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First Regulation 19 Consultation – East Devon Local Plan – Responses by Name

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Policies Map

Proposal:

1. Introduction

1. To which part of the Introduction chapter does your representation relate?: Figure/Image

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

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Introduction chapter is legally compliant?: Settlement Boundary Change at Bystock Village, Brixington Ward, Exmouth

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: No

2(c). Please set out the modification(s) you consider necessary to make this part of the Introduction 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.: The settlement boundary change at Bystock Village, Brixington Ward, Exmouth is based on a factually incorrect application of the boundary change criteria, false assertions about links to nearby (non-existent) allocations and material omissions in relation to the made Exmouth Neighbourhood Plan heritage protections that apply to Bystock Village. These errors in fact render the Plan Unsound

3. Do you consider that this part of the Introduction chapter is sound?: The remedy is simple. Leaving the Bystock Village settlement boundary at the location shown in the current Local Plan (2013 – 2031): - eliminates policy conflict between the made ENP and the emerging Local Plan, - eliminates policy conflict within the made ENP, - preserves the heritage protections for Bystock Village. In terms of the emerging Local Plan, the retention of the existing (2013-2031) settlement boundary at Bystock Village: - there is no reduction in strategic housing delivery targets, - there is no reduction in any emerging Local Plan benefits, - there is no need to change any other element of the emerging Local Plan policies, - there is no negative impact of any kind on the emerging Local Plan.

3(a). If yes, and you wish to support the soundness of this part of the Introduction chapter, please use this box to set out your comments.: No

3(c). Please set out the modification(s) you consider necessary to make this part of the Introduction 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 proposed boundary change is demonstrably Unsound. Resolving the issue is simple; return the settlement boundary to that shown in the current Local Plan 2013-2031 and delete paragraph 13.5 of document KSD-010(rev) in its entirety. This solution causes no diminishment of the delivery of houses within the emerging Local Plan, nor does it require re-writing any policies or other measures within the emerging Local Plan. At the same time, it retains the heritage protections for Bystock Village and removes any policy conflict between the emerging LP and the made ENP.

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: No, I do not wish to participate in hearing session(s)

SP01

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

1(b). Does your comment relate to one of the changes listed in the table above?: Yes

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.: The addition of the European wildlife site consideration in SP07 needs to be added to other Strategic Policies, with evidence as to how the strategic policies have considered this (for example, the settlement hierarchy, neighbourhood plans or site selection methodology). Consideration for European wildlife sites and compliance with the Habitat Regulations should be a key foundation of all strategic policies, in accordance with paragraph 20d of the NPPF December 2023, not least as a strategic level mitigation strategy exists for the Exe Estuary & Pebblebed Heaths (South East Devon Wildlife – Joint Habitats Sites Mitigation Strategy (2024)). Avoidance over mitigation should be a key principle in developing the Plan, with a sequential test applied when selecting the location(s) for proposed development, in accordance with paragraphs 180 & 181 of the NPPF December 2023. Proposed significant development such as large housing allocations or a new town, should seek to be outside of the double mitigation zone and preferably outside of the single mitigation zone. Map 2 on page 30 of the South East Devon Wildlife – Joint Habitats Sites Mitigation Strategy (2024). This map should be within the Local Plan main body demonstrating how sites have been considered in accordance with the Habitats Regulations mitigation strategy. Of particular note is Exmouth, which has significant geographic restriction and wide ranging land based designations, which have not been taken into account when developing the spatial strategy. Several proposed large allocation sites in Exmouth are in conflict with these designations and are a significant distance from the serviced centre of the town such that the justification for being a sustainable location 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 Spatial Strategy 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.: Significantly reduce housing allocations for Exmouth given the unique local constraints. Reconsider the location of large housing allocations including Marlcombe, considering the known SE Devon strategic mitigation strategy.

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

SP02

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

1(b). Does your comment relate to one of the changes listed in the table above?: Yes

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.: EDDC once again aiding and abetting developers, placing misery on residents and the natural environment. East Devon simply cannot cope with even more development.

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.: No more development.

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Spatial Strategy chapter fails to comply with the duty to co-operate. Please be as precise as possible.: This so-called consultation is a disgrace and seems deliberately designed to exclude the public from making meaningful contributions.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

SP04

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

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.: Combe Estate support the allocation of their land,

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.: COMBE ESTATE REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19 CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP 1 INTRODUCTION Combe Estate are long standing generational owner of large areas of agricultural and forestry land within East Devon. Their land interests are primarily in Honiton and Gittisham. As part of its interests, the Estate undertakes residential and commercial development and are the owners of Combe Garden Centre. The Estate therefore has a wide range of land and business interests within the district. The Estate has provided representations to the Council as part of previous consultations on the draft local plan and via the related call for sites process. Given the nature of their long-standing presence in the district, The Estate is an important local stakeholder with allocation interests within the proposals in the East Devon Local Plan for future development in the district. Against this background, Bell Cornwell LLP has reviewed the policies and information set out in the East Devon Local Plan (2020 -2042) Regulation 19 Consultation Draft and makes the following representations. CHAPTER 3. THE SPATIAL STRATEGY Strategic Policy SP04: Employment Provision and Distribution Strategy Combe Estate supports the overall approach of Strategic Policy SP04, which sees their land at Gitt_03 and Gitt_04 allocated for employment use. The Estate support the technical evidence base which has determined the quantum of new employment land proposed for Honiton. It is noted that this site is currently allocated in the adopted Local Plan, and the land within our client's control is entirely available for development. There is strong support for the allocation and our client is committed to seeing this allocation delivered. However, we note that within policy SP04 the uses allocated on designated sites are for B2, B8 and E(g) use. Whilst Combe Estate clearly support this allocation in principle, it is disappointing that the allocations or policy text within SP04 does not

clearly allow for a wider disposition of land uses. For example, paragraph 3.21 of plan states that, "Particular attention is given to emerging technologies, green industries, and adapting to changes like increased homeworking and artificial intelligence." However, there appears to be very little, if any, content within the policy that makes provision for a wider range of employment opportunities beyond traditional office and industrial uses. COMBE ESTATE REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19 CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP 2 As such, Combe Estate would suggest that a wider range of employment generating uses should be defined within Policy SP04 to allow for a changing employment market and to ensure that East Devon District as a whole is able to respond and provide employment accommodation that reflects a modern economy. In summary, while Combe Estate support the allocation of their land, there needs to be greater acknowledgement of the changing nature of employment activity, with amendments to policy to include:

• Giving equal/greater weight to other Class E uses (not just E(g) within in the policy.

• Include a policy clause that would allow flexibility to deliver more than 'traditional' employment uses where there is evidence to suggest this is appropriate (e.g. a need for other leisure, tourism, community uses)

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 Spatial Strategy 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 summary, while Combe Estate support the allocation of their land, there needs to be greater acknowledgement of the changing nature of employment activity, with amendments to policy to include:

• Giving equal/greater weight to other Class E uses (not just E(g) within in the policy.

• Include a policy clause that would allow flexibility to deliver more than 'traditional' employment uses where there is evidence to suggest this is appropriate (e.g. a need for other leisure, tourism, community uses)

SP05

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.: SP05

1(b). Does your comment relate to one of the changes listed in the table above?: No

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.: Objection to change of Settlement Boundary at Bystock Village, Brixington Ward. The proposed move of the settlement boundary is a material consideration that is based on factually incorrect and false Evidence presented by the Local Planning Authority (LPA). In addition, the proposed change materially undermines the existing heritage protection policies contained in the made Exmouth Neighbourhood Plan (ENP). In developing an emerging Local Plan that proposes conflict with a made Neighbourhood Plan, the LPA must demonstrate: 1. Strong Evidence Base: The LP's emerging policies are backed by robust, up-to-date evidence demonstrating the need for change. 2. Demonstrate Strategic Need: Prove that overriding the specific heritage elements in the ENP is essential to meet wider strategic objectives (e.g., housing, infrastructure) that the ENP failed to adequately address, ensuring the emerging LP is deliverable. East Devon District Council (The LPA) has done neither of these things. The LPA Evidence: 1. has mis-applied their own boundary criteria to justify the settlement boundary change. This is a material error in fact. 2. contains factually incorrect assertions, conflicting and misleading statements. These falsehoods constitute a material error in fact. 3. ignores the material fact of the clear and specific heritage protection policies contained in the made ENP which have been specifically reinforced by previous Planning Inspectorate decisions. This omission is contrary to Government guidance on Plan Making. 4. has failed to address or justify the wholly avoidable policy conflicts between the emerging Local Plan and the made ENP and within the ENP itself. This is contrary to Government guidance on Plan Making. 5. creates no new strategic supply housing opportunities attributable to this boundary change and adds no value to, nor enables, any other strategic goal within the emerging Local Plan. 6. fails to demonstrate how a change that adds no value to the emerging LP should take precedence over existing ENP heritage protection policies. These errors in material facts and omissions render the boundary change proposal Unsound. The whole issue can be resolved by returning the settlement

boundary to the position shown in Local Plan 2013-2031. This restitution requires no changes to any other aspect of the emerging Local Plan nor to the made ENP. 2. LPA Evidence to justify Settlement Boundary Change A change in settlement boundary is a material change to a Local Plan and must be justified by appropriate, accurate and factually correct Evidence. The Evidence that the LPA offers to justify the proposed change to the settlement boundary at Bystock Village is in Evidence and Examination Library; Section 3; Key Supporting Document KSD-010(rev) – Settlement Boundaries; paragraph 13.5 pg 39 et seq. Th text in paragraph 13.5 represents the only Evidence that the LPA presents to justify the settlement boundary change. For ease of reference, the entirety of paragraph 13.5 is shown below: 13.5 Consultation was undertaken on the proposed settlement boundary as part of the draft local plan in 2022 and a number of representations were received, including site specific comments related to the inclusion of land around Bystock Village. It was felt that this conflicted with criteria KSD-010(rev) Settlement Boundaries 42 B2 and B3 of the methodology because the areas are specifically protected by the Exmouth Neighbourhood Plan and are not well related to the built form of the settlement. Policy EN1 of the Neighbourhood Plan includes a clause that the areas defined in Figure 7 (replicated below) are locally important and distinctive areas outside of the settlement boundary where only minor proposals associated with existing buildings are likely to be acceptable. Although the area is on the periphery of Exmouth, it is considered to be physically and functionally related to it and therefore comply with criteria B2. This link will be further strengthened by proposed allocations. Criteria B3 relates to 'allocations' in a made neighbourhood plan and so is not applicable in this case. However, areas defined on Fig.7 of the neighbourhood plan that lie outside of proposed allocations are largely excluded from the settlement boundary. The commentary below demonstrates that the LPA Evidence contains factual errors and conflicting assertions, omits material facts, and makes false and misleading statements. These errors render the proposal to move the settlement boundary at Bystock Village Unsound. 2.1 Intentional mis-statement of material facts The responses from myself and others to the first Regulation 19 consultation identified several factual errors in the LPA Settlement Boundaries document KSD-010 – Settlement Boundaries. The nature of the errors is very easy to verify, and the LPA is legally required to consider all representations made during a Regulation 19 consultation. The identified errors have been repeated in the LPA final documents being presented as part of the Evidence file for the Planning Inspectorate (KSD-010(rev)). It is therefore reasonable to conclude that the LPA is intentionally mis-stating material facts and is basing the change of settlement boundary on false Evidence. This is enough to render this element of the emerging LP Unsound. 3. The factual errors in the Evidence Paragraph 13.5 of KSD-010(rev), quoted above, contains two material facts that are wholly mis-stated by the LPA: 1. The boundary change is justified by the LPA, on the basis that the newly enclosed area complies with settlement boundary criteria B2 2. That the newly enclosed area is further justified by "This link will be further strengthened by proposed

allocations". 3.1 Settlement Boundary criteria Paragraph 13.5 states: "Although the area is on the periphery of Exmouth, it is considered to be physically and functionally related to it and therefore comply with criteria B2." The Settlement Boundary Methodology Criteria B2, (KSD-010(rev) Appendix A, pg 97), states that areas should be included within settlement boundaries if they contain: "Built and extant planning permissions for community facilities, such as religious buildings, schools and community halls which are considered to be physically and functionally related to the settlement." This criterion is very specific and applies only to "community facilities that are well related to the settlement". The part of Bystock Village proposed to be included in the new settlement boundary has no community facilities, religious buildings, schools or community halls. Neither extant nor with planning permission. The nearby Bystock Court is not included within the new settlement boundary. Bystock Court is not a community facility, being a private care home for adults with learning difficulties. The new settlement boundary does not improve the access to Bystock Court and, given that Bystock Court is excluded from the settlement boundary in the emerging LP, there is not even a vaguely credible argument that Criteria B2 applies. The Evidence document appears to selectively quote just the last part of Criteria B2 and appears to be basing its inclusion purely on physical proximity to the existing settlement boundary, not the actual wording of Criteria B2. The assertion in the Evidence that any of the included site complies with Criteria B2 is a factual error and means that the inclusion is not based in accurate fact. This incorrect assertion has been used by the LPA throughout the Plan Making process; thus, it also means that the Strategic Planning Committee, Consultees including the public and Planning Inspectorate have been factually misinformed all the way through the Plan development process, rendering the Evidence Unsound. 3.2 Relationship with nearby allocations Paragraph 13.5 excludes Boundary Criteria B3 as being non-applicable. Criteria B3 applies to: "Site allocations identified in the draft local plan, or any made neighbourhood plan, for residential, community or employment uses which are physically and functionally related to the settlement." This is accurate as there are no site allocations at Bystock Village in either the emerging Local Plan, or made ENP, and the site therefore does not meet the criteria for inclusion within the settlement boundary. However, paragraph 13.5 then justifies the inclusion of Bystock Village because: "this link will be further strengthened by proposed allocations." There are no Allocations near Bystock Village, as can be seen in Chapter 5.3 of the Local Plan. During the allocations screening process, the LPA considered and rejected two adjacent Allocations, EXMO_07 Bystock Court and EXMO_21 Land East of Bystock Court (Evidence section 11 Site Allocations SAL-022 Exmouth, map on pg 4). EXMO_07 was rejected after detailed site evaluation on the grounds of heritage protections and environmental protection. (Evidence section 11 Site Allocations SAL-022 Exmouth pg 36). EXMO_21 was rejected after a site specific evaluation on the grounds of wildlife and environmental concerns. (Evidence section 11 Site Allocations SAL-022 Exmouth pg 172). The area of Bystock Village proposed for enclosure by the new boundary was

never considered as an Allocation and is not included in the Allocations defined in the Evidence Chapter 5.3 of the Local Plan nor in any of the screening processes described in Sections 4 Housing or 11 Site Allocations of the emerging Local Plan. As can be seen on the plan on pg 39 of KSD-010(rev) there are no allocations that connect to the proposed settlement boundary at Bystock Village. The nearest is EXMO-20 which lays on the east side of St Johns Road, and which has no connection at all, nor is access possible via Bystock Village. (Evidence section 11 Site Allocations SAL-022a(rev) Exmouth pg 26). The proposed boundary change at Bystock Village changes a currently smooth boundary into a crude penetration into the surrounding countryside. (see Fig 5 of this document). The statements related to nearby allocations are therefore factually incorrect, misleading and internally inconsistent. The Settlement Boundaries Evidence statement that "This link will be further strengthened by proposed allocations." is false, and the Evidence is unsound. 3.3 Physically and functionally related to The LPA asserts that Bystock Village is "physically and functionally related" to Exmouth settlement. This general definition is not among the specific criteria defined by the LPA as meriting inclusion within the settlement boundary (KSD-010(rev) Appendix A). However, it is worth examining earlier descriptions of Bystock Village made by the LPA. In 2014 and 2019 the LPA refused planning applications (13/2364/FUL and 19/0097/OUT) within Bystock Village on the grounds that the sites lay outside the Settlement Boundary. Both applications were also rejected on Appeal. In both cases the LPA delegated officer report described Bystock Village as: ".....former Bystock Estate buildings, of a more irregular layout that is rather more semi-rural in character, in contrast to the planned layout and greater density exhibited in the more recent estate development which is of a more suburban character and typical of more modern edge of settlement expansion." Nothing has changed since these reports and Bystock Village remains wholly unlike the built environment of Brixington Ward. Bystock Village shares almost no built environment with urban Exmouth, being served by an unadopted, private, single track driveway with no passing places, no streetlights, no pavement and only partially shared drainage. Bystock Village more closely resembles the area of Exmouth described in Para 13.2 of KSD-010(rev) which was excluded on the grounds: "here lower density, detached housing is interspersed with open fields. Parts of this road lack footways and are unsuitable for pedestrian use. It is therefore excluded from the settlement boundary as indicated on the map below, as it was from the adopted local plan." 4. Failure to properly consider material facts in the made Exmouth Neighbourhood Plan Paragraph 13.5 notes that the LPA knows that the made ENP has specific heritage protection policies. However, the Evidence then completely mis-states the nature and extent of the protections and ignores the policy conflict arising from the change in settlement boundary. 4.1 Bystock Village definition In creating the ENP and in compliance with para 204 of the NPPF, Exmouth Town Council took great care to ensure that Bystock Village was demonstrably of special social, architectural and historic interest. The ENP Evidence for conservation of Bystock Village includes over 400 pages of specific,

