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27940/A3/SC/lw

1 December 2017

Dear Sir/Madam,

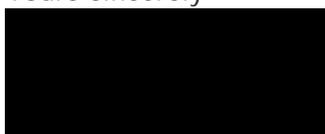
**REPRESENTATIONS TO THE OTTERY ST MARY AND WEST HILL NEIGHBOURHOOD PLAN
– SUBMISSION VERSION (REGULATION 16) CONSULTATION**

On behalf of our Client, KCS Development Limited, we write to make representations towards the Ottery St Mary and West Hill Neighbourhood Plan 2017-2031 Consultation (Regulation 16). Although our Client has not previously engaged in the Neighbourhood Plan ('NP') preparation process or previous rounds of public consultation, they welcome the opportunity to comment on the emerging NP and we hope that these representations will be of assistance in ensuring that that the NP is found to be sound and deliverable.

Our Client has significant land holdings within the Parish of Ottery St Mary and they welcome the Parishes decision to come together with West Hill Parish to prepare the NP. Given our Clients land holdings, and wider interests in the area, they are keen to work together to create a Plan which achieves its strategic aims and objectives whilst also being sound and in accordance with national, local and emerging strategic policies and guidance. These representations have therefore sought to make comments on the proposed policies and offered ways in which they could be amended to ensure that the Plan is brought forward in accordance with the statutory requirements.

Whilst our Clients considers that the majority of policies have been formed on a logical basis, they have also suggested several alterations that could be made in order to bring the NP in line with policy and guidance. Our Client trusts that these recommendations will be considered, and our Client would also welcome any opportunity to meet with the Neighbourhood Group in order to discuss these matters further so that the NP comes forward in an inclusive and positive manner.

Yours sincerely



STUART NATKUS
Director



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REPRESENTATIONS TO THE OTTERY ST MARY AND WEST HILL NEIGHBOURHOOD PLAN – SUBMISSION VERSION (REGULATION 16) CONSULTATION

Our Client has substantial land holdings within the designated Neighbourhood Area which are also being promoted for development through the Greater Exeter Strategic Plan ('GESP'). These land holdings extend to approximately 22.67ha and comprise two sites which lie to the western edge of Ottery St Mary and consists of agricultural land. We consider that this land could potentially be used to accommodate the delivery of around 470 new homes in total, across two sites along with appropriate and supporting infrastructure, open space and landscaping. Whilst the sites could potentially accommodate a greater number of units, various strategic assessments have been undertaken alongside a masterplanning process to establish the key site constraints, which has in turn reduced the scale of the proposals.

Our Client considers that their land interests and the proposed uses could contribute towards achieving the aims of the NP, whilst meeting the identified needs of both the local authority and the Greater Exeter area.

National Planning Policy and Guidance Position

It is important to outline the relevant policies within the National Planning Policy Framework which relate to the preparation of Local Plans and Neighbourhood Plans.

Paragraph 182 states that in order for plans to be considered 'sound' they must meet the following criteria:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy

More specifically, in respect of neighbourhood plans, paragraphs 184 and 185 are of relevance. Paragraph 184 states as follows:

"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhood should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies".

Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act (1990) only requires a NP to meet the following conditions:

- 1. "Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).**
- 2. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.**

3. **Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.**
4. **The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.**
5. **The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).**
6. **The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.**
7. **Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)."**

Whilst it is acknowledged that national policy and guidance only require NP's to be in 'general conformity' with national policy, whilst contributing towards achieving the aims of sustainable development, we consider that given the emerging policy position in the GESP, the NP must plan positively to support local development.

Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill 2017-2031

General Comments

Condition 1 above, makes it clear that the NP should have regard to national policies and advice, which includes the NPPF and the drive to 'boost significantly' the delivery of new homes. There is also clear emphasis and governmental drive to tackle a "national housing crisis" by delivering much needed new homes across the country with the latest announcements made by the Chancellor, Philip Hammond, to deliver 300,000 new homes a year in order to address affordability issues in the housing market. It is noted that the broader issue of housing affordability and the impacts this has upon people generally across the UK and upon broader economic growth and prosperity is mirrored within the NP at paragraph 3.2, which states:

"Affordability in the Parishes is an issue, with average house prices being quite a bit higher than the average for Devon. Census data in relation to the number of bedrooms suggests there is a lack of smaller homes in the Parishes. Overall, real concern has been noted from some local people, including school children, that they will be forced to leave due to the lack of housing opportunities".

However, the NP's failure to address this issue by failing to allow for flexibility or future identified housing need, such as that set out within the emerging GESP, is considered to be in conflict with condition 1.

In relation to Condition 4 of the Act, the NP's intention to potentially further restrict growth in Ottery St Mary, a settlement which is highly sustainable, when consideration is given to the general level of services, facilities and amenities available. This would suggest that the NP does not contribute towards achieving sustainable development. Furthermore, the NP could also serve to obstruct the purposes of the emerging GESP by restricting the delivery of identified housing needs within a sustainable settlement.

Condition 5, as set out above, under paragraph 8(2) of Schedule 4B in the TCPA 1990 requires that the NP is in general conformity with the strategic policies of the development plan for the area, yet the evidence base prepared to inform the NP makes no reference to the emerging policies and/or evidence base of the GESP. Furthermore, National Planning Practice Guidance ('PPG') states that *"Although a draft NP is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested...The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans"*. It is unclear whether the NP Group have worked closely with the GESP authorities to ensure that there is no conflict between the NP and the emerging GESP. Therefore, our Client considers that in order for the NP to be found sound by an Inspector and at a referendum, then further evidence must be provided to demonstrate

how this condition has been met and where the NP gives specific regard to the evidence base and emerging policies contained within the GESP.

Policy Specific Comments

The remainder of these representations will have regard to the specific policies set out in the NP.

Policy NP1: Development in the Countryside

Policy NP1 seeks to restrict development from taking place that is deemed to fall within the countryside and outside the settlements or built up area boundaries as defined by the 'Proposal Map', unless in exceptional circumstances. However, whilst the policy refers to specific features that must be protected and maintained, no definition of what would constitute 'exceptional circumstances' is provided. It is our opinion that this is in conflict with national policy, guidance and advice as well as the adopted Local Plan. In particular, Strategy 6 of the East Devon Local Plan sets guidelines for what development will be allowed within the settlement boundaries, whilst advising that Neighbourhood Plans may specifically allocate sites and/or include criteria based on other policies for promoting development beyond the boundaries.

The only comparable test in Planning Policy is that applied to the release of Green Belt land through the Local Plan process. Such a high test should not be applied to non-Green Belt land, therefore our client objects to this wording.

Our Client considers that the inclusion of Policy NP1 is unnecessary given the similarities of Strategy 6 of the adopted Local Plan, whilst serving to restrict the flexibility of the emerging GESP. This additional policy requirement would also serve to add further uncertainty in the decision-making process and would be in conflict with Condition 1.

Policy NP4: Settlement Containment

This policy seeks to restrict the coalescence of both Ottery St Mary and West Hill, specifically identifying land to the south and west of Ottery St Mary and to the east and north of West Hill as an area to protect. It is clear that the wording of this policy has been amended to address previous comments from the Local Authority, when at that time the draft wording of Policy NP4 referenced the inclusion of a 'green wedge' between the settlements of Ottery St Mary and West Hill. It is clear that the rewording of this policy is effectively just another attempt to restrict development in this part of the Neighbourhood Area without the appropriate evidence base or justification for doing so. The comments provided by the Local Authority at the last round of consultation made direct reference to the findings of the Inspector who presided over the examination of the East Devon Local Plan, who stated:

