapel Street).
- Site is well situated to take advantage of local facilities within Sidbury and transport links to nearby Sidbury and the wider context.
- Opportunity to improve the pedestrian link to the village centre via Furzehill/Chapel Street.
- Existing vegetation on the southern boundary of the site will screen new development from the adjacent listed farmhouse.

CONSTRAINTS

- The site lies within an AONB and therefore careful consideration will need to be given to the scale and appearance of the development.
- Potential views of the site from the east and south east.
- Potential glimpsed views of the site from the west.
- Due to the incline at the site, the topography will have significant impact on the design of the proposals, including both the layout, and architectural design.
- The site itself is steep, sloping downward from west to east.



Appendix 3: Concept Design Statement

This short report summarises concept proposals for provision of a sustainable residential development at Furzehill, Sidbury, that will enable delivery of an off road pedestrian and cycle route between and Sidbury Village Centre.



KEY FEATURES OF THE PROPOSAL INCLUDE:

- A new community of 40 to 50 new homes, including affordable housing and potential for self-build plots, in close walking distance to Sidbury Village Centre
- Delivery of a high quality and sustainable off-road multi-use path linking Hillside and Furzehill - extending the proposed Devon County Council route from Sidford to Sidbury Village Centre
- A design that complements the local area and the surrounding countryside, with potential to be highly sustainable using low-carbon building design with generous private gardens and communal green space.
- Integrated multifunctional green space that is easily accessible for the use and enjoyment of the whole community and makes connections with the wider landscape - including a new pocket park, a community orchard and new hedgerows, wetland and meadow areas to enhance biodiversity
- The new dwellings sit in the lower part of the valley; reducing the potential landscape impacts and minimising perceived coalescence between the main part of Sidbury and the housing at Hillside.
- The new houses will overlook the new multi-use path, providing surveillance and safety benefits.

CONCEPT DESIGN

Both options provide an extension to the off-road multi-use path between Sidford and Sidbury, taking advantage of alternative connections to Hillside as described below. The new housing will provide overlooking and surveillance of the off-road foot and cycle path.

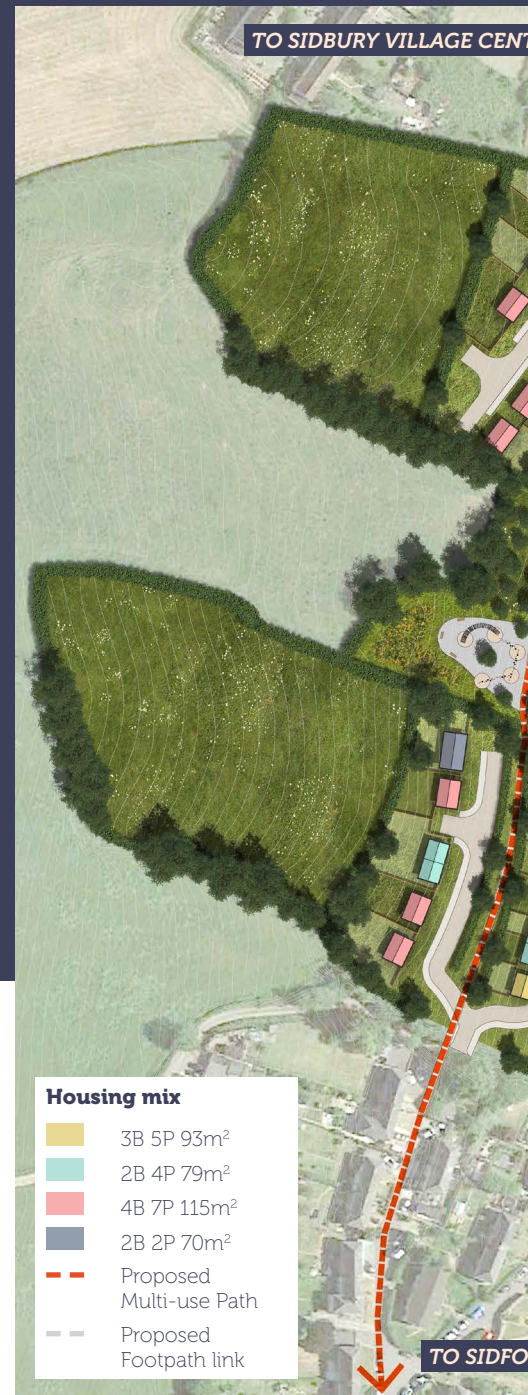
In both options an additional pedestrian route is proposed linking properties on Chapel Street and Hillside, and the bus stop in this location, through the site and providing an safe off-road route to the Village Centre for existing residents.

A central pocket park is proposed to provide a place to pause with benches, a community orchard, wildflower meadow and natural play area.

The proposed houses are accessed from Ebdon Lane (southern parcel) and Chapel Street (northern parcel), and have been designed to work with the site contours and sit the houses within the valley where they will be seen as part of the village with a good relationship to existing residential properties at Hillside and Furzehill.

OPTION 1

In this option the proposed multi-use path runs northwards from Hillside, linking Furzehill and onwards to Sidbury. The path route is segregated from vehicular traffic by new dwellings to provide overlooking and surveillance.



Multi-use path is extended
 running in a level route to
 Sidbury Village Centre. The
 path avoids traffic and overlooked
 dwellings to provide overlooking and security.

OPTION 2

In this option the proposed multi-use path runs to the west of Hillside and joins Ebdon Lane, avoiding potential land in private residential ownership and the level change at the northern edge of Hillside. The route then follows the quiet lane before linking to the level route to Furzehill and onwards to Sidbury Village Centre. Within the site the route remains segregated from vehicular traffic and overlooked by new dwellings to provide overlooking and security.



CONNECTIVITY

The proposals would extend the proposed multi-use path from Sidford to Furzehill and Sidbury Village Centre, avoiding the trafficked route along Chapel Street, therefore creating a safe and overlooked alternative.

The route would be designed for a range of users, allowing easy access for those with disabilities, mobility problems or parents with prams and buggies, and enable onward connectivity to Sidmouth and National Cycle Road 2.