published, detailed historic research into the history of the Bystock and neighbouring Marley Estates. The LPA were a statutory consultee to the ENP Heritage protection provisions for Bystock Village, prior to their adoption. There is no evidence that circumstances have changed since the LPA agreed its inclusion in the ENP and the LPA offers no evidence to show that circumstances have changed. While most buildings within Bystock Village are unlisted, the NPPF is clear that damage and harm to non-designated heritage assets must also be carefully considered (NPPF 2024 para 216). In the ENP, Bystock Village is a specifically delineated area that the LPA wholly fails to acknowledge in its Evidence. Figure 14 in the ENP shows the mapped area of Bystock Village that the ENP heritage protections specifically apply to. The LPA Evidence ignores this important ENP plan, which constitutes a material fact (made ENP; Policy EN1, pg 29 and Fig 7, pg 54). The ENP heritage protection area is designed to protect not only the Grade 2 listed Bystock Court, but also the original estate buildings that have group value and that, together, preserve an intact working estate that dates from at least the early 1800's. The earliest recorded existence of Bystock Estate is the early 1700's when the *** Personal details have been removed *** family are recorded as owning the lands and property. The current layout of estate houses has been in place since the early 1900's. Most of the estate houses pre-date the current Bystock Court, evolving in form from the early 1800's. The octagonal core of the Old Dairy has been there since the very early 1800s and possibly a little earlier. Bystock Village most certainly exhibits a "unique sense of place". The spatial integrity of the layout of Bystock Village is unique in East Devon. Enabling future infill buildings will destroy the historic context. 4.2 Heritage protections for Bystock Village in the ENP The made ENP says of Bystock Village: "The Neighbourhood Plan has highlighted these areas in a policy, as evidenced in the community consultation process. There is proportionate, robust community evidence behind these choices. The community is clearly indicating that these areas are the last place they want to see development on." (made ENP, pg 29, para 10) The ENP goes on to say: "The following sites (including Bystock Village) have been identified as locally important and distinctive areas outside the Built Up Area Boundary (BUAB) where only minor proposals, associated with existing residential or business premises, are likely to be supported" (made ENP Policy EN1. Para 3, pg 29). The Planning Inspectorate have supported and clarified the meaning of the ENP policies. In refusing a 2019 Planning Appeal (APP/U1105/W/19/3227752 dated 14 August 2019) the Planning Inspectorate said: "The ENP also specifically identifies the Bystock House Estate as a locally important and distinctive area outside the BUAB where only minor proposals associated with existing residential or business premises, are likely to be supported. Whilst the term "minor proposals" is undefined, there is no suggestion that it should include the creation of new residential uses ….." (Planning Inspectorate Appeal refusal APP/U1105/W/19/3227752) In April 2024, Exmouth Town Council published a "Neighbourhood Plan – Evidence base and policy development report". This report was intended to inform a future update of the ENP. It made no recommendations for any

changes to heritage protections at Bystock Village. In combination, the ENP policies and the prior decision of the Planning Inspectorate create a material set of policy considerations that the LPA must consider if they propose to change the planning status of this heritage area. Based on paragraph 13.5, the LPA has ignored these material facts and provides no argument at all to justify a change. 4.3 Destructive impact of proposed boundary change Paragraph 13.5 makes the following assertion: “However, areas defined on Fig.7 of the neighbourhood plan that lie outside of proposed allocations are largely excluded from the settlement boundary.” Given that there are no allocations in the area covered by Figure 7, a reasonable interpretation of the LPA Evidence wording is that Bystock Village is excluded from the Settlement Boundary. This is demonstrably not true, and this Evidence statement is Unsound. While Figure 7 (KSD-010(rev), pg 42) of the ENP shows the full extent of the former Bystock Estate, it is wholly misleading to imply that this means that the heritage protections remain intact. The actual change is clearly shown when one plots the proposed settlement boundary onto the ENP plan of the protected area of Bystock Village. It is clear from this that the emerging LP spatial policy would result in the evisceration of the integrity of Bystock Village, through a process of enabling garden grabbing. The LPA Evidence specifically ignores this, instead, offering an easily misunderstood generalization in relation to figure 7. It is noteworthy that a Brixington Councillor enquired specifically about this proposed boundary change. He reports that he was told, by the LPA Local Plan team, that Bystock Village was excluded from the boundary change. 5. Policy conflicts The proposed boundary change converts Bystock Village from an area where development is precluded (current LP Policies 6 and 7), to one where development is assumed to be acceptable (emerging LP policy 6). This is specifically deleterious to the heritage protection measures in the made ENP. The change also creates policy conflict within the ENP. The current ENP spatial policy EN1 mirrors that of the current LP, with development outside settlement boundaries prohibited unless specifically allowed by other policy. The new boundary would create a situation where the ENP both allowed development under its spatial policy and prohibited it under its tested heritage protection policies. The Evidence fails to identify any of these policy conflicts and offers no Evidence to demonstrate that they are justified by a Strategic need in the emerging Local Plan. 6. Zero benefit to proposed change The proposed boundary change adds no new housing to the calculated strategic supply of housing, nor does it enable the delivery of any other strategic element of the emerging LP. The LPA offer no Evidence to demonstrate the strategic need for a settlement boundary change at Bystock Village. 7. Correcting the emerging Local Plan errors The proposed boundary change is demonstrably Unsound. Resolving the issue is simple; return the settlement boundary to that shown in the current Local Plan 2013-2031 and delete paragraph 13.5 of document KSD-010(rev) in its entirety. This solution causes no diminishment of the delivery of houses within the emerging Local Plan, nor does it require re-writing any policies or other measures within the emerging Local Plan. At the same time, it retains

the heritage protections for Bystock Village and removes any policy conflict between the emerging LP and the made ENP. 8. Conclusion The Evidence presented by the LPA is Unsound based on its factual errors, omission of material facts, failure to consider important heritage protection measures in the made ENP and misleading assertions that are not based in fact. At the same time the LPA has not provided any evidence of the need for change. The change creates no additional strategic housing nor enable delivery of any tangible benefit. It does however enable the future material damage to a clearly identified and protected heritage asset in exchange for no tangible benefit.

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 Spatial Strategy 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 remedy is simple. If the LPA leave the Bystock Village settlement boundary at the location shown in the current Local Plan (2013 – 2031), then: - there is no reduction in strategic housing delivery targets, - there is no reduction in any emerging Local Plan benefits, - there is no need to change any other element of the emerging Local Plan policies, - there is no conflict between the made ENP and the emerging Local Plan, - there is no conflict within the made ENP, - the heritage protections for Bystock Village remain intact, - there is no negative impact of any kind on the emerging Local Plan.

SD01

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 &191c, of the NPPF December 2023 & is unsound and not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 andOL02 of the local plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which is yet to be shown as achievable and viable; the mitigation strategy states â€œit was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPAâ€ and the Plan HRA states â€œ there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.â€ This site was selected on 03.09.24 (without option to reconsider) , with the Regulation 19 draft Local Plan approved on 11.12.24 , on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary CJEU â€œPeople over Windâ€ ruling. And the required precautionary approach, particularly relevant considering the CJEU â€œDutch Nâ€ ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierachy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the EXMO_20 allocation would be hard to justify since there were multiple other viable and less mitigation-reliant sites to select and that the Plan has an over - supply of housing allocations, due to not using the latest ONS data, as is mandatory. Devon Wildlife Trust stated in their first Regulation19 response that â€œThe allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north.Development within the

proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site boundariesâ€. The LPA demonstrates a cavalier attitude and wide spread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: all of it

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 Development in the Towns and Villages 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.: just leave the land alone

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

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.: its a part of exmouth leave it as it is

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: No

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: I would like to express my objection to the labyrinthine procedure demanded by commonplace for East Devon District Council for this development. Many residents are still unaware of this, and the ones who have been made aware have found the commonplace site extremely difficult to navigate. I have put some objections on that site today but would like to add some more comments.

I have objected before to this extraordinary proposal for a vast building site next to the B 3179 that is used by all Budleigh and some Exmouth residents to get to Exeter by car. This road would have to be dramatically widened to cope with all the extra traffic involved, first for the building itself of 400 + houses, involving lorries and suppliers, and if each potential house then had one or two cars, the scenario would be nightmarish. The alternative route to Exeter from Exmouth to the west would also be impacted.

The site proposed is nearer to Budleigh centre (2.3 miles) than to the centre of Exmouth (4.0 miles). Exmo_20's limited access arrangements would significantly increase the need for car travel from the main access point proposed on the B3179, even if widened, to access facilities and services, therefore an unsustainable location for development. The site allocation would overwhelm Budleigh Salterton, which has not been taken into account by the LPA when considering the Exmo_20 site. At present, our surgery and primary school are struggling to cope with the existing population.

I have seen that 'alternative sites' have been discounted for Exmouth, but a contact at Friends of the Earth tells me that 'brownfield first' might be a plan to consider. Their website states: "Done badly, new housing could exacerbate the climate and nature crises", and brownfield sites should be the first option. Those are also likely to be closer to urban and industrial areas where there will be employment. Friends of the Earth also states: "Wherever new homes are built, they need good public transport links and cycle routes, as well as good access to services. Without them, there's a danger of increased car dependency, which disadvantages those who can't drive or afford a car." Greenfield sites such as this one should surely be used for growing our own food instead of having to import it.

The existing population of Exmouth at the 2021 (last) census, was 35,488, the fifth largest settlement in Devon by population. This of course increases massively with the influx of visitors and tourists, not only in the summer but all year round. Exmouth has a long and fascinating history - Byzantine coins were found on the beach in 1970. Evidence of people living at Exmouth Point goes back to the 11th century, when it was called Lydwicnaesse, meaning "the point of the Bretons".Two ecclesiastical parishes that make up Exmouth - Littleham and Withycombe Raleigh can be traced back to before Saxon times. The history of Exmouth makes it all the more incredible that the planners/developers could think it desirable to build round St John in the Wilderness Church (grade II* listed) which will have a significant adverse effect on the tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by the sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it.

The environmental and conservation impact of such a large development should not be dismissed. The site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of the site would undermine the conservation objections of the SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area aimed at combining existing wildlife sites and extending habitats. By building hundreds of houses? The site contains many veteran trees, ancient woodland and hedgerows which are at risk of becoming fragmented habitats. Policy TR01 now states that walking/cycling must be the natural first choice for transport, which cannot be achieved for Exmo_20. The site's and the local area's topography

makes the potential cycling and walking option less viable, which is not apparent on the policy maps.

So for environmental, conservation and heritage reasons, I object to Exmo_20.

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land

to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the

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

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.: to air our views

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March ’26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that “The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area…identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon’s Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate t consider allocation of this land for development….It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development…We do not believe that it is feasible to develop this site

without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly

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.: Remove EXMO 20 from the local plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Such a huge development will put such a strain on Doctors, Schools, Hospitals narrow country lanes volume of traffic, Sewerage I think it is totally crazy. I have just come out of hospital after major surgery so don't have time available to go thru this in detail. but just wanted to register my objection before the deadline

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

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: No

Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b 180d, 180e, 181 ,185a, 186b, 188 and 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02 PB03, PB04 and OL02 of the Local Plan. Being adjacent to the pebblebed heaths SAC/SPA/SSSI the allocation relies on the significant habitats and species mitigation, which has yet to be shown to be achievable and viable. Development within the proposed allocation would result in degradation and loss of the ecologically supportive environments outside the designated site boundaries.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20 is in conflict with para 92 and 109 of the NPPF and therefore unsound. Limited access to exmo_20 would significantly increase the need for car travel from the main access point (B3179) to access facilities and services, being 2.3miles from Budleigh Salterton centre by road and 4 miles from the centre of Exmouth by road, therefore an unsustainable location for developent. The allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy, Budleigh Salterton has not been taken into account in the LPA when considering exmo_20 allocation. Infrastructure and services (sewage, doctor etc) are currently not sufficient to cope with existing houses/population with ongoing issues with sewage treatment, water quality and access to medical services which have not yet been mitigated or resolved. Policy TR01 now states walking/cycling must be the natural first choice for transport which cannot be achieved for exmo_20. The site and areas topography makes potential cycling and walking options less viable.

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.: Remove exmo_20 from the local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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

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.: Exmo_20 is in conflict with NFFP and not sound or legally compliant. It conflicts with key policies 8n the local plan, specifically PB01, PB02, PB03, PB04 and OL02. Being adjacent to Pebblebed healths SPA, SAC, SSSI relies on significant habitat and species mitigation, which have not been shown to be viable or achievable and will lead to further deterioration of these designated sites which are already in 'unfavourable condition'. EXMO_20 will have likely significant effects on the the Pebblebed healths and at a scale where thresholds would be exceeded and there are no means to mitigate the risks. This site was selected without the option to reconsider with the draft plan approved on the assumption that a mitigation strategy would be forthcoming prior to undertaking appropriate assessment, contrary to CJEU people over end. Selecting sites with clear known mitigation requirements requires clear justification when assessing against the mitigation hierarchy set out in NPFF.

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.: Remove EXMO_20 from the local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with policies TR01, OL09 and PB04 and Paragraphs 3.6 and 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/ SPA)”, due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the EnvironmentAct 2021). The Mitigation Strategy states “Mitigation cannot be assumed without evidence (People over wind; Sweetman)”. The Exmo_20 site’s inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.:

-Remove Exmo_20 from the Local Plan, -Reduce the size of Exmo_20, -Do not access the site via B3179, -Do not access the site via Southern Wood. -Move the settlement boundary away from the Pebblebed Heaths -Revert to 20b as previously proposed

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps.

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.: Remoe Exmo_20 from the Local Plan

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

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)

Proposal:

5. Development in the Towns and Villages

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)”, due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states “Mitigation cannot be assumed without evidence (People over wind; Sweetman)”. The Exmo_20 site’s inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

Proposal:

5. Development in the Towns and Villages

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals".

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.: Remove Exmo_20 from the Local Plan

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

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)

Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20 s part of the Strategic Nature Area 368 identified as an important buffer between Exmouth and the Pebblebed Healths SPA, SAC and SSSI and wildlife corridor between Pebblebed healths and the coast. EXMO_20 undermines the conservation objectives of the SPA and the development is in close proximity to key areas of high nesting density for key SPA features. It also undermines governments 30-by-30 targets aimed at recovering nature https://www.gov.uk/government/publications/criteria-for-30by30-on-land-in-england/30by30-on-land-in-england-confirmed-criteria-and-next-steps and undermines legally binding targets within the Environment Act 2021 including halting species decline and increasing species abundance targets by 2042, improving the favourable condition of designated sites, creating and restoring wildlife rich habitat.

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.: Remove EXMO_20 from the local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) .... are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed

development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by

multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that “A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape…. As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths”. The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that “the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA.” I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be

applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that “A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths”. The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that “the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA.” I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 3.

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

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Goes against previously adopted strategies, plans including strategic mitigation to limit impacts of new development on key designated sites including Exe Estuary SPA and importantly Pebblebed Healths SPA, SAC and SSSI. Pebblebed Heaths are a critical, internationally recognized conservation site for key protected species which are already in unfavourable condition and for which further likely significant effects have been identified. Pebblebed Healths has already been identified as having the highest visitor per hectare per day of any protected healthland designated site. There has been a lack of consultation on the wider impact. It is in conflict with policies OL02, PB01, PB02, PB03, PB04 of the Local Plan.

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.: Remove EXMO_20 from the local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that “just one event leading to predation is enough to end that nesting attempt” [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that “In the RSPB’s view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John’s (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development”. “The RSPB is very concerned that the St John’s allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated

heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the local plan.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the

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.: Remove Exmo_20 from the local plan

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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.: To air my views

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

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home.

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

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)

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March ’26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that “The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area…identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon’s Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate to consider allocation of this land for development….It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development…We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan”. I reserve the right to comment further if, and when, a supporting HRA and

supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property.