"A Green Wedge between Ottery St Mary and West Hill is not necessary to make the plan sound. Green Wedges are proposed where there is a strategic need to prevent settlement coalescence so that the separate identities and landscape settings of the East Devon settlements are retained. Green Wedges are proposed along the Exe Estuary to help avoid the creation of unrelieved development along the Estuary. They also perform a strategic function in relation to the direction of growth of Exeter and Cranbrook. In the case of Budleigh and Knowle and Seaton and Colyford the settlements are much closer than Ottery St Mary and West Hill. Proposed Strategy 7 of the local plan, which seeks to protect the countryside from unwarranted development, is sufficient to ensure that the individual identities of West Hill and Ottery St Mary are protected."

Policy NP4 effectively remains a green wedge policy, albeit not in name, which is inconsistent with the strategic policy of the adopted East Devon Local Plan (Strategy 7 and Strategy 8) which seek to restrict development in the countryside and propose Green Wedges identified on the Local Plan Proposal Map. Furthermore, and as referenced by the Inspector, there is insufficient evidence in place to justify the inclusion of this policy at this location, whilst the distance between the two settlements

exceeds over a mile in places. By effectively restricting the delivery of any development within this area, the NP provides little flexibility and is at odds with the strategic aims or needs of the Grater Exeter area as defined in the emerging GESP. In addition, our Client also agrees with the Inspector in that the policy is unnecessary given the wording of Strategy 7 within the East Devon Local Plan. Unless the NP can sufficiently demonstrate and justify the inclusion of this policy through its evidence base then it should not be included and to include the policy in its current form without this evidence base would lead to the plan being unsound.

Policy NP8: Protection of Local Wildlife Sites and Features of Ecological Value

It is considered that the inclusion of this policy within the NP is unnecessary given the policies identified within the adopted East Devon Local Plan and in particular Strategy 5 'Environment'. Additional and inconsistent coverage in the NP would undermine certainty in the decision making-process, leaving decision makers unable to apply policy consistently and with confidence.

Policy NP12: Appropriate Housing Mix

Chapter 7 of the NP covers the matter of housing requirement and suggests that around 600 new dwellings were approved in the neighbourhood Area between 2012-15, stating that this was well in excess of the level supported by the Town Council. The supporting text (para. 7.11) refers to there being *"a limited supply of smaller and cheaper homes, forcing younger people to leave Ottery St Mary, which is detrimental to social balance and vibrancy. The only way to address the housing needs in Ottery St Mary is to allocate housing allocations in the NP."* Despite this, the supporting text also acknowledges that whilst there is no requirement for NP's to allocate sites for housing, only one small site has been identified at Alfington, whilst direct reference is also made to the "consensus of the community" meaning that no further allocations are to be made at Ottery St Mary, West Hill or Tipton St John. As a result, a 'Built Up Area Boundary' is applied to Ottery St Mary and the other settlements are treated as open countryside in planning terms under Policy NP1.

The NP's reluctance to identify any housing allocations at West Hill and to treat the settlement as open countryside, is in direct conflict with the East Devon Local Plan and indeed direct reference is made to this at paragraph 7.3 where it states *"West Hill is identified as the only 'sustainable' village appropriate for limited growth to meet local needs"*. Nevertheless, the NP has chosen to ignore this and instead sought to restrict the sustainable future growth of these settlements which could in turn directly address the affordability issues and housing mix requirements identified under policy NP12.

In terms of the housing mix, our Client supports the wording of the policy in principle and agrees that a mix of housing types and sizes should be provided as part of new developments. Notwithstanding this, it is our Clients opinion that market forces should dictate the type of housing that is required in the area as this is likely to fluctuate over the plan period and greater flexibility should be provided within the policy.

Furthermore, consideration must be given to the repercussions of advocating a housing mix and how this can impact upon the viability of schemes.

As currently drafted, it is not considered that the policy fully accords with the adopted East Devon Local Plan and as such fails to meet the requirements of paragraph 184 of the NPPF.

Policy NP18: Supporting Ottery St Mary as the Economic Focus for the Parish

Policy NP18 seeks to protect and support employment within Ottery St Mary that is vital to the sustainability of the community. Our Client's concerns with this policy is that the NP fails to recognise or acknowledge the role that housing development has in achieving the aims of the policy and indeed many of the other Neighbourhood Plan Objectives. Economic growth and housing are intrinsically linked, with new housing being a catalyst in generating growth whilst encouraging longer term benefits and improvements to commercial and business uses in an area through increased spending and investment in services. Likewise, new housing delivery can support economic growth by providing attractive, affordable and desirable housing in areas where people want to live, in turn reducing out commuting and attracting and retaining local people and a skilled workforce. New housing

development within Ottery St Mary has the potential to significantly improve the viability and vitality of the town centre and should be acknowledged and allowed for within the policy.

In summary our Client considers that the policies above are either unnecessary, as significant policy protection is already in place through adopted Development Plan Documents, or require further justification and/or modification in order to be found sound. The NP's acknowledgement of broad issues surrounding the delivery of new homes in the UK and issues relating to affordability are welcomed, yet conversely many of the key policies seek to restrict the delivery of new homes which could contribute towards addressing these issues whilst ignoring the economic benefits new home delivery could bring to the Neighbourhood Area. Unless the NP is amended to either provide further justification to support the inclusion of these policies as drafted then they should either be removed or altered appropriately to ensure their consistency with national policy, guidance and advice. Our Client is concerned that the NP would not meet the tests of soundness outlined in the basic conditions and would also urge that the tests set out within paragraph 182 of the National Planning Policy Framework are adhered due in the examination. At present we consider that the NP is not justified, effective or positively planned.

Our Clients Land Interests

As set out earlier on in these representations, our Client controls two land parcels to the south west of Ottery St Mary (please see appendix A), which in total could delivery approximately 470 new homes. These sites are considered to be in a sustainable location for new homes as they benefit from good bus, bicycle and pedestrian links to key local services, facilities and employment sites in and around Ottery St Mary.

Various technical investigations have been undertaken which have confirmed that there are no technical constraints that could not be appropriately addressed or mitigated against through the planning application process, or would preclude residential development on the sites.