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph 206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified"

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads,cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed

Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01

explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with policies TR01, OL09 and PB04 and Paragraphs 3.6 and 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph

206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate to consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 7. Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook

currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home. 9.. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and

the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. 11. Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". POLICIES REFERRED TO IN SUGGESTED OBJECTIONS National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan- makers and communities...local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities... relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives...Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 109 states that Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and

offering a genuine need of transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is like;y to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional.2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be permitted unless mitigation measures are established that can be shown to be effective with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is

no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. PolicyTR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats

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.: Remove Exmo_20 from the Local Plan

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by

multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process, not the December 2024 amended version, presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected.

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.: Remove Exmo_20 from the local plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6, 11.2 & 11.6 of the Local Plan. Exmo_20's limited access would significantly increase the need for car travel from the main access point proposed (B3179) to access facilities and services, being 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road, therefore an unsustainable location for development. This allocation would overwhelm Budleigh and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. Policy TR01 now states that walking/cycling must be the natural first choice for transport, which cannot be achieved for Exmo_20. The site's and local area's topography makes potential cycling and walking options less viable, which is not apparent on the policy maps.

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.: Remove Exmo_20 from the local plan

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Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March ’26) aimed at combining existing wildlife sites and extending habitats. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats.

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.: Remove Exmo_20 from the local plan

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Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it.

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.: Remove Exmo_20 from the local plan

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Proposal:

5. Development in the Towns and Villages

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, PL09 and PB04 and Paragraphs 11.2 of the Local Plan. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality”, due to the primary access to Exmo_20 being onto the B3179, sending traffic along the boundary of the Pebblebed Heath SAC/SPA/SSSI. Allocation of Exmo_20 is contrary to the precautionary approach and goes against the Mitigation Hierarchy of avoidance over mitigation. The Exmo_20 allocation is unlawful due to there being no reasonable scientific certainty presented for mitigation.

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.: Remove Exmo_20 from the local plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that just one event leading to predation is enough to end a nesting attempt. In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA.

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.: Remove Exmo_20 from the local plan

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Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk, it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that just one event leading to predation is enough to end a nesting attempt. Not only is it functionally linked supporting foraging habitat for the Nightjar but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level.

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.: Remove Exmo_20 from the local plan

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.: SD01

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind”. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32.

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.: Remove Exmo_20 from the local plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process, not the December 2024 amended version, presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected.

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.: Remove Exmo_20 from the Local Plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6, 11.2 & 11.6 of the Local Plan. Exmo_20's limited access would significantly increase the need for car travel from the main access point proposed (B3179) to access facilities and services, being 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road, therefore an unsustainable location for development. This allocation would overwhelm Budleigh and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. Policy TR01 now states that walking/cycling must be the natural first choice for transport, which cannot be achieved for Exmo_20. The site's and local area's topography makes potential cycling and walking options less viable, which is not apparent on the policy maps.

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.: Remove Exmo_20 from the Local Plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property.

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.: Remove Exmo_20 from the Local Plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March ’26) aimed at combining existing wildlife sites and extending habitats. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats.

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.: Exmo_20 from the Local Plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it.

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.: Exmo_20 from the Local Plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, PL09 and PB04 and Paragraphs 11.2 of the Local Plan. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality”, due to the primary access to Exmo_20 being onto the B3179, sending traffic along the boundary of the Pebblebed Heath SAC/SPA/SSSI. Allocation of Exmo_20 is contrary to the precautionary approach and goes against the Mitigation Hierarchy of avoidance over mitigation. The Exmo_20 allocation is unlawful due to there being no reasonable scientific certainty presented for mitigation.

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.: Remove Exmo_20 from the Local Plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that just one event leading to predation is enough to end a nesting attempt. In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA

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.: Remove Exmo_20 from the Local Plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: There are a huge number of houses planned for East Devon , including the new town at Marlcombe , it is unclear if there is the demand for a further development on this scale . Whilst it is clear some new houses are needed - this development is the size of an additional new town. There are problems with sewage treatment in Exmouth at the maer lane treatment works , it is unlikely that this will be able to treat the additional sewage with more sewage being pumped out to sea. There is also all the water run off , from the newly concreted areas. How will this be managed to prevent pollution of waterways and flooding ? Then there is the problem of traffic, the addition of at least 700 additional cars will put a huge strain on the road through to Woodbury , this route to Exeter is already very congested on weekday mornings. The plan lacks an effort to mitigate the traffic issues that will result , especially with the development being far from both the centres of Exmouth and Budleigh. It is also close to the pebblebed heaths which is a rare example of lowland heath and is important for wildlife. There is little consideration of the environmental impacts of this scheme and no innovative ideas to do things differently to reduce the impact.

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.: Reduce the size of the development - it is in effect a new town which is inappropriate for this site. Take steps to reduce the impact on local roads . Use systems to reduce the effects of road run off .

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk, it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that just one event leading to predation is enough to end a nesting attempt. Not only is it functionally linked supporting foraging habitat for the Nightjar but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind”. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land

to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads,cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a

reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed

development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with policies TR01, OL09 and PB04 and Paragraphs 3.6 and 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its

churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph 206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate to consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 7. Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses

in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home. 9.. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh

Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. 11. Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". POLICIES REFERRED TO IN SUGGESTED OBJECTIONS National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan- makers and communities...local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities... relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives...Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town

centre. Paragraph 109 states that Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine need of transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is like;y to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional.2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be permitted unless mitigation measures are established that can be shown to be effective

with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. PolicyTR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon

has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats

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.: Remove Exmo_20 from the Local Plan

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the

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.: Remove Exmo-20 from the local plan

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

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.: air views

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the

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.: remove Exmo_20 from the local plan

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

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.: to air my views

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: My concerns are that the infrastructure is not capable of managing a huge increase in population. The road system is inadequate all around the proposed site, local education and health services are already under severe pressure as is the sewage system which is regularly failing resulting in pollution of the sea, beach closures and significant disruption when broken pipes fail. No further development should be considered until the basic infrastructure is in place to support it. Additionally, the proposed development is in close vicinity to the Pebblebed Heaths and would inevitably impact on the natural environment which is already under catastrophic decline.

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.: Infrastructure first and then a much smaller sized development.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps.

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.: Reduce size of EXMO_20 or remove site from strategic plan.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Objection 1. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments

outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural

boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential

population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph

206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" Objection 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate t consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 7. Allocation of Exmo_20 is in conflict with paragraph 170b of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook

currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. Objection 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home. Objection 9. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. Objection 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The

site's and the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. Objection 11. The Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". ---------- LIST OF POLICIES REFERRED TO IN SUGGESTED OBJECTIONS (FOR YOUR REFERENCE ONLY) National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities...local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities... relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives...Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 109 states that Significant

development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine need of transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 170b states that development should not increase flood risk elsewhere Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is likely to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional. 2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be

permitted unless mitigation measures are established that can be shown to be effective with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. Policy TR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon

has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats.

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.: Remove Exmo_20 from the Local Plan,

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Objection 1. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments

outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural

boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential

population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph

206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" Objection 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate t consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 7. Allocation of Exmo_20 is in conflict with paragraph 170b of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook

currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. Objection 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home. Objection 9. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. Objection 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The

site's and the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. Objection 11. The Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". ---------- LIST OF POLICIES REFERRED TO IN SUGGESTED OBJECTIONS (FOR YOUR REFERENCE ONLY) National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities…local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities… relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives…Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 109 states that Significant

development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine need of transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 170b states that development should not increase flood risk elsewhere Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is likely to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional. 2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be

permitted unless mitigation measures are established that can be shown to be effective with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. Policy TR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon

has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats.

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.: Remove Exmo_20 from the Local Plan,

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Objection 1. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments

outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural

boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential

population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph

206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" Objection 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate t consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 7. Allocation of Exmo_20 is in conflict with paragraph 170b of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook

currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. Objection 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home. Objection 9. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. Objection 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The

site's and the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. Objection 11. The Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". ---------- LIST OF POLICIES REFERRED TO IN SUGGESTED OBJECTIONS (FOR YOUR REFERENCE ONLY) National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities…local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities… relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives…Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 109 states that Significant

development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine need of transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 170b states that development should not increase flood risk elsewhere Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is likely to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional. 2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be

permitted unless mitigation measures are established that can be shown to be effective with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. Policy TR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon

has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats.

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.: Remove Exmo_20 from the Local Plan,

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Taking away areas of natural beauty from wildlife that live there. Causing significant negative impact on the environment. Exmouth does not have the infrastructure to support more houses. Our water system, simply cannot handle what we have. Our doctors surgery's are at capacity. We do not have enough supermarkets it is difficult enough to get food when it's the summer season. Our roads out in bad condition, let alone with more cars. This will have a significant negative impact on the town and the people who live in it.

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.: Remove EXMO_20 from local plans

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannotsupport the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by

multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts withparagraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable &less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land

to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: There is insufficient local infrastructure to support this number of dwellings, people, vehicles. The proximity of this development to Pebblebed Heaths, with it's conservation efforts is counterproductive.

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.: Reduce the size of Exmo_20 and move the settlement boundary away from Pebblebed Heaths

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that “just one event leading to predation is enough to end that nesting attempt” [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that “In the RSPB’s view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John’s (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development”. “The RSPB is very concerned that the St John’s allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated

heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Reduce the size of Exmo_20

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by

multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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

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.: to give our opinions

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land

to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the local plan

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

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.: To give our opinions

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that “just one event leading to predation is enough to end that nesting attempt” [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that “In the RSPB’s view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John’s (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development”. “The RSPB is very concerned that the St John’s allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated

heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: The Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals".

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps.

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.: Remove Exmo_20 from the Local Plan

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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

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2.

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.: Remove Exmo_20 from the Local Plan

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without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that “just one event leading to predation is enough to end that nesting attempt” [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that “In the RSPB’s view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John’s (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development”. “The RSPB is very concerned that the St John’s allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated

heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: . Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with policies TR01, OL09 and PB04 and Paragraphs 3.6 and 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)”, due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states “Mitigation cannot be assumed without evidence (People over wind; Sweetman)”. The Exmo_20 site’s inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads,cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by

multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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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.: Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home.

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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.: Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps.

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.: Remove Exmo_20 from the Local Plan

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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.: Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals".

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.: Remove Exmo_20 from the Local Plan

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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.: Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2.

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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.: Allocation of Exmo_20 is in conflict with paragraph 170b of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook currently has significant flood risk areaswithout yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannotsupport the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by

multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that “just one event leading to predation is enough to end that nesting attempt” [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that “In the RSPB’s view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John’s (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development”. “The RSPB is very concerned that the St John’s allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated

heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph 206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts withparagraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable &less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) .... are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed

development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. Objection 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: REMovE EXMO 20

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly

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.: Reduce the size of Exmo_20,considerably -Do not access the site via B3179,

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: The added traffic on these already busy road with cause polution and traffic jams and increased noise for local residents. The parking near Southern Wood now is really bad and occasioanlly blocking the road making it near impossible to get through without added traffic. How ill our serivcxes cope with all the extra poeople? Our dentists and GP's are full and I know that some children living in Exmouth are having to go out of town for school. Which is ridiculous and costly.

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.: Abandon the plan or drastically reduce the size.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180c, 181, 185a, 186b, 188 and 191c of the NPPF December 2023 and is unsound and not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02,PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states "It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA" and the Plan HRA states "there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks". This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU "People over Wind" ruling and the required precautionary approach, particularly relevant considering the CJEU "Dutch N ruling. Furthermore selecting site with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable and less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that "The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated

site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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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?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Reduce the size of Exmo-20

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Move the settlement boundary away from the Pebblebed Heaths

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process, not the December 2024 amended version, presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected.

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.: Remove Exmo_20 from the Local Plan, -Reduce the size of Exmo_20, -Do not access the site via B3179, -Do not access the site via Southern Wood. -Move the settlement boundary away from the Pebblebed Heaths -Revert to 20b as previously proposed

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

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Proposal:

5. Development in the Towns and Villages

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6, 11.2 & 11.6 of the Local Plan. Exmo_20's limited access would significantly increase the need for car travel from the main access point proposed (B3179) to access facilities and services, being 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road, therefore an unsustainable location for development. This allocation would overwhelm Budleigh and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. Policy TR01 now states that walking/cycling must be the natural first choice for transport, which cannot be achieved for Exmo_20. The site's and local area's topography makes potential cycling and walking options less viable, which is not apparent on the policy maps.

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.: Remove Exmo_20 from the Local Plan, -Reduce the size of Exmo_20, -Do not access the site via B3179, -Do not access the site via Southern Wood. -Move the settlement boundary away from the Pebblebed Heaths -Revert to 20b as previously proposed

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Proposal:

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property.

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.: Remove Exmo_20 from the Local Plan, -Reduce the size of Exmo_20, -Do not access the site via B3179, -Do not access the site via Southern Wood. -Move the settlement boundary away from the Pebblebed Heaths -Revert to 20b as previously proposed

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5. Development in the Towns and Villages

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Proposal:

5. Development in the Towns and Villages

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it.

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.: Remove Exmo_20 from the Local Plan. Do not access the site via B3179. Do not access the site via Southern Wood. Move the settlement boundary away from the Pebblebed Heaths. Revert to 20b as previously proposed.

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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)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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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.: Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings is characterised by dark skies and a sense of remoteness; a ‘wilderness’ setting which would be irreversibly harmed by having a housing development encircling it.

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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)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, PL09 and PB04 and Paragraphs 11.2 of the Local Plan. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality”, due to the primary access to Exmo_20 being onto the B3179, sending traffic along the boundary of the Pebblebed Heath SAC/SPA/SSSI. Allocation of Exmo_20 is contrary to the precautionary approach and goes against the Mitigation Hierarchy of avoidance over mitigation. The Exmo_20 allocation is unlawful due to there being no reasonable scientific certainty presented for mitigation.

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.: Remove Exmo_20 from the Local Plan. Do not access the site via B3179. Do not access the site via Southern Wood. Move the settlement boudnary away from the Pebblebed Heaths. Revert to 20b as previously proposed.

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

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Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March ’26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that “The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area…identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon’s Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate t consider allocation of this land for development….It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development…We do not believe that it is feasible to develop this site

without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove EXMO_20 from the Local Plan.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that “just one event leading to predation is enough to end that nesting attempt” [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that “In the RSPB’s view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John’s (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development”. “The RSPB is very concerned that the St John’s allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated

heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by

multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk, it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that just one event leading to predation is enough to end a nesting attempt. Not only is it functionally linked supporting foraging habitat for the Nightjar but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level.

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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?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

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Proposal:

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boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan. Do not access the site via B2179. Do not access the site via Southern Wood. Move the settlement boundary away from the Pebblebed Heaths Revert to Revert to 20b as previously proposed.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that just one event leading to predation is enough to end a nesting attempt. In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA.

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.: Remove Exmo_20 from the Local Plan, -Reduce the size of Exmo_20, -Do not access the site via B3179, -Do not access the site via Southern Wood. -Move the settlement boundary away from the Pebblebed Heaths -Revert to 20b as previously proposed

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

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Proposal:

5. Development in the Towns and Villages

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boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations.

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.: Remove Exmo_20 from the Local Plan.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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

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.: The main access point of Exmo_20 is significantly closer to Budleigh Salterton than Exmouth, making Budleigh it's most convenient and accessible town. The services and infrastructure of Budleigh (High Street, Doctor's, school, beach etc) would be the preferred choice for residents of Exmo_20 and its infrastructure is not sufficient to cope with this. We already have big problems with regular sewage overspills. Exmo_20 would cause harm to the adjacent Pebblebed Heaths (SSSI/SAC/SPA/NNR) due to Exmo_20 being a supporting foraging habitat. It would have a detrimental effect on the adjacent designated wildlife sites and destroy the "tranquility, wildness and dark skies" of the countryside, which is contrary to POLICY OL01.

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.: Remove Exmo_20 from the local plan.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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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?: Yes

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.: To give my opinion on the local plan

Proposal:

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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?: Yes

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5. Development in the Towns and Villages

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

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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.: To give my opinion on the local plan

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.: SD01

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from local plan

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

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.: To give my opinion on the local plan

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

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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?: Yes

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Proposal:

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Proposal:

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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?: Yes

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.: to give our opinions

Proposal:

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

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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?: Yes

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)

Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, 114b, 114d, 109, 180e, and 181 of the NPPF Dec 2023 and is therefore unsound and not legally compliant. It also conflicts with policies TR01, TR03, OL09 and PB04 and paragraphs 3.6, 11.2, and 11.6 of the local Plan. The current proposal is to have the majority/bulk of the access onto the B3179. To make this viable would require major uncertain, unplanned, and uncosted highway works which have not been confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to run our adverse effects in integrity in relation to…air quality”, due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath SAC/SPA/SSSI. Aloocation of Exmo_20 is contrary to the precautionary approaching goes against the Mitigation Hierarchy of avoidance over mitigation. The Exmo_20 allocation is unlawful due to there being no reasonable scientific certainty presented for mitigation. Exmo_20’s limited access arrangements would significantly increase the need for car travel from the main access point proposed on the B3179 to access facilities and services, being 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road, and is therefore an unsuitable location for development. This site would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when conserving the Exmo_20 allocation. Policy TR01 now states that walking/cycling must be the natural first choice for transport, which cannot be achieved for Exmo_20. The site’s and the local areas’s topography makes the potential cycling and walking options less viable, which is not apparent on the policy

maps. The public transport to / from the proposed access point is extremely limited, meaning that private vehicles will the the dominant mode of transport. EXmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process, not the December 2024 amended version, presented at the first Regulation 19 evidence library falsely claiming to be so. This behaviour is potentially in conflict with the Nolan Principles. The original May 202 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. This decision appears to prioritise meeting government housing numbers over environmental and infrastructure concerns.

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 92, 114b, 114d, 109, 180e, and 181 of the NPPF Dec 2023 and policies TR01 and TR03 and therefore unsound and not legally compliant. It also conflicts with paragraphs 3.6, 11.2, and 11.6 and policies TR01, OL09, and PB04 and paragraphs 11.2 of the local Plan. The current proposal is to have the majority/bulk of the access onto the B3179. To make this viable would require major uncertain, unplanned, and uncosted highway works which have not been confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to run our adverse effects in integrity in relation to…air quality”, due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebbled Heath SAC/SPA/SSSI. Aloocation fo Exmo_20 is contrary to the precautionary approaching goes against the Mitigation Hierarchy of avoidance over mitigation. The Exmo_20 allocation is unlawful due to there being no reasonable scientific certainty presented for mitigation. Exmo_20’s limited access arrangements would significantly increase the need for car travel from the main access point proposed on the B3179 to access facilities and services, being 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth bye road, and is therefore an unsuitable location for development. This site would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when conserving the Exmo_20 allocation. Policy TR01 now states that walking/cycling must be the natural first choice for transport, which cannot be achieved for Exmo_20. The site’s and the local areas’s topography makes the potential cycling and walking options less viable, which is not apparent on

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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.: Remove Exmo_20 from the Local Plan and request that the Monitoring Officer investigates the strategic committee's decision to override officer advice breached the Nolan Principles

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: EXMO_20 proposes 700 new homes + 2 Ha Employment land on an out of centre site (>3km from Town Centre), with a new access road opening away from Exmouth onto the rural B3179, adjacent to the Pebblebed Heaths. EDDC's Local Plan Initial Site Assessments - Transport (TR_023) states that considerations have been made on basis of desktop studies, site visits, and consulting Highway Development Management Teams. In my opinion, this approach is inadequate in assessing road capacity, congestion and safety; or mitigation. NPPF (2023) P117 (or P118 in NPPF 2024) states all developments generating significant amounts of movement should be require to provide a travel plan, and the application should be supported by a transport statement or assessment so that the likely impact of the proposal can be assessed. EDDC's site assessments seem rudimentary: Site assessment for EXMO_20 does not even list size of development. It acknowledges it would generate significant traffic heading towards Exeter via B3179 & B3180. There's no mention of site risk assessment. EDDC don't appear to have carried out any traffic modelling studies of impact on traffic flow, or considered any potential mitigation strategies. cf West Berkshire: https://www.westberks.gov.uk/transport-assessments EDDC haven't apparently considered cumulative adverse impacts of the proposed sites around EXMO_20 (including sites 17, 18, 24, 07, 21), or of the town and village sites on the Exmouth 'peninsula' as a whole. There are only 3 roads in and out of the area: the A376, the B3179/B3180, and the B3178. How much additional traffic can they take? How could the adverse impacts possibly be mitigated? No mention is made of the additional delivery & commercial traffic, or of holiday and coastal day trip traffic. EDDC don't seem to have considered the Highway effects of concentrating development in the West End, and Exmouth Tier 1 on traffic flows. They acknowledge the West End is already the most

congested part of the district; commuters head to Exeter; or that car travel will be the preferred mode of travel in rural areas. What will be the impact on the A3052 of the proposed new town of 8-10,000 houses, the expansion of Cranbrook by 8,000 houses, & the extensive other developments in the West End? Surely there is likely to be a knock-on effect on the B3179/B3180, which will exacerbate the adverse impact of the proposed 700 houses & commercial development of EXMO_20? EDDC state that a Transport Assessment would be required as part of the planning process BUT if a site is included in a Local Plan, there is a presumption of future development. Leaving Assessment until the Planning Process is surely too late? CONCLUSION: EXMO_20 should be prevented or refused on highways grounds on the basis of unacceptable impact on highway safety, and the cumulative, severe impacts on the road network (which have been inadequately assessed) (NPPF 2023 P115/NPPF 2024 P116) In addition, EXMO_20 is likely to have an adverse effect on the air quality of the Pebblebed Heaths, which conflicts with Policy OL09 & Policy PB04. 6 EXMO_20 should be removed from the Local Plan.

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.: Modifications cannot make EXMO_20 sound. Please remove EXMO_20 from the Local Plan.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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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.: Objection 1. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments

outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the local plan

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph 206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified"

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.: Remove Exmo_20 from Local Plan OR move its boundaries South and West to preserve the integrity and aesthetic and natural value of the two neighbouring sites

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)”, due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states “Mitigation cannot be assumed without evidence (People over wind; Sweetman)”. The Exmo_20 site’s inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that “just one event leading to predation is enough to end that nesting attempt” [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that “In the RSPB’s view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John’s (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development”. “The RSPB is very concerned that the St John’s allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated

heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from Local PLan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannotsupport the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads, cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by

multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that “A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths”. The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that “the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA.” I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable &less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove EXMO_20 from the plan. OR , if not, exclude EXM0_20 site access to and from B3179, and move its boundary Westwards, away from the Pebblebed heaths.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 and 7) 180D, 180E, 181. 185a, 186b, 188 and 191c of the NPPF December 2023 and is unsound and not legally compliant. It also conflicts with paragraph 3.6 policies PB01, PB02, PB03, PB04 and OL02 of the local plan. Being adjacent to the pebblebed heath SAC/SPA/SSSI the allocation relies on significant habitats and species migration, which has yet to be shown as achievable and viable. The mitigation strategy states, 'it was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA' and the plan HRA states 'there is inherent conflict in that the growth proposed in the plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks' This site was selected on 03.09.24 (without option to reconsider) with the draft local plan approved on 11.12.24 on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU 'People over Wind' ruling and the required precautionary approach , particularly relevant considering the CJEU 'Dutch N' ruling

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.: remove Exmo_20 from the local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Why should this development (Exmo_20) go ahead? There has been no effort from the developers or local council to enhance the infrastructure. There are no new roads being built, it takes 40 mins (on a good day) now to get into Exeter. Please realise the fact that we don't all work and co-exist in Exmouth, yet through these plans Exmouth is becoming more and more cut off and difficult to reach. Going in and out to Exmouth now is just as bad as Exeter, if not worse. We have already many new houses being built in Exmouth with an average price of £300,000. No one locally can afford them, so they are sitting empty. Only people from outside of the area can buy these houses, so all you are doing is moving the problem to our doorstep. Exmouth also boosts the smallest Tesco and the smallest Lidl, where are all these new people going to buy food from? And what will they do for leisure, join the overcrowded beaches, ruin the heathlands/commonland and contribute to the awful state of our renowned sewage works. So I ask again, why should this development go ahead. Exmouth doesn't require it, it doesn't need it and it certainly doesn't want it.

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.: Remove Exmo_20 from the local plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: I am concerned that this development is too close to the Pebblebed Heaths and the Church of St. John in the Wilderness and its churchyard. Development around Exmouth is gradually getting closer to Budleigh Salterton causing a loss of some of the natural landscape between the 2 towns. The number of proposed homes will put pressure on the roads, schools, medical services and sewage treatment works.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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

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.: The main access point of Exmo_20 is significantly closer to BudleighSalterton than Exmouth, making Budleigh it's most convenient and accessible town. The services and infrastructure of Budleigh (High Street, Doctor's, school, beach etc) would be the preferred choice for residents of Exmo_20. This undermines the settlement hierarchy and would lead to coalescence of Budleigh and Exmouth, contrary to POLICY OL05 of the Local Plan.

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.: Remove Exmo_20 from the Local Plan

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with paragraph 3.6, policies TR01, OL09 and PB04 and Paragraphs 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is “currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)”, due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states “Mitigation cannot be assumed without evidence (People over wind; Sweetman)”. The Exmo_20 site’s inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that “just one event leading to predation is enough to end that nesting attempt” [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that “In the RSPB’s view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John’s (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development”. “The RSPB is very concerned that the St John’s allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated

heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01 explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.:

-Remove Exmo_20 from the Local Plan, -Reduce the size of Exmo_20, -Do not access the site via B3179, -Do not access the site via Southern Wood.

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: The allocation of Exmo_20 conflicts with paragraphs 16c, 32, 73b (specifically footnotes 38 and 7), 180d, 180e, 181, 185a, 186a, 186b, 188, and 191c of the NPPF (December 2023) and is therefore unsound and not legally compliant. It also conflicts with paragraph 3.6 and policies PB01, PB02, PB03, PB04, and OL02 of the Local Plan. A minimum buffer of 400 metres adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. This buffer is proposed as mitigation for potential cat predation and other urban edge effects. However, evidence shows that in rural and semi-rural environments cats may roam over distances exceeding 2km (Hall et al., 2016; Metsers, Seddon & van Heezik, 2010; HRA para 4.10). Given that the ground-nesting European Nightjar is a qualifying feature of the SPA, the risk of predation is both clear and significant. It would therefore be precautionary for this buffer to be substantially greater than the pragmatic 400m currently proposed (Underhill-Day, 2005), particularly as it is recognised that “just one event leading to predation is enough to end that nesting attempt” (Langston et al., 2007). The current inclusion of Exmo_20 is reliant on a mitigation strategy and Habitats Regulations Assessment (HRA) that have yet to materialise. The versions currently available cannot support the Plan. In the absence of a robust and deliverable mitigation strategy, the precautionary principle must be applied. At a minimum, this would require the removal of at least 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. This land is functionally linked supporting foraging habitat for the European Nightjar, a key qualifying species of the SPA and a Section 41 Species of Principal Importance. In addition, a significantly greater buffer will be required to mitigate recreational impacts, including dogs off leads, cycling, and walking. These impacts have not yet been assessed at a site-specific level and therefore must be addressed through a precautionary strategic approach. This

position is supported by multiple ecological professionals and statutory and non-statutory bodies, including Devon Wildlife Trust (DWT) and the RSPB. The East Devon National Landscape Partnership stated in its response to the first Regulation 19 consultation: "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat, making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict with the new targets set by government for East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or, if non-adoption is not possible due to other demands such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement, thus preserving a greater rural boundary between the site and the Pebblebed Heaths." The allocation of Exmo_20 is further difficult to justify given that there were multiple alternative sites available that were less reliant on mitigation. In addition, the Plan appears to over-allocate housing due to the failure to use the most up-to-date ONS population data, despite this being mandatory. Natural England, in its response, stated: "The policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road... There may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA." I reserve the right to comment further if and when a supporting HRA and mitigation strategy are provided for the Local Plan, and I request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: The allocation of Exmo_20 conflicts with several key paragraphs of the NPPF (December 2023), including paragraphs 16c, 32, 73b (specifically footnotes 38 & 7), 180d, 180e, 181, 185a, 186b, 188, and 191c, and is therefore unsound and not legally compliant. Additionally, it contradicts paragraph 3.6, and policies PB01, PB02, PB03, PB04, and OL02 of the Local Plan. This site is adjacent to the Pebblebed Heaths SAC/SPA/SSSI, and its allocation is heavily reliant on mitigation for habitats and species, which has not yet been demonstrated as achievable or viable. The mitigation strategy acknowledges that “it was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA,” and the Plan HRA states that “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels, and there is, as yet, no means to mitigate or address the risks.” The site was selected on 03.09.24 (with no option for reconsideration), and the draft Local Plan was approved on 11.12.24, assuming a mitigation strategy would materialize. This is contrary to the CJEU’s "People over Wind" ruling, which mandates a precautionary approach, especially given the CJEU’s "Dutch N" ruling. Furthermore, selecting sites with known mitigation requirements demands clear justification when assessing allocations against the Mitigation Hierarchy set out in NPPF paragraph 32. The Local Planning Authority (LPA) has failed to undertake this necessary stage, and the allocation of Exmo_20 would be difficult to justify, particularly when there are multiple other viable sites that are less reliant on mitigation. Additionally, the Plan appears to have an over-supply of housing allocations due to not using the most recent ONS data, as required. The Devon Wildlife Trust, in their first Regulation 19 response, stated: “The allocation site currently serves an important function as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result

in the degradation and loss of ecologically supportive environments outside the designated site boundaries." The LPA's approach reflects a cavalier attitude and serious failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if and when a supporting HRA and mitigation strategy are provided for the Local Plan and request to be notified accordingly.

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.: Given the points raised above Site Exmo_20 should be unilaterally removed from the plan. Failing that: -Reduce the size of Exmo_20, -Do not access the site via B3179, -Do not access the site via Southern Wood. -Move the settlement boundary away from the Pebblebed Heaths

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

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)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states "It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA" and the Plan HRA states "there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks." This site was selected on 03.09.24 (without option to reconsider), with the Regulation 19 draft Local Plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU "People over Wind" ruling and the required precautionary approach, particularly relevant considering the CJEU "Dutch N" ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that "The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and

supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exmo_20 from the Local Plan.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Objection to Allocation EXMO_20 – East Devon Local Plan I object to the proposed allocation of site EXMO_20 for approximately 700 dwellings in the emerging East Devon Local Plan. While I recognise the need to address housing requirements across the district, I consider this allocation to be unsound, unjustified, and inconsistent with national and local planning policy for the reasons set out below. 1. Disproportionate scale and settlement character The proposed scale of development at EXMO_20 is wholly disproportionate to its surroundings. A development of approximately 700 dwellings would represent growth on a scale comparable to a new settlement or suburb, rather than appropriate organic expansion. This risks fundamentally altering the character and setting of nearby communities, including Budleigh Salterton and East Budleigh, and eroding their distinct identities. The Local Plan does not provide sufficient justification for concentrating such a large quantum of housing in this location. 2. Unsustainable location and car dependency EXMO_20 is not located in a position that meets the National Planning Policy Framework's definition of sustainable development. The site is remote from key services such as employment, secondary healthcare, and a full range of retail and community facilities. As a result, future residents would be heavily reliant on private car use for day-to-day needs. This conflicts with national policy objectives to reduce car dependency, minimise carbon emissions, and promote genuinely sustainable patterns of growth. 3. Inadequate transport and wider infrastructure The Local Plan does not demonstrate that the existing road network, particularly the B3179 and surrounding rural lanes, can safely accommodate the traffic generated by a development of this scale. There is insufficient evidence that public transport improvements would be deliverable, attractive, or viable. Furthermore, there is a lack of clarity regarding capacity in local schools, healthcare

services (including GP and dental provision), drainage, and wastewater infrastructure. Reliance on future or aspirational infrastructure provision, without firm funding or delivery mechanisms, renders the site undeliverable and therefore unsound. 4. Landscape, environmental, and cumulative impacts The development of EXMO_20 would result in the loss of open countryside and cause harm to the rural landscape setting of the area. The cumulative impact of increased population pressure on nearby sensitive environments, including the Pebblebed Heaths and the Exe Estuary, has not been adequately assessed. Claims of biodiversity net gain remain largely theoretical and do not address the irreversible loss of undeveloped land. 5. Lack of robust justification The Local Plan does not convincingly demonstrate why EXMO_20 is preferable to alternative options, such as smaller, less intrusive sites, brownfield land, or a more dispersed approach to housing growth. Housing need alone does not justify development in an inappropriate or unsustainable location. Conclusion For the reasons outlined above, the allocation of EXMO_20 is unjustified, unsustainable, and contrary to both the National Planning Policy Framework and the stated objectives of the East Devon Local Plan. I respectfully request that this allocation be removed from the Plan or substantially reduced in scale.

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 Development in the Towns and Villages 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.: I would suggest development focus should be walking distance from other town amenities or clearly connected (via public transport). Not in the middle of nowhere by Woodbury common. I would also suggest that any developer should build or support the development of local key infrastructure like local libraries, paths, health services, roads,

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

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Over development putting pressure on local services e.g school, Roads, public transport and health services. Environmental impact is huge. This is rural countryside, risk of pollution and harm to wildlife and fauna. Traffic chaos likely. How can this be done when this is an area of outstanding natural beauty. It will be ruined. Water services and sewage already under pressure. It is not a sustainable development. I am extremely concerned.

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.: Remove Exmo-20 from the local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Move the settlement boundary away from the Pebblebed Heaths. This area is a beautiful and tranquil place and has given great pleasure to many people for many years.

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.: Reduce the size of EXMO-20

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: We do need more affordable housing in the area but I continue to feel that this is not the right place to have such a large development in terms of protecting the environment, infrastructure and the long term good, beauty and maintenace of the surrounding area. To ignore inproving infrastructure needs eg sewage provision which is disgraceful in our beautiful area.

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.: Please look into finding an alternative site for this housing development. The infrastructure needs to be imporved before any more housing can be acceptable in our area. Despite govenment pressure and the immense local housing need.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: As a resident of Budleigh Salterton, I am concerned about what the effect of such a large housing development will have on our small town . It will increase the number of cars in the area. Has any of this been taken into account?

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.: Please consider in more detail and realistically the effect this development will have on the people, shops and roads in Budleigh Salterton

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

5. Development in the Towns and Villages

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Exmouth is at risk of flooding at times. I have driven across Woodbury Common when roads are flooded and when flood water streams off fields Exmo-20 lies above Exmou8th townwith tributaries and runoff directly flowing into Withycombe brook. It would be disastrous should the new housing contribute to furhter flooding into the most populous parts of Exmouth.

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.: The issue of flooding as a result of the development Exmo_20 needs to be researched more thoroughly

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: This area is an imprtant part of a buffer zone between Exmouth and the Pebblebed heaths. We have been out to watch the nightjars in that area. Building so many houses here would undermine the Nature Recovery strategy (to be published March 2026). Building here on this site feels like ignoring the importance of the trees, ancient woodlands and hedgerows contained within and surrounding this 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.: Move the settledement away from the Pebblebed boundary

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

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allowing such a large housing development in this area will change the area irrevocably. The town is encroaching on what is left of our beautiful Woodbury Common.

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.: Please find another , more suitable site for housing. Many houses have gone up in many parts of Exmouth. Infrastructure need s to be taken into account urgently. Without adequate infrastructure the while scheme will just fail.

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: If the development went ahead the quantityof traffic along the B3179 would be greatly increased. The air pollution from the extra traffic would be detremental to our very precious pebblebed heaths.

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

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: With so many extra cars and people it will increase the footfall and maybe irrevocable damage to the fragile ecosystems of the pebblebed heaths eg more dogs more walkers, more cyclists

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.: Please find another site for housing that is more suitable

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

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: There is a lot of wildlife on the pebblebed heath. all the extra consturction vehicles and then extra transport will be a definate threat to these species.

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.: Please consider another site for these houses

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

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.:

1. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments

outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads,cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed

Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01

explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with policies TR01, OL09 and PB04 and Paragraphs 3.6 and 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph

206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate to consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 7. Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook

currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home. 9.. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and

the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. 11. Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". POLICIES REFERRED TO IN SUGGESTED OBJECTIONS National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan- makers and communities...local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities... relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives...Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 109 states that Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and

offering a genuine need of transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is like;y to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional.2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be permitted unless mitigation measures are established that can be shown to be effective with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is

no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. PolicyTR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.:

1. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments

outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads,cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed

Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01

explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with policies TR01, OL09 and PB04 and Paragraphs 3.6 and 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph

206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate to consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 7. Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook

currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home. 9.. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and

the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. 11. Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". POLICIES REFERRED TO IN SUGGESTED OBJECTIONS National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan- makers and communities...local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities... relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives...Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 109 states that Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and

offering a genuine need of transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is like;y to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional.2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be permitted unless mitigation measures are established that can be shown to be effective with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is

no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. PolicyTR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.:

1. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments

outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads,cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed

Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01

explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with policies TR01, OL09 and PB04 and Paragraphs 3.6 and 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph

206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate to consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 7. Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook

currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home. 9.. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and

the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. 11. Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". POLICIES REFERRED TO IN SUGGESTED OBJECTIONS National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan- makers and communities...local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities... relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives...Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 109 states that Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and

offering a genuine need of transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is like;y to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional.2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be permitted unless mitigation measures are established that can be shown to be effective with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is

no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. PolicyTR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: The huge increase of people and traffic that would occur on this site when there is SO obviously no adequate imperative infrastructure for either invasion, is impossible to contemplate. The impact on local villages and Budleigh Salterton would be catastrophic.

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.: Remove EXMO_20 from the Local Plan.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Poor access , insufficient roads to exeter will cause massive jams ,poor water and sewerage infrastructure, won't be anybor enough affordable housing for local young adults

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.: Remove exmou 20 from the plan

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

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Too near the Common Flood risk

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.: Scrap it

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: ** Our local wildlife will suffer because this is too close to Woodbury Common. Disturbance by dogs, predation by cats of sensitive species like nightjars (which nest on the ground), Dartford warblers etc. ** Access by the archery club is DANGEROUS as the B road is narrow and busy. ** Hundreds of extra roofs, driveways and streets will channel water westwards, flooding Exmouth. Remember 1960 flood? Withycombe Brook, even the widened version, won't cope with this deluge. ** The sewerage is already poor in Exmouth. That needs sorting before you have the cheek to totally overload it with vastly more users. The water board are not upgrading sufficiently. Do you honestly think they will be willing or able to rise to this occasion.

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.: Scrap it.

Proposal:

5. Development in the Towns and Villages

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1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: ... I don't believe SW Water will be able to cope with sewerage upgrades. They can't cope now - look at sewage discharges in sea 2024! ... danger added to the busy B3179 from new junction. Loads of extra traffic, noise and fumes too. ... Younger planners won't know about 1960 floods. Upgrades to Withycombe Brook would not have taken account of OVERSIZED developments such as this. Poorly draining clay hereabouts adding to run-off.

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.: Downsize it

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of EXMO_20 is in conflict with paragraphs 92 and 109 of the NPPF December 2023. It also conflicts with paragraphs 3. 6. 11.2 and 11.6 of the Local Plan. The B3179 is already a busy and potentially dangerous road. It is the key access road to Budleigh Salterton and homes in the eastern parts of Exmouth. B.S will be greatly affected by this proposed development yet this has not been taken into account by the LPA. Being significantly closer to B.S than the centre of Exmouth, residents will look toward B.S for their amenities and services. The infrastructure of B.S town will not be able to cope with a new influx of this magnitude. School, doctor, dentist, all will be oversubscribed and will not be able to cope. Air pollution will also result from this massive influx of people travelling the convenient but short distance into this small coastal town which is an integral part of the East Devon National Landscape. Cycling and walking on or alongside this road is not viable and will be highly dangerous for all concerned.

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.: Do not access the site via B3179. Reduce significantly the size of EXMO_20 Revert to 20b as previously proposed.

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

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: ...The B3179 is very busy and it would be foolish to add an extra road junction here on SAFETY grounds. ...This is uphill from Exmouth. It's clay ground which discourages water to soak-in. Hundreds of roofs, driveways and roads are ALSO impervious. Taken together, this will cause catastrophic flood risk for Exmouth. You younger planners will be ignorant of the 1960 deluge. The Withycombe Brook improvement scheme, when it was planned, would not have considered such future OVERSIZED developments to the east. ...This is far too close to our Pebblebed Heaths. It needs to be much further away than 400m. That's because cats (whose population would increase) roam a lot further than this and they will predate nightjars, Dartford warblers, nightjar etc. Nightjar are ground nesting and therefore exquisitely subject to disturbance. ... I don't trust SW Water to make the sewers adequate. They can't even cope with Exmouth's PRESENT demand - recall 2024 sea discharge

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.: ... reduce size .... no exit by archery club

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that “just one event leading to predation is enough to end that nesting attempt” [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20’s current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads,cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by

multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road...there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: REMOVE EXMO_20 FROM THE PLAN

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

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.: To make sure polices are implemented and voices heard

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: # traffic danger on joining the busy B3179. Also, more congestion and fumes. # Withycombe and Bapton Brooks funnelled water from this higher easterly ground in 1960 causing severe flooding in Exmouth. Ok, so Withycombe Brook has been widened, but not sufficiently to cope with the run off from 700+ extra houses. # SWWA can't cope with the present sewage - recall all the pollution instances in 2024! Do you really think they can modify their systems to cope with the extra sewage from this huge development? Really? # I am concerned about the adverse effect of extra people, dogs and cats (which hunt birds) on the wildlife on Woodbury Common. This development is far too close to the Pebblebed Heath.

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.: Reduce the size of this site. Don't allow yourselves to be bullied by the Government.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states "It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA" and the Plan HRA states "there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks." This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU "People over Wind" ruling and the required precautionary approach, particularly relevant considering the CJEU "Dutch N" ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that "The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and

supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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.: Remove Exm0-20 from the local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Using green space thus affecting wildlife habitats. Lack of essential facilities eg doctors, dentists, schools, where are the jobs supporting the residents, South West Water cannot cope now so this will get worse, the roads around this area are not suitable.

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.: Remove Exmo_20 from local plan. Reduce the size of Exmo_20. Do not access via B3179 or via Southernwood. Move the boundary away from Pebblebed Heaths. Revert to 20b as previous proposal.

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

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.: To ensure council is prepared to listen to locals and not be lured into incentives offered by house builders. To ensure they consider the AONB areas of East Devon. Exmouth is fast becoming a large housing estate with no regard for the future issues associated with large scale builds. There will be no affordable housing as no housing is affordable to the majority. Councillors should be accountable for local

views. We've had Goodmores, possibly another on Salterton road and enough is enough.

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads,cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed

Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01

explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with policies TR01, OL09 and PB04 and Paragraphs 3.6 and 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/ SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph

206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate to consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 7. Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook

currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/ cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km onsite driving every time residents went anywhere and returned home. 9.. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and

the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. 11. Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". POLICIES REFERRED TO IN SUGGESTED OBJECTIONS National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between planmakers and communities...local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities... relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives...Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 109 states that Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine need of

transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildliferich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is like;y to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional.2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be permitted unless mitigation measures are established that can be shown to be effective with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is

no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. PolicyTR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/ or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats

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.: Remove EXMO_20 from the local plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: detrimental to the environment and no infrastructure to cope with extra traffic and sewerage. Too much pollution and no secondary school to accomodate.

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.: Remove Exmo_20 from Local Plan

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

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 2. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186a, 186b, 188 & 191c of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. A minimum of 400m adjacent to the Pebblebed Heaths SAC/SPA/SSSI must be excluded from the Exmo_20 site. As this is mitigation for potential cat predation (amongst other urban effects) and in more rural areas cats can roam over 2km [Hall et al., 2016; Metsers, Seddon, & van Heezik, 2010] [HRA 4.10], and considering the ground nesting Nightjar is a qualifying feature of the SPA, so a clear and significant predation risk; it would seem precautionary for this distance to be significantly more than the pragmatic 400m [Underhill-Day, 2005] currently proposed as it is recognised that "just one event leading to predation is enough to end that nesting attempt" [Langston, R. H. W., Liley, D., Murison, G., Woodfield, E., Clarke, R. T. "What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus ?" Ibis 149.s1(2007)]. Exmo_20's current inclusion is reliant on a yet to materialise mitigation strategy and HRA, the current versions cannot support the Plan. In the absence of these, it is imperative that a precautionary approach is employed, which would at the very least be to remove a minimum of the 400m of the site adjacent to the Pebblebed Heaths SAC/SPA/SSSI. Not only is it functionally linked supporting foraging habitat for the ground-nesting European Nightjar (a key qualifying species for the SPA designation and a Section 41 Principle Importance species) but a significantly greater buffer will also be required to mitigate for recreational use, with direct impacts noted as dogs off leads,cycling & walking, which is also yet to be assessed at a site level and therefore a precautionary approach must be applied at strategic level. This view is reflected by multiple ecology professionals from various bodies such as DWT and RSPB, with East Devon National Landscape Partnership stating in their response to the 1st Regulation 19 consultation that "A 400m buffer to the protected site does not seem significantly large enough to protect the site from disturbance and damage caused by increased visitor numbers, traffic and other associated access issues. It also further fragments the surrounding habitat making the priority habitats contained within the protected site vulnerable to degradation and erosion, which would be in conflict to the new targets set by government to East Devon National Landscape.... As such, East Devon National Landscape supports the non-adoption of this site as development land. Or if non-adoption is not possible due to other demands, such as housing, we support significant reassessment of the scale and boundary of the development, including a reduced housing number and concentration of development closer to the existing town settlement thus preserving a greater rural boundary between the site and Pebblebed

Heaths". The Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. NATURAL ENGLAND state in their response that "the policy is not yet clear where employment uses would be located and understandably offers developers some latitude. Natural England therefore recommends that the policy should require a natural buffer in the northeast of the site along the B3179 road…there may be opportunity to pull the settlement boundary away from the SAC/SPA and secure a green buffer area via S106 outside of it. This would appear to be clear, sound planning which more effectively communicates the planning restrictions approach around the East Devon Heaths SAC/SPA. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 3. Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 181, 185, 186b, & 188 of the NPPF December 2023 and therefore unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Due to the Exmo_20 site being adjacent Pebblebed Heaths SAC/SPA/SSSI it would be difficult to provide suitable SANGS of adequate characteristics and geographic convenience to dissuade residents from substantial recreational activities on the Pebblebed Heaths SAC/SPA/SSSI such as dog walking, cycling & walking, thereby causing harm to the highly designated protected habitats and species. It should be noted that "just one event leading to predation is enough to end that nesting attempt" [Langston, R.H.W., Liley, D., Murison, G., Woodfield, E. & Clarke, R.T. (2007) What effects do walkers and dogs have on the distribution and productivity of breeding European Nightjar Caprimulgus europaeus? Ibis, 149, 27–36.] In the absence of information relating to this, a precautionary approach should be applied by the Competent Authority, the LPA. The RSPB state in their response to the 1st Reg 19 consultation that "In the RSPB's view, mitigation measures for those allocations closest to the designated heathlands (particularly Land at St John's (Exmo_20) …. are less likely to be effective to avoid damaging impacts on the SPA/SAC heathland habitats and species, and additional nitrogen deposition from the increase in traffic emissions arising from new development". "The RSPB is very concerned that the St John's allocation in particular will have damaging impacts on the designated heathland SAC/SPA (direct and indirect loss of potential foraging habitat to development or change of use of existing farmland to green infrastructure/public open space for the proposed development, increase in cat predation on ground nesting birds that are a designated feature of the heathland SPA, increase in damaging recreational use of the designated heathland, including dogs off leads, if residents of the proposed new housing choose to use the designated heathland for daily recreational purposes. In the RSPB view, there is a significant risk that SANG provision and public open space for the proposed development will not be sufficient to prevent damaging increase of recreational usage of the designated heathlands arising from the new residential population. Whilst SD01

explicitly states (in reference to St John's (Exmo_20)) that "new homes and other development that would result in unacceptable impacts will not be permitted within 400 metres of the Pebblebed Heaths" there is no means of preventing people or domestic cats from accessing the heathland and the risk of that happening is increased the closer new dwellings (which increase the local resident cat population as well as new residents in need of land for daily recreational needs, including dog walking) are built to heathlands." I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 4. Allocation of Exmo_20 is in conflict with paragraphs 16c, 92, and 114b, 114d, 180e & 181 of the NPPF Dec 2023 and therefore unsound and not legally compliant. It also conflicts with policies TR01, OL09 and PB04 and Paragraphs 3.6 and 11.2 of the Local Plan. There is no viable access to the site. The current proposal is to have the majority/bulk of the access onto the B3179, but to make this viable would require major, uncertain and uncosted highway works, not confirmed by Devon County Council. Cumulative and in-combination effects on B3179 must be considered, both in terms of traffic congestion and air pollution affecting the Pebblebed Heaths. The Habitats Regulations Assessment (18.11.25) confirms there is "currently not sufficient certainty to rule out adverse effects in integrity in relation to…air quality (EAST DEVON PEBBLEBED HEATHS SAC/SPA)", due to the primary access to Exmo_20 being onto the B3179 which would send traffic along the boundary of the Pebblebed Heath. Allocation of Exmo_20 is contradictory to the precautionary approach which must be demonstrated and goes against the Mitigation Hierarchy of avoidance over mitigation (made mandatory by the Environment Act 2021). The Mitigation Strategy states "Mitigation cannot be assumed without evidence (People over wind; Sweetman)". The Exmo_20 site's inclusion in the plan is unlawful due to there being no reasonable scientific certainty presented for mitigation. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 5. Allocation of Exmo_20 is in conflict with paragraph 206 of the NPPF December 2023 and therefore unsound. It is also in conflict with Policies HE02 and OL01(D.) of the Local Plan. A development the size of Exmo_20 surrounding St John in the Wilderness Church (grade II* listed) will have significant adverse effects on the remote, tranquil surroundings of the church and churchyard. The area around the church and surrounding buildings, a Medieval Saxon settlement site, is characterised by dark skies and a sense of remoteness; a 'wilderness' setting which would be irreversibly harmed by having a housing development encircling it, regardless of a buffer zone being left around it. HISTORIC ENGLAND state in their response to the regulation 19 consultation that "Exmo_20 currently covers a very large area to the east and northeast of Exmouth. Much of this falls within the setting of the grade II* listed Church of St John in the Wilderness and its churchyard. Development could result in considerable harm to the setting of this building, which the NPPF identifies as an asset of the highest significance (Paragraph

206b) .... we are concerned by the proposal to bring a long access road from the B3179 to the north. This could itself result in significant harm to the setting, while opening up the area to future pressure for development and associated harm. Alternative access to the south of the site should be explored...Should this evidence demonstrate that the proposed development can be accommodated in less sensitive areas to the south, then the site boundary should be amended accordingly. If this is not possible then the range and quantum of proposed uses should be restricted to those which can be justified" 6. Allocation of Exmo_20 is in conflict with paragraphs 16c, 25, 180d, 181, 185a, 186a, 186c, 188 & 191 of the NPPF December 2023 and is unsound. It also conflicts with Policies PB01, PB02, PB03, PB04 and paragraphs 3.6, 13.10, 13.11 & 13.24 of the Local Plan. The Exmo_20 site is part of the Strategic Nature Area 368, identified as an important buffer between Exmouth and the Internationally and Nationally designated Pebblebed Heaths SPA/SAC/SSSI, supporting habitat for Nightjar foraging (a key qualifying species for the SPA designation and a Section 41 Principle Importance species), and a wildlife corridor between the Pebblebed Heaths and the Coast. Development of Exmo_20 would undermine the conservation objectives of the internationally designated SPA. Devon County Council are in the final stages of designating this site as a Local Nature Recovery Area as part of their Local Nature Recovery Strategy (to be published in March '26) aimed at combining existing wildlife sites and extending habitats, in accordance with the Environment Act 2021. The site contains many veteran trees, ancient woodlands, and hedgerows which are at risk of becoming fragmented habitats. Devon Wildlife Trust states in their response to Regulation 19 that "The entirety of the proposed Exmo_20 allocation lies within a Strategic Nature Area...identified for its nationally important habitats and woodlands and diversity of species including birds, insects, mammals and amphibians. SNAs are a key part of Devon's Nature Recovery Strategy; these areas should be targeted for enhancement and it is not appropriate to consider allocation of this land for development....It is beyond the scope (of this letter) to detail the range and diversity of sensitive habitats and species which are supported by NNRS/SAC/SPA/SSSI designations, which would be exposed to significant detrimental effects were the site to be subject to development...We do not believe that it is feasible to develop this site without causing significant adverse effects on the integrity of the SAC. We strongly urge East Devon District Council not to include this proposed allocation within its Local Plan". I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly. 7. Allocation of Exmo_20 is in conflict with paragraph 165 of the NPPF December 2023. It also conflicts with paragraph 3.6, policy AR01(b)of the Local Plan and therefore unsound. In the Strategic Flood Risk Assessment Level 1 Withycombe Brook appears is only mentioned as a footnote in Table 5-3: Watercourses in East Devon District. Exmouth is noted as having numerous and significant flood risk pathways, with fluvial flooding in 1960, 1983 & 2012 recorded. Withycombe Brook

currently has significant flood risk areas without yet considering current and future impacts from climate change. The greenfield Exmo_20 site sits above the town, having tributaries and runoff directly flowing into Withycombe Brook which flows through the most populous wards in East Devon. The LPA have not employed the required sequential, risk-based approach to site selection so as to avoid flood risk to people and property. 8. Allocation of Exmo_20 is in conflict with paragraphs 92 & 109 of the NPPF December 2023 and policies TR01 and TR03, and therefore unsound. It also conflicts with paragraph 3.6 & 11.2 of the Local Plan. Exmo_20 would significantly increase the need for car travel, resulting in more car journeys via a convoluted route from the main access point proposed on the B3179 to access facilities and services. It has not been demonstrated that sufficient regularly needed local services can be accessed by cycling/walking and changes to Policy TR01 increase the conflict between the Local Plan policies and the Exmo_20 allocation as walking/cycling being a likely first choice for transport is now considered mandatory rather than desirable. The isolated location and Exmo_20's B3179 access arrangements would provide unsustainable development, generating significant amounts of vehicle movements for residents to access services within Budleigh Salterton & Exmouth. With housing proposed at the southern part of the site, using the B3179 as the access point would require a minimum of 1km on-site driving every time residents went anywhere and returned home. 9.. Exmo_20's allocation is in conflict with paragraph 32 of the NPPF Dec 2023 and therefore unsound. The LPA has tried to retrospectively change the Site Selection Methodology (SSM) to justify Exmo_20. The SSM dated May 2022 is the one used for the Regulation 18 process. After 11th December 2024 (the date the draft local plan was approved to proceed to Regulation 19 publication) it was altered and a December 2024 amended version, not in fact used for site selection, but presented in the 1st Regulation 19 evidence library falsely claiming to be. This behaviour is potentially in conflict with the Nolan Principles. The original May 2022 version, used for the Regulation 18 stage, has wording that does not allow Exmo_20 to be selected. Extracts below: Stage 2: Site Sifting 1.8 Following the 'long list' of sites identified in Stage 1, a 'sifting' process will be carried out to ensure that only 'reasonable alternatives' are considered further. Only sites which meet criteria a), b) and c) are carried forward to Stage 3. These criteria are shown in figure 2 below. criteria a) Site is assessed as 'suitable, available and achievable' in the HELAA6 Subtext point 6 states: It is assumed that sites within 400m of the Pebblebed Heaths SAC will be ruled out as being unsuitable in the HELAA but, if not, such sites should be sifted out at Stage 2. 10. Exmo_20's allocation is in conflict with Paragraph 109 of the NPPF December 2023 and therefore unsound. It also conflicts with Policy TR01 and Paragraph 11.6 of the Local Plan. The main vehicular access point for Exmo_20 is 2.3 miles from the centre of Budleigh Salterton by road and 4.0 miles from the centre of Exmouth by road. This site allocation would overwhelm Budleigh Salterton and conflict with the settlement hierarchy. Budleigh Salterton has not been taken into account by the LPA when considering the Exmo_20 allocation. The site's and

the local area's topography makes the potential cycling and walking options less viable, which is not apparent on the policy maps. 11. Exmo_20 allocation is in conflict with paragraph 16(d) of NPPF December 2023 and is unsound and not legally compliant. The Plan has an over-supply of housing allocations, due to not using the "most recent data published at the time" ONS data, as is mandatory (MHCLG Housing and economic needs assessment). The 1,188 figure quoted in 3.11 was calculated in February 2025 prior to the 2024 ONS data being published and is therefore invalid. This figure should be reduced to 1,156 with 80% being 925 and with a 22-year plan requirement of 20,342 (not incurring rounding errors). This is a reduction of 567. Many policies within the plan rely on an overriding need to justify impact or harm and since the Plan figures are incorrect, there is no justification, not least in the Mitigation Hierarchy assessment. Exmo_20 must be removed from the plan due to the multiple mitigation strategies required with regarding its impact on the Internationally and Nationally designated Pebblebed Heath SPA/SAC/SSSI. Further numerical and mathematical errors are found in evidence documents HOU-002 October 2025 and HOU-001 November 2025. These need to be corrected and reconsulted upon as these figures are the foundation of the Local Plan's housing policies. Furthermore Paragraph 16(d) of NPPF December 2023 states "Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". POLICIES REFERRED TO IN SUGGESTED OBJECTIONS National Planning Policy Framework (NPPF) December 2023 Paragraph 16c states that plans should be shaped by early, proportionate and effective engagement between plan- makers and communities...local organisations and statutory consultees. Paragraph 16d states that Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. Paragraph 25 states that Strategic policy-making authorities should engage with their local communities... relevant bodies including Local Nature Partnerships. Paragraph 32 states that Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives...Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered). Paragraph 73b states that sites should be on land which is adjacent to existing settlements, proportionate in size to them and not compromise the protection given to areas or assets of particular importance. Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 109 states that Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and

offering a genuine need of transport modes. Paragraph 114 states that In assessing sites that may be allocated for development in plans…it should be ensured that; b) safe and suitable access to the site can be achieved for all users, and d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 180 states that Planning decisions should contribute to and enhance the natural and local environment by d) minimising impacts on and providing net gains for biodiversity. e) preventing new and existing development from contributing to…. unacceptable levels of soil, air, water or noise pollution. Paragraph 181 states that Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. Paragraph 185a states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. Paragraph 186a states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. Paragraph 186b states that development within or outside a site of special scientific interest, and which is like;y to have an adverse effect on it should not normally be permitted. Paragraph 186c states that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons. Paragraph 188 states that the presumption in favour of sustainable development does not apply where the plan is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. Paragraph 191 states that Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the …natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should c) limit the impact of light pollution from artificial light on…intrinsically dark landscapes and nature conservation. Paragraph 206 states that any harm to the significance of a designated heritage asset from development within its setting should require clear justification. Assets of the highest significance, notably….grade I and II * listed buildings should be wholly exceptional.2nd Regulation 19 Local Plan Policy PB01 states that international followed by nationally designated sites must be given uppermost protection. Where assessment fails to rule out effects on integrity development proposals will not be permitted unless mitigation measures are established that can be shown to be effective with clarity provided in respect of means and assurance of implementation. Where avoidance of adverse impacts cannot be achieved proposals will only proceed if there is

no alternative and there are imperative reasons of overriding public interest. Policy PB02 states that development proposals that would cause an adverse effect upon Regionally and Locally important wildlife sites will not be permitted unless they cannot be located on alternative sites that would cause less or no harm, and the public benefits of the proposal clearly outweigh the impacts. Policy PB03 states that development proposals which would result in the degradation or degradation of irreplaceable habitats will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists: this includes impacts through direct, adjacent, or indirect pathways, including lighting and pollution. Policy PB04 states that proposed plans must not adversely affect the integrity of sites protected under the Conservation of Habitats and Species Regulations 2017 Policy OL01d states that development will only be permitted where it will not harm the aesthetic and perceptual factors such as “tranquillity, wildness and dark skies”. Policy OL02 states that development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities. Policy OL09 states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated. PolicyTR01 proposes that walking, wheeling, cycling and public transport are the first natural choice for short local journeys, or as part of a longer journey. Policy TR03 states that where development is likely to generate significant amounts of people and/or vehicle movements, planning permission will not be granted unless they can identify measures to secure new sustainable travel arrangements, taking into account…the scale of the development and the availability of public transport, and walking and cycling opportunities. Where there are severe cumulative adverse impacts associated with additional traffic demand and it is not possible to address such impacts planning permission should be refused. Policy HE02 states that proposals for development will be expected to be sympathetic to listed buildings and their settings. Policy AR01b states that development should be safe for its lifetime without increasing or exacerbating flood risk elsewhere. Paragraph 3.6 promotes a sustainable pattern of development that balances development needs with environmental constraints. It prioritises development in sustainable locations while protecting the district’s outstanding open countryside. Paragraph 11.2 promotes focussing significant development at locations which are, or can be Made sustainable through offering a genuine choice of transport modes. Paragraph 11.6 states that most people prefer to walk if their destination is within 1.6km (1 mile), typically 800m (0.5 miles). Factors such as topography also influence walking choices. Paragraph 13.10 aims to protect irreplaceable habitats and important features. Paragraph 13.11 states that some habitats, including ancient woodlands and veteran trees are irreplaceable due to their age, uniqueness and biodiversity. Paragraph 13.24 states that East Devon has diverse but fragmented habitats and aims to enhance biodiversity by increasing habitat areas and connecting isolated habitats

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.: Remove Exmo_20 from the Local Plan

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: Local traffic and dangerous road layout. Damage to the heath and wildlife, light and sound pollution. Poor services , sewage, risk of 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.: Remove this plan EXMOU 20

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

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.: Allocation of Exmo_20 is in conflict with paragraphs 16c, 32, 73b (specifically footnote 38 & 7) 180d, 180e, 181, 185a, 186b, 188 & 191c, of the NPPF December 2023 and is unsound & not legally compliant. It also conflicts with paragraph 3.6, policies PB01, PB02, PB03, PB04 and OL02 of the Local Plan. Being adjacent to the Pebblebed Heaths SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which has yet to be shown as achievable and viable; the mitigation strategy states “It was not possible to screen out a Likely Significant Effect for other units within the EDPH SAC and SPA” and the Plan HRA states “there is inherent conflict in that the growth proposed in the Plan would exceed threshold levels and there is, as yet, no means to mitigate or address the risks.” This site was selected on 03.09.24 (without option to reconsider), with the draft local plan approved on 11.12.24, on the assumption that a mitigation strategy would be forthcoming, prior to undertaking an appropriate assessment in the 30.01.25 HRA, contrary to CJEU “People over Wind” ruling and the required precautionary approach, particularly relevant considering the CJEU “Dutch N” ruling. Furthermore selecting sites with known mitigation requirements requires clear justification when assessing allocations against the Mitigation Hierarchy as set out in NPPF paragraph 32, the LPA has not undertaken this stage and the Exmo_20 allocation would be hard to justify since there were multiple other viable & less mitigation-reliant sites to select and that the Plan has an over-supply of housing allocations, due to not using the latest ONS data, as is mandatory. DEVON WILDLIFE TRUST stated in their 1st Regulation 19 response that “The allocation site currently serves an important function of acting as a buffer between the urban area of Exmouth and the highly designated land to the north. Development within the proposed allocation would result in degradation and loss of ecologically supportive environments outside the designated site

boundaries". The LPA demonstrates a cavalier attitude and widespread failings in its duties as the Competent Authority under the Conservation of Habitats and Species Regulations. I reserve the right to comment further if, and when, a supporting HRA and supporting mitigation strategy can be provided for the Local Plan and request that I be notified accordingly.

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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.: Allocation of EXMO_20 is in conflict with paragraphs 16 C 32,73b. Specifically footnote 38 and 7 as well as 180d, 180e, 181, 185 a 186B, 188 and 191C, of the NPPF December 2023 and it's unsound and not legally compliant. It also conflicts with paragraph 3.6 policies PB01, PB02, PB03, PB04 and OL02 of the local plan. Being adjacent to the pebble bed Heath SAC/SPA/SSSI the allocation relies on significant habitats and species mitigation, which is not yet been shown as achievable and viable; the mitigation strategy states it was not possible to screen out a likely significant effect for other units within the EDPH,SAC,and SPA and the Plan HRA state series inherent conflict in that the growth proposed in the plan would exceed threshold levels and there is as yet no means to mitigate or adjust the risk risks. We live in an area of outstanding beauty which is being steadily eroded by irresponsible planning decisions. Why even consider this when goodmoores is not even finished. Wha legacy are we leaving our children by removing green spaces. This proposal should never have even been considered in the first place.

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.: Remove EXMO_20 from the local plan.

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1(c). If the comment is related to a site, please state the site reference here:: Exmo_20

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

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.: The proposed allocation of Exmo_20 (Land at St John's) for 700 homes in East Devon is highly contested due to its, immediate proximity to the Pebblebed Heaths SAC/SPA/SSSI. Critics argue it violates multiple NPPF (2023) and local plan policies regarding environmental protection, as it requires unproven mitigation for significant ecological impacts, including increased recreational pressure and cat predation on protected species like the Nightjar. Concerns exist that the 400m buffer is insufficient and that the site was selected without a confirmed mitigation strategy, contrary to the precautionary principle and CJEU rulings. Key Concerns Regarding Exmo_20 Allocation • Ecological Impact and Mitigation: The site is adjacent to protected Pebblebed Heaths. The Devon Wildlife Trust and RSPB indicate high risk to habitats. Natural England suggests a larger buffer zone. • Procedural Failures: The site was selected in late 2024 without a fully validated mitigation strategy, note 30.01.25 HRA. The 400m exclusion zone is considered too small for effective mitigation. • Legal Compliance: The allocation is considered in conflict with "People over Wind" and "Dutch N" rulings. • Planning Policy Conflicts: Violates NPPF paragraphs 16c, 32, 180d/e, 181, 185, 186b, 188 & 191c. Conflicts with Local Plan policies PB01-PB04, OL02, and 3.6. • Alternative Options: Critics argue there are more suitable, less sensitive sites. Proposed Mitigation/Alternatives • Increased Buffer: A recommendation is to remove at least the 400m area adjacent to the SSSI/SPA. • Alternative Sites: Reevaluation of other, less mitigation-reliant sites. • Reduced Development: Lower housing numbers and higher concentration near existing town centers. The Local Planning Authority (LPA) has faced criticism for a "cavalier attitude" regarding its duty to protect the SAC/SPA/SSSI. The proposal, often referred to as "700 homes" or "St John's," has drawn widespread objection from environmental groups.

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.: REMOVE Exmo_20 from the Local Plan. Revert to 20b as previously proposed. Build within brown field sites. our countryside needs protecting for future generations . We need agriculture land for growing food. The proposed allocation of Exmo_20 (Land at St John's) for 700 homes in East Devon is highly contested due to its, immediate proximity to the Pebblebed Heaths SAC/SPA/SSSI. Critics argue it violates multiple NPPF (2023) and local plan policies regarding environmental protection, as it requires unproven mitigation for significant ecological impacts, including increased recreational pressure and cat predation on protected species like the Nightjar. Concerns exist that the 400m buffer is insufficient and that the site was selected without a confirmed mitigation strategy, contrary to the precautionary principle and CJEU rulings. Key Concerns Regarding Exmo_20 Allocation • Ecological Impact and Mitigation: The site is adjacent to protected Pebblebed Heaths. The Devon Wildlife Trust and RSPB indicate high risk to habitats. Natural England suggests a larger buffer zone. • Procedural Failures: The site was selected in late 2024 without a fully validated mitigation strategy, note 30.01.25 HRA. The 400m exclusion zone is considered too small for effective mitigation. • Legal Compliance: The allocation is considered in conflict with "People over Wind" and "Dutch N" rulings. • Planning Policy Conflicts: Violates NPPF paragraphs 16c, 32, 180d/e, 181, 185, 186b, 188 & 191c. Conflicts with Local Plan policies PB01-PB04, OL02, and 3.6. • Alternative Options: Critics argue there are more suitable, less sensitive sites. Proposed Mitigation/Alternatives • Increased Buffer: A recommendation is to remove at least the 400m area adjacent to the SSSI/SPA. • Alternative Sites: Reevaluation of other, less mitigation-reliant sites. • Reduced Development: Lower housing numbers and higher concentration near existing town centers. The Local Planning Authority (LPA) has faced criticism for a "cavalier attitude" regarding its duty to protect the SAC/SPA/SSSI. The proposal, often referred to as "700 homes" or "St John's," has drawn widespread objection from environmental groups.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

SD04

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

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Otry_21

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

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.: I am writing to lodge a formal objection to the proposed allocation of Site Otry_21 within the emerging East Devon Local Plan 2020-2042. Having reviewed the evidence base, associated technical studies, and relevant planning policies, the inclusion of this site would represent a fundamentally unsound, unjustified, and unsustainable planning decision.

The allocation conflicts with the National Planning Policy Framework, the Emerging East Devon Local Plan, and the Ottery St Mary Neighbourhood Plan. it is also at odds with the Council's own evidence regarding environmental constraints, infrastructure capacity, highway safety, and landscape protection.

1. Failure to Meet National Policy Requirements

Otry_21 cannot be considered a sustainable location for growth. The site fails to meet core NPPF tests relating to:

a) Sustainable transport - Ottery St Mary already suffers severe congestion, narrow approach roads, limited pavements, and poor cycling infrastructure. Development south and east of the town would intensify existing pinch points, particularly at Winters Lane and Longdogs Lane.

b) Environmental and landscape protection - The site comprises high quality agricultural land, forms part of valued rural landscape and lies within direct view of the Scheduled Monument at Belbury Castle.

c) Flood risk and water quality - Runoff and groundwater flows from the site drain directly into the River Otter, an ecologically sensitive system already under pressure.

The NPPF is clear: development must be directed to the most sustainable and least environmentally harmful locations. Otry_21 does not meet these criteria.

2. Conflicts with the Draft Local Plan (Regulation 19)

Numerous policies within the emerging Local Plan directly contradict the allocation to Otry_21, including:

a) ?SP06 - which restricts development outside settlement boundaries.

b) AR02, OL01, OL04, OL09 - which require protection of water quality, landscape character, views and biodiversity.

c) OL10 _ which protects the best and most versatile agricultural land unless exceptional justification exists.

The Council's own landscape assessment identifies this as a significant greenfield site, sensitive to both visual impact and heritage settings. Its allocation is incompatible with the Local plan's objectives for protecting East Devon's rural character.

3. Conflicts with the Ottery St Mary Neighbourhood Plan

The Neighbourhood Plan places strong emphasis on preserving:

a) ?The distinctive countryside setting,

b) The historic settlement pattern, and

c) the rural landscape between communities.

It also states that no significant new housing allocations were required due to recent growth. Allocating Otry_21 would contradict these locally endorsed policies, undermining community-led planning.

4. Severe Transport and Highway Constraints

The Ottery St Mary Transport & Public Realm Study (2022) identifies:

a) ?Chronic congestion in the historic town centre,

b) High car dependency.

c) Narrow approach roads, and

d) Limited junction capacity.

Any expansion to the east, north or south of the town is expected to substantially worsen traffic conditions. Otry_21 sits in precisely the area where growth would be most damaging. Access through residential roads would significantly raise existing safety concerns for children and parents travelling to nearby schools. A very high percentage of people drive from Ottery St Mary to Exeter or the north and east of the town for employment, therefore, Otry_21 sits in a position that would be the most damaging to the towns traffic flow.

5. Wastewater, Drainage, and Environmental Risks

Both the East Devon Water Cycle Study (2025) and South West Water's Strategic Drainage Plan (2023) make clear that:

a) Ottery St Mary has no capacity for additional residential development.

b) The Fluxton Wastewater Treatment Works is already at, or over, permitted capacity.

c) The storm overflow below Gerway Farm spilled 13 times in 2024, more than four times the permitted limit.

d) Multiple treatment works within the catchment are in high-risk categories for pollution incidents.

Further housing in this location would increase nutrient loading, risk non-compliance with environmental standards, and directly threaten the ecological health of the River Otter and its protected habitats.

6. Harm to Biodiversity and Protected Habitats

The site supports a diverse range of wildlife, including bats, dormice, buzzards, merlin, sparrowhawk, badger and nearby beaver populations. It also lies within Zone 2 of influence for the East Devon Pebblebed Heaths SAC/SPA, where increased recreational pressure must be strictly controlled under the Habitats Regulations.

The ecological sensitivity of the surrounding area makes Otry_21 an inappropriate and high-risk location for development.

7. No Demonstrable Housing Need

There is no evidence of local need for additional housing allocations in Ottery St Mary. Available market housing already exceeds demand, and recent development has delivered significant housing growth. Allocating further greenfield land in this context is neither justified nor proportionate.

8. Unexplained Increase in Proposed Density

The site originally appeared as a "second-best option" for approximately 40 dwellings, subject to significant heritage and highway concerns. Its sudden re-emergence at 70 dwellings, with no change in local infrastructure, landscape conditions, or housing need, raises earnest questions about the soundness of the assessment process.

Conclusion

For the reasons outlines above, the allocation of Otry_21 is:

Unsustainable

In conflict with national, local, and neighbourhood policies

Environmentally harmful

Infrastructure-constrained

Unjustified and unsupported by evidence

Its inclusion would represent a failure of the plan-led system and risk irreversible harm to the landscape, environment, and character of Ottery St Mary.

I therefore respectfully request that Site Otry_21 be removed from the Emerging East Devon Local Plan.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Otry_21

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Site choice does not follow NPPF Guidance

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 Development in the Towns and Villages 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.: Removal of Otry_21

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

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.: Evidence Document Ref: EDDC Local Plan 2020 – 2042 Regulation 19 Second Consultation Request for the removal of Site Selection for Otry_21 from the plan. I hereby request your assistance in correcting a suspect decision contained within the emerging local plan. The area in question is the inclusion of the site known as Otry_21 within land included for potential development. It is quite clear that as demonstrated by the vast body of evidence and adverse public opinion that the inclusion of this site within a new local plan would be an extremely poor planning decision. The inclusion of Otry_21 is in direct conflict with the requirements of the National Planning Policy Framework, Emerging Local Plan, Ottery St Mary Neighbourhood Plan, and conservation requirements for the River Otter as further highlighted: - Conflicts with NPPF: Para.11 ‘Plans and decisions should apply a presumption in favour of sustainable development.

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change. d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land.' Para. 15 'The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.' Para. 77 'The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should: a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential, and the scope for net environmental gains. b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself without expecting an unrealistic level of self-containment), or in larger towns to which there is good access.' Para.109 Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable, and popular places. This should involve: a) making transport considerations an important part of early engagement with local communities. b) ensuring patterns of movement, streets, parking, and other transport considerations are integral to the design of schemes, and contribute to making high quality places. c) understanding and addressing the potential impacts of development on transport networks. d) realising opportunities from existing or proposed transport infrastructure and changing transport technology and usage – for example in relation to the scale, location or density of development that can be accommodated. e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and f) identifying, assessing, and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Para. 110 The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable,

through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Para. 115 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. b) safe and suitable access to the site can be achieved for all users. d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. Para. 116 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Para. 124 Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.' Para. 125 'b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage, or food production. c) give substantial weight to the value of using suitable brownfield land within opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Para. 170 Inappropriate developments in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Para 171. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards. Para. 172 . All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. Para. 187 Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and

other benefits of the best and most versatile agricultural land, and of trees and woodland. c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate. d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats, and hedgehogs. e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans. Para. 198 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation. Conflicts with East Devon District Council Regulation 19 Draft Plan: Para. 2.6. Rural East Devon will retain its outstanding charm and character with modest and sensitively planned development to meet the needs of local communities. Farming and rural activities will still dominate the use of land. Where possible we will retain high quality land in agricultural production as we move towards more environmentally sustainable farming practices into the middle decades of the 21st century. SP05 Within the settlement boundaries defined on the Policies Map development will be supported in principle. This does not mean that all development will be acceptable within settlement boundaries: proposals will be considered on their own merits having regard to other policies in this plan and any made neighbourhood plan. SP06: 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. AR02 To minimise impact on protect, manage and improve water quality in all water bodies affected by development in East Devon: A. Planning permission will not be granted for any proposal which, because of inadequate provision of water services or inadequate or untimely provision of foul water and surface water drainage and disposal, would 1. cause pollution to the water environment, including coastal waters 2. result in the deterioration of the ecological status of a water body 3. overload the sewer network, or 4. result in an increase in flood risk at the site or elsewhere. DS01 Proposals will only be permitted where they: A. Respect the key

characteristics and special qualities of the area in which the development is proposed. B. Ensure the appearance of buildings, including scale, massing, density, height, fenestration, and materials, relate well to their context. C. Do not adversely affect: 1. The distinctive rural, historic or architectural character of the area. 2. The urban form, in terms of significant street patterns, groups of buildings and open spaces. 3. The amenity of occupiers of adjoining residential properties. 4. The operation of existing uses outside of the proposed development. OL01 East Devon's landscape, countryside and rural areas (including rivers, watercourses and waterbodies) will be protected against harmful development. Development will only be permitted where the applicant is able to demonstrate through a proportionate Landscape Appraisal that it will protect and enhance valued landscape attributes and special features and qualities that contribute to the character of East Devon's landscapes, in particular where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including: A. Landform and water forms and patterns of settlement. B. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, trees and woodlands, areas of importance for nature conservation and rural buildings. C. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions; and D. Aesthetic and perceptual factors such as tranquillity, wildness and dark skies. All development in the countryside should have regard to the most up to date Landscape Characterisation Assessments as a basis for understanding, maintaining and enhancing local distinctiveness and landscape character as well as up to date strategy and guidance for trees and woodlands. OL04 Development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the district, in particular by conserving and enhancing key views and views of local landmarks, including those identified in Neighbourhood Plans. The following view types are considered to be particularly important: A. Landmark views to and from viewpoints and tourism and recreational destinations, including the coast, woodland and open countryside. B. Views from publicly accessible areas which are within, to or from settlements which contribute to the viewers' enjoyment of the local area. C. Views from public rights of way and other publicly accessible areas. D. Night-time views of dark skies, particularly where lighting is to be introduced in areas of low existing light pollution; and E. Views which include or otherwise relate to specific features relevant to East Devon and its special qualities, such as key landmarks, heritage assets (either in view or the view from) and biodiversity features. Development proposals should conserve and enhance sequential views and not result in adverse cumulative impacts within views. OL09 Permission will not be granted for development which would result in pollution that cannot be adequately mitigated. This will include: A. Pollution of the environment by gas or particulates, including smell, fumes, dust, grit, smoke and soot. B. Pollution of surface or underground waters, for example by untreated sewage, including discharges

to: 1. Rivers, other watercourses, water bodies and wetlands. 2. Water gathering grounds including water catchment areas, aquifers and groundwater protection areas. 3. Harbours, estuaries or the sea OL10 Unless allocated for development under another plan policy, planning permission for development affecting the best and most versatile agricultural land (Grades 1, 2 and 3a) will only be granted exceptionally if: A. Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable, or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation outweighing the agricultural considerations; or B. The benefit of the development justifies and clearly outweighs the loss of high-quality agricultural land. If there is a choice between sites in different grades, land of the lowest grade available must be used except where other sustainability considerations, including intrinsic nature conservation value of a site, outweigh land quality issues. Conflicts with Ottery St Mary Neighbourhood Plan 2017 – 2031 Para. 6.3 The countryside of the Neighbourhood Plan Area is a highly valued asset with special character provided by the rolling farmland, wooded hillsides, winding lanes and the open river valley. The countryside is important for its aesthetic and leisure value, its essential farming role and its wildlife habitat value. The balance of the historic town, villages and smaller settlements surrounded by nature and countryside views is considered by the community to be a vital part of the character of the area. It makes the Parishes a special place to live and visit. It is of utmost importance that these characteristics are protected for current and future generations. Para. 6.4 National and local planning policy restricts development in the countryside. The adopted East Devon Local Plan does not identify the need for the Neighbourhood Plan to make any strategic or other housing development allocations due to the large number of new homes consented in recent years and the desirability of preserving the settlement pattern and character. As a result, no significant new developments whether within or outside of the existing settlements are needed during the Local Plan period. Para. 6.14 The unique pattern of settlements within the Neighbourhood Plan Area, each with their own distinctive character, is a valued part of its nature. This, coupled with developer pressure, particularly for new housing sites in and around the main settlements raises concerns about creeping development undermining and degrading the special character of the area over time. This must not be allowed to occur, and a major role of the planning system is to prevent and control this. Para. 6.15 In most cases, new development on land outside of the defined built up area boundaries of Ottery St Mary and West Hill will not be allowed in line with Local Plan and Neighbourhood Plan policies protecting the countryside. Inconsistency within Site Selection reports for Otry_21 The whole area surrounding Gerway Farm has been subject to repeated attempts by the landowner to promote development on this area of pristine agricultural land. It has been rejected in its entirety in the past and should continue to be rejected. Otry_21 first appeared in the emerging plan as a Potential 2nd best option with an allocation for 40 homes, Stating: ‘Allocation would need to be subject to satisfactory

highways and archaeological/heritage assessment as the smaller section would need to be accessed through an existing estate and it is very sensitive in heritage terms, being a historic field enclosure with pre-historic and medieval finds nearby.' The site made a re-appearance in September 2024, however had increased in density to now allocate 70 houses, with confusing statements, including: 'Ottery St Mary has limited jobs, lacks a train station and accessibility is constrained by narrow roads, lack of pavements and a historic town centre,' 'Site is a significant greenfield site.' It should be questioned, that why in the total absence of any change in the landscape, highway access or local housing need this area has risen from unacceptable to a density of 70 houses. Ottery St Mary – Transport and Public Realm Study 2022 2.3.13 The nature of the road network, as well as the land uses in the area, means that Ottery St Mary suffers from traffic travelling through the town centre, especially for the east/west movement. This can have a detrimental social and environmental impact on the streets especially in the narrow streets of the historic town centre. 2.3.14 The town also has a high demand from car traffic. This is apparent from the parking pressures and limitations on space for pedestrians and cyclists. Although the quality of the built heritage is very good, the public realm and streetscape is now dominated by vehicular traffic and suffers from blind bends, pinch points, narrow footways, poor cycling infrastructure and a lack of public space for social interaction. 2.3.21 Land use and transport are inextricably linked. It is the land uses that act as trip attractors or trip producers that give rise to the trip generation across the road network. Collectively the residential areas generate high levels of trip movements. 3.3.13 The East Devon local Plan is the emerging planning policy document for the district. It sets planning policies and proposals for new development in the district for the period 2020-2040.The emerging local plan strategy establishes Ottery St Mary as a Tier 2 settlement and as such an appropriate location for future growth and development. 3.3.14 However, the plan also acknowledges constraints on development including the extensive Conservation Area and setting of Grade 1 and 2* listed buildings, narrow approach roads to the historic centre which create traffic issues and significant congestion to the north, east and south, and the flood plain of the River Otter. Expansion of the town to the north, east and south would exacerbate existing traffic issues. Hence, the plan favours development options to the west of the town, recognising that a green wedge has been designated to prevent coalescence between Ottery St Mary and West Hill village. The East Devon Water Cycle Study – November 2025 Key findings of the WCS are: Commissioned by East Devon District Council, this report was required to enable a clear understanding of the problems within the Otter catchment area resulting from wastewater treatment. The report also informs the areas where future development should not occur without prior improvements to the wastewater treatment process, failure to prevent development (in particular residential development) will result in further unacceptable pollution in the River Otter. Three critical areas are identified as being at high risk from nutrient loading due to the increases in wastewater production from proposed housing developments:

the River Exe Estuary, the River Axe, and the Otter Estuary. These areas are vulnerable due to direct effluent discharges or cumulative effects from multiple sources, exacerbating existing problems like phosphate pollution. Infrastructure enhancements and continued rigorous planning are recommended to handle the increased wastewater and sewage loads expected from new developments. Policy recommendations: To ensure sustainable growth and compliance with environmental standards, EDDC must embed water efficiency and water quality safeguards into the emerging Local Plan. The East Devon WCS outlines the essential considerations for managing water resources, wastewater, and environmental conservation considering projected development across the district. Its evidence-based observations and recommendations aim to steer East Devon towards a future where growth and sustainability coexists equally, ensuring that water management practices enhance rather than compromise the natural and built environment. The current existing flows, without proposed growth, are shown in Table 5.5. Using the 3-year average Q80 flow as the Actual DWF provided by SWW, four of the 15 WwTW that are expected to have development growth are currently exceeding, including Feniton, Fluxton, Honiton and Woodbury Summary New development in East Devon will increase demand on the sewerage network & WwTWs, resulting in higher treated discharge flows. This growth may exacerbate flood risk and reduce network capacity, requiring mitigation measures and infrastructure upgrades. Where WwTWs operate at or above 90% of their permitted capacity, further investigation is needed to assess environmental impacts and compliance with pollutant limits. Using RQP modelling for riverine discharges and load standstill calculations for tidal systems, capacity analysis shows that seven WwTWs, including Colyton, Countess Wear, Honiton, Fluxton, Feniton, Seaton South and Woodbury will exceed permitted flow headroom post-growth. Policy recommendations Based on the analysis presented in Sections 4 to 6 of this WCS, the following high level policy recommendations should be considered by EDDC in the development of the Local Plan: Potential developments that may adversely affect green infrastructure assets and water quality should not be permitted. South West Water - Strategic Drainage and Wastewater Management Plan – Otter May 2023 This plan as published by SWW is their strategy to cover the period up to 2030 for Level 2 Catchments. Included within this strategy is a plan area for the Level 2 Catchment area of Ottery St Mary and shows that NO RESIDENTIAL DEVELOPMENT is allowed for within Ottery St Mary. It also states that Fluxton WwTW is overwhelmingly in either the Immediate moderate risk or Immediate high-risk category for many pollution incidents. A recent, 2018, upgrade to Fluxton WwTW costing £5m was completed and it is stated that this will meet all requirements to 2031. It is not anticipated that any further investment will come forward, Storm Overflow's The Pumping Station and Storm Overflow below and serving the Gerway Farm area is currently greatly exceeding its permitted spill rate. The latest figures confirm that in 2024 it spilled a total of 13 times, which is compared to a permitted rate of 3 per year. SWW state their plan aims to reduce the number of spills to 3 by 2030/50. Surrounding Area Ottery St Mary is within

Zone 2 influence for the East Devon Pebblebed Heaths. The town takes its name from the River Otter, which flows through the area, linking the surrounding landscape and having the East Devon Pebblebed Heaths running along an escarpment towards it. As a significant local settlement, Ottery St Mary faces ongoing pressure for new housing development. These developments are a concern due to their potential to increase recreational use and thus disturb the sensitive ecology of the heaths, which are a Special Area of Conservation (SAC) and Special Protection Area (SPA). Local planning decisions, such as those by the East Devon District Council and the Ottery St Mary Town Council, must consider the "Habitats Regulations" to ensure no adverse effects occur on the heaths' protected habitats and species. The proposed site Otry_21 is in direct line of site from the Historic England site of Belbury Castle Heritage List No: 1017774, this should be considered a protected view. Due to its physical characteristics Otry_21, has a direct link to The River Otter through the stream flowing at the base of the site. It will prove impossible due to the nature of the ground to prevent the runoff of contaminated surface water and wastewater overflows from entering the river. Development should be precluded from this area. There is no demonstrable evidence of the need for additional housing within Ottery St Mary, in fact, there is currently a large surplus of housing for sale. The site in question is home to a large number of species both with and without protected status, including, Bats, Dormice, Buzzard and Merlin and is in extremely close proximity to Badgers and the newly introduced Beaver groups. I trust in consideration of all the preceding objections in particular the major traffic congestion and additional danger to parents and children that would be caused at the Winters Lane and Longdogs area of the town and your responsibility to safeguard the water quality within the River Otter you are able to request the removal of Otry_21 from the emerging local plan. Otry_21's inclusion in this plan has already provoked an attempt to increase the proposed development area and will no doubt encourage this speculative nature in pursuit of further undesirable development destroying rural landscapes and pristine agricultural land. The inclusion of this site would be an exceptionally poor and unjustified planning decision.

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.: Removal of Otry_21

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: No

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.: No notice taked regarding objections from Town Council and wider community. Soely driven by housing targets.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Otry_21

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Not Plan Led

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 Development in the Towns and Villages 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.: Removal of site

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

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.: RE: Request The Removal of Otry_21 From EDDC Emerging Reg.19 Local Plan I am writing to lodge a formal objection to the proposed allocation of Site Otry_21 within the emerging East Devon Local Plan 2020–2042. Having reviewed the evidence base, associated technical studies, and relevant planning policies, the inclusion of this site would represent a fundamentally unsound, unjustified, and unsustainable planning decision. The allocation conflicts with the National Planning Policy Framework, the Emerging East Devon Local Plan, and the Ottery St Mary Neighbourhood Plan. It is also at odds with the Council's own evidence regarding environmental constraints, infrastructure capacity, highway safety, and landscape protection. 1. Failure to Meet National Policy Requirements Otry_21 cannot be considered a sustainable location for growth. The site fails to meet core NPPF tests relating to: a) Sustainable transport – Ottery St Mary

already suffers severe congestion, narrow approach roads, limited pavements, and poor cycling infrastructure. Development south and east of the town would intensify existing pinch points, particularly at Winters Lane and Longdogs Lane. b) Environmental and landscape protection – The site comprises high-quality agricultural land, forms part of a valued rural landscape and lies within direct view of the Scheduled Monument at Belbury Castle. c) Flood risk and water quality – Runoff and groundwater flows from the site drain directly into the River Otter, an ecologically sensitive system already under pressure. The NPPF is clear: development must be directed to the most sustainable and least environmentally harmful locations. Otry_21 does not meet these criteria. 2. Conflicts With the Draft Local Plan (Regulation 19) Numerous policies within the emerging Local Plan directly contradict the allocation of Otry_21, including: a) SP06 – which restricts development outside settlement boundaries. b) AR02, OL01, OL04, OL09 – which require protection of water quality, landscape character, views, and biodiversity. c) OL10 – which protects the best and most versatile agricultural land unless exceptional justification exists. The Council's own landscape assessment identifies this as a significant greenfield site, sensitive to both visual impact and heritage settings. Its allocation is incompatible with the Local Plan's objectives for protecting East Devon's rural character. 2 3. Conflicts With the Ottery St Mary Neighbourhood Plan The Neighbourhood Plan places strong emphasis on preserving: a) The distinctive countryside setting, b) The historic settlement pattern, and c) the rural landscape between communities. It also states that no significant new housing allocations were required due to high recent growth. Allocating Otry_21 would contradict these locally endorsed policies, undermining community-led planning. 4. Severe Transport and Highway Constraints The Ottery St Mary Transport & Public Realm Study (2022) identifies: a) Chronic congestion in the historic town centre, b) High car dependency. c) Narrow approach roads, and d) Limited junction capacity. Any expansion to the east, north, or south of the town is expected to substantially worsen traffic conditions. Otry_21 sits in precisely the area where growth would be most damaging. Access through residential roads would significantly raise existing safety concerns for children and parents travelling to nearby schools. A very high percentage of people drive from Ottery St Mary to Exeter or the north and east of the town for employment, therefore, Otry_21 sits in a position that would be the most damaging to the towns traffic flow. 5. Wastewater, Drainage, and Environmental Risks Both the East Devon Water Cycle Study (2025) and South West Water's Strategic Drainage Plan (2023) make clear that: a) Ottery St Mary has no capacity for additional residential development. b) The Fluxton Wastewater Treatment Works is already at, or over, permitted capacity. c) The storm overflow below Gerway Farm spilled 13 times in 2024, more than four times the permitted limit. d) Multiple treatment works within the catchment are in high-risk categories for pollution incidents. 3 Further housing in this location would increase nutrient loading, risk non-compliance with environmental standards, and directly threaten the ecological health of the River Otter and its

protected habitats. 6. Harm to Biodiversity and Protected Habitats The site supports a diverse range of wildlife, including Bats, Dormice, Buzzards, Merlin, Sparrowhawk, Badger, and nearby Beaver populations. It also lies within Zone 2 of influence for the East Devon Pebblebed Heaths SAC/SPA, where increased recreational pressure must be strictly controlled under the Habitats Regulations. The ecological sensitivity of the surrounding area makes Otry_21 an inappropriate and highrisk location for development. 7. No Demonstrable Housing Need There is no evidence of local need for additional housing allocations in Ottery St Mary. Available market housing already exceeds demand, and recent development has delivered significant housing growth. Allocating further greenfield land in this context is neither justified nor proportionate. 8). Unexplained Increase in Proposed Density The site originally appeared as a “second-best option” for approximately 40 dwellings, subject to significant heritage and highway concerns. Its sudden re-emergence at 70 dwellings, with no change in local infrastructure, landscape conditions, or housing need, raises earnest questions about the soundness of the assessment process. Conclusion For the reasons outlined above, the allocation of Otry_21 is: ? Unsustainable ? In conflict with national, local, and neighbourhood policies ? Environmentally harmful ? Infrastructure-constrained ? Unjustified and unsupported by evidence Its inclusion would represent a failure of the plan-led system and risk irreversible harm to the landscape, environment, and character of Ottery St Mary. I therefore respectfully request that Site Otry_21 be removed from the Emerging East Devon Local Plan.

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.: Removal of site

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Proposal:

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

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1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Otry_21

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Not Plan Led

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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.: Not a Plan Led Development

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 Development in the Towns and Villages 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.: Removal of site

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

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.: RE: Request The Removal of Otry_21 From EDDC Emerging Reg.19 Local Plan I am writing to lodge a formal objection to the proposed allocation of Site Otry_21 within the emerging East Devon Local Plan 2020–2042. Having reviewed the evidence base, associated technical studies, and relevant planning policies, the inclusion of this site would represent a fundamentally unsound, unjustified, and unsustainable planning decision. The allocation conflicts with the National Planning Policy Framework, the Emerging East Devon Local Plan, and the Ottery St Mary Neighbourhood Plan. It is also at odds with the Council's own evidence regarding environmental constraints, infrastructure capacity, highway safety, and landscape protection. 1. Failure to Meet National Policy Requirements Otry_21 cannot be considered a sustainable location for growth. The site fails to meet core NPPF tests relating to: a) Sustainable transport – Ottery St Mary

already suffers severe congestion, narrow approach roads, limited pavements, and poor cycling infrastructure. Development south and east of the town would intensify existing pinch points, particularly at Winters Lane and Longdogs Lane. b) Environmental and landscape protection – The site comprises high-quality agricultural land, forms part of a valued rural landscape and lies within direct view of the Scheduled Monument at Belbury Castle. c) Flood risk and water quality – Runoff and groundwater flows from the site drain directly into the River Otter, an ecologically sensitive system already under pressure. The NPPF is clear: development must be directed to the most sustainable and least environmentally harmful locations. Otry_21 does not meet these criteria. 2. Conflicts With the Draft Local Plan (Regulation 19) Numerous policies within the emerging Local Plan directly contradict the allocation of Otry_21, including: a) SP06 – which restricts development outside settlement boundaries. b) AR02, OL01, OL04, OL09 – which require protection of water quality, landscape character, views, and biodiversity. c) OL10 – which protects the best and most versatile agricultural land unless exceptional justification exists. The Council's own landscape assessment identifies this as a significant greenfield site, sensitive to both visual impact and heritage settings. Its allocation is incompatible with the Local Plan's objectives for protecting East Devon's rural character. 2 3. Conflicts With the Ottery St Mary Neighbourhood Plan The Neighbourhood Plan places strong emphasis on preserving: a) The distinctive countryside setting, b) The historic settlement pattern, and c) the rural landscape between communities. It also states that no significant new housing allocations were required due to high recent growth. Allocating Otry_21 would contradict these locally endorsed policies, undermining community-led planning. 4. Severe Transport and Highway Constraints The Ottery St Mary Transport & Public Realm Study (2022) identifies: a) Chronic congestion in the historic town centre, b) High car dependency. c) Narrow approach roads, and d) Limited junction capacity. Any expansion to the east, north, or south of the town is expected to substantially worsen traffic conditions. Otry_21 sits in precisely the area where growth would be most damaging. Access through residential roads would significantly raise existing safety concerns for children and parents travelling to nearby schools. A very high percentage of people drive from Ottery St Mary to Exeter or the north and east of the town for employment, therefore, Otry_21 sits in a position that would be the most damaging to the towns traffic flow. 5. Wastewater, Drainage, and Environmental Risks Both the East Devon Water Cycle Study (2025) and South West Water's Strategic Drainage Plan (2023) make clear that: a) Ottery St Mary has no capacity for additional residential development. b) The Fluxton Wastewater Treatment Works is already at, or over, permitted capacity. c) The storm overflow below Gerway Farm spilled 13 times in 2024, more than four times the permitted limit. d) Multiple treatment works within the catchment are in high-risk categories for pollution incidents. 3 Further housing in this location would increase nutrient loading, risk non-compliance with environmental standards, and directly threaten the ecological health of the River Otter and its

protected habitats. 6. Harm to Biodiversity and Protected Habitats The site supports a diverse range of wildlife, including Bats, Dormice, Buzzards, Merlin, Sparrowhawk, Badger, and nearby Beaver populations. It also lies within Zone 2 of influence for the East Devon Pebblebed Heaths SAC/SPA, where increased recreational pressure must be strictly controlled under the Habitats Regulations. The ecological sensitivity of the surrounding area makes Otry_21 an inappropriate and highrisk location for development. 7. No Demonstrable Housing Need There is no evidence of local need for additional housing allocations in Ottery St Mary. Available market housing already exceeds demand, and recent development has delivered significant housing growth. Allocating further greenfield land in this context is neither justified nor proportionate. 8). Unexplained Increase in Proposed Density The site originally appeared as a “second-best option” for approximately 40 dwellings, subject to significant heritage and highway concerns. Its sudden re-emergence at 70 dwellings, with no change in local infrastructure, landscape conditions, or housing need, raises earnest questions about the soundness of the assessment process. Conclusion For the reasons outlined above, the allocation of Otry_21 is: ? Unsustainable ? In conflict with national, local, and neighbourhood policies ? Environmentally harmful ? Infrastructure-constrained ? Unjustified and unsupported by evidence Its inclusion would represent a failure of the plan-led system and risk irreversible harm to the landscape, environment, and character of Ottery St Mary. I therefore respectfully request that Site Otry_21 be removed from the Emerging East Devon Local Plan.

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.: Removal of site

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Otry_21

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Not in compliance with Plan Led strategy

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 Development in the Towns and Villages 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.: Removal

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

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.: RE: Request The Removal of Otry_21 From EDDC Emerging Reg.19 Local Plan I am writing to lodge a formal