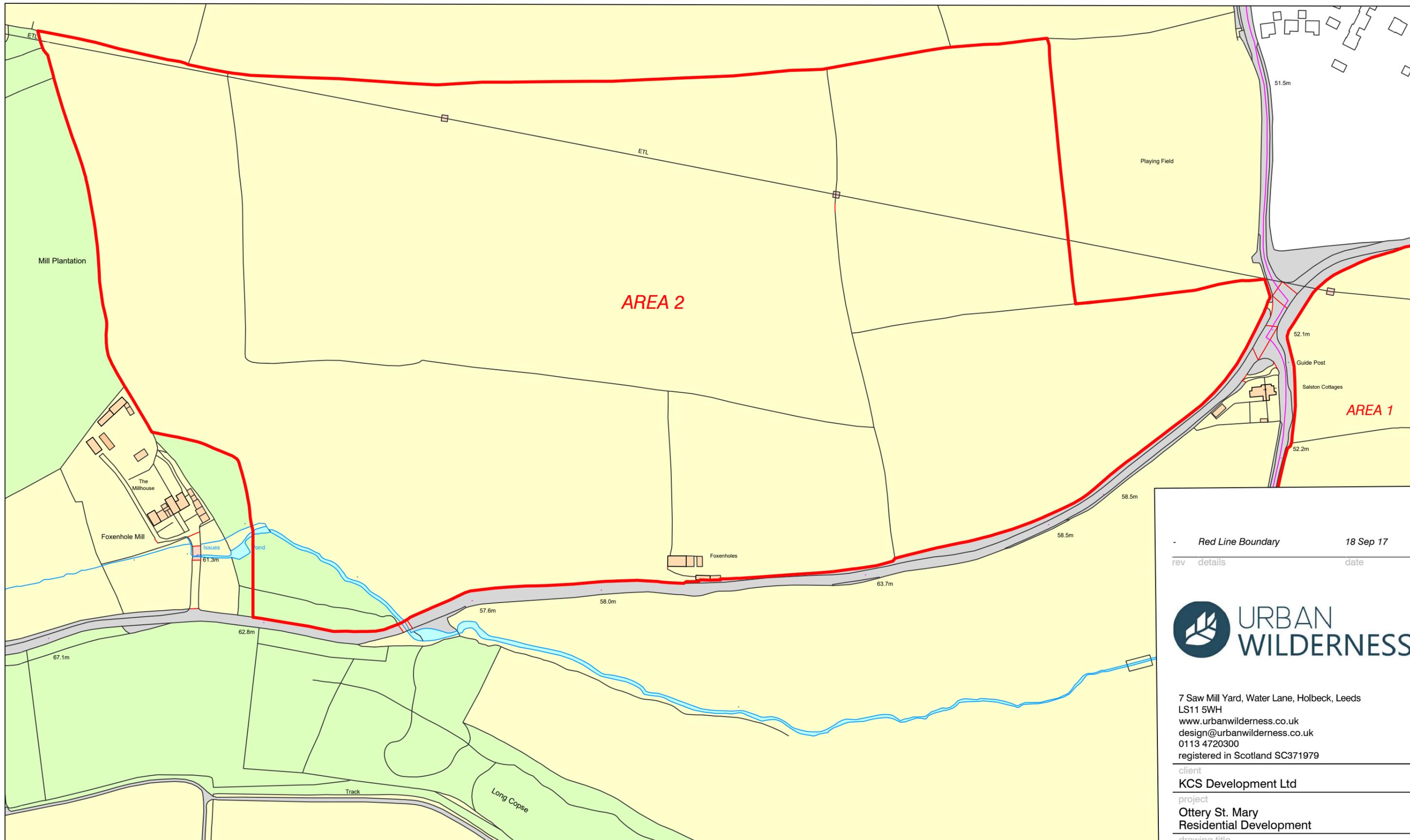
It is acknowledged that the development of these sites would not necessarily be required to address the needs of the adopted East Devon Local Plan, the NP must provide certain flexibility to allow for the delivery of new homes that may be needed to meet identified housing needs within the emerging GESP up until 2040. The sites would also contribute towards delivering improved local facilities, new areas of public open space and affordable housing.

In line with our earlier comments our Client considers that their land interests should either be identified as sustainable locations for future housing delivery within the Neighbourhood Area or that sufficient flexibility needs to be provided within the NP to allow these sites to come forward in the future in order to meet identified needs from the emerging GESP.

Summary and Conclusions

These representations have sought to make comments on the proposed policies and offered ways in which they could be amended to ensure that the Plan is found sound. Whilst, it is considered that the majority of policies have been formed on a logical basis, our Client would recommend that alterations are made to the relevant policies as set out above and we would request that our duly made concerns are properly considered.

We trust our comments will be considered in the Examination and our Client retains the right to make further representations at the appropriate stage.



- Red Line Boundary 18 Sep 17
 rev details date



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client
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 project
Ottery St. Mary Residential Development

drawing title
Red Line Boundary Area 2

drawing status
Discussion

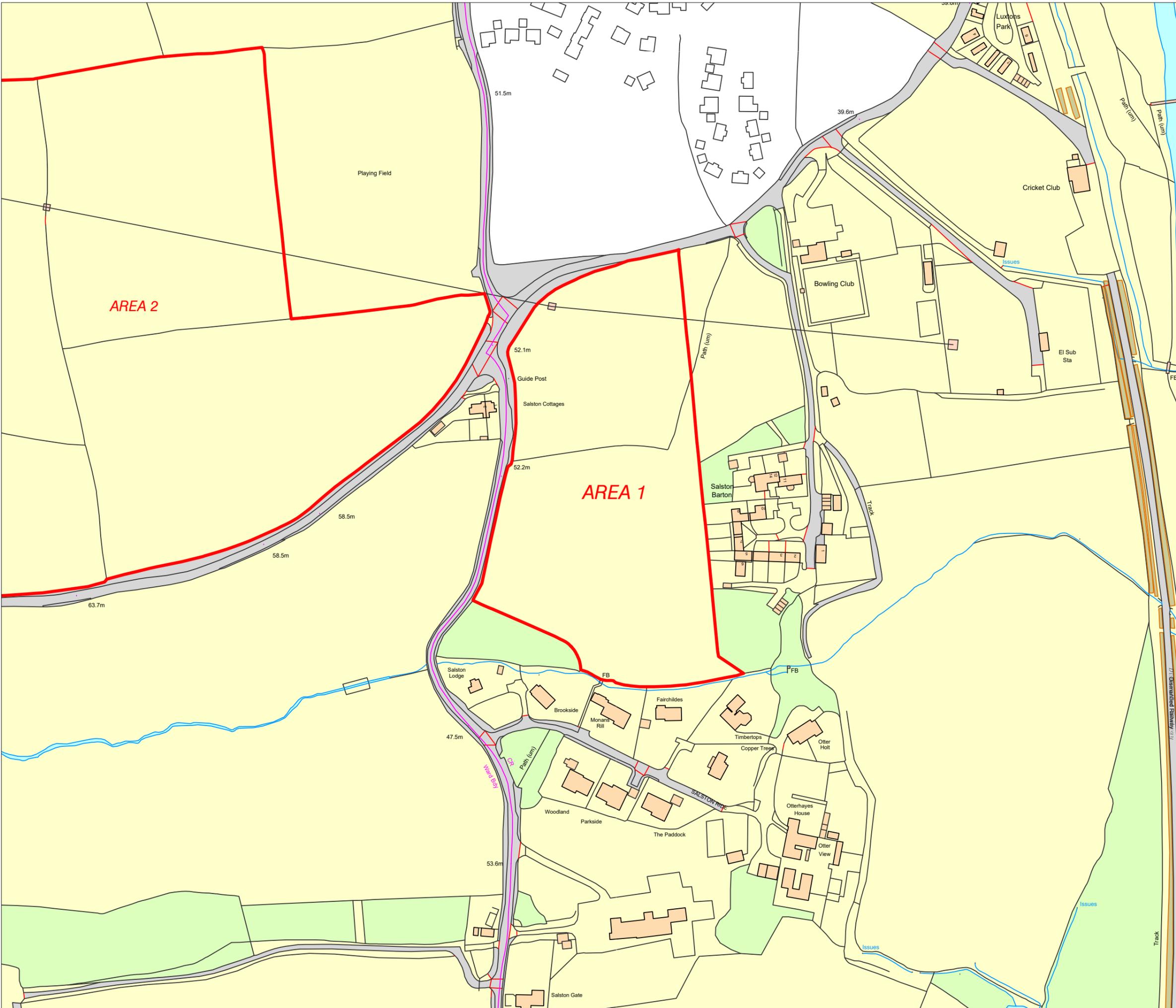
drawn by	checked by	date
JJP	TBR	18 Sep 17

scale	paper size
1:2500	A3

job/dwg no.	rev.
236-SK-003	-

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KEY
 Application Site Boundary



NOTES

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KEY

 Application Site Boundary

-	Red Line Boundary	18 Sep 17
rev	details	date



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client
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project
Ottery St. Mary Residential Development

drawing title
Red Line Boundary Area 1

drawing status
Discussion

drawn by	checked by	date
JJP	TBR	18 Sep 17

scale	paper size
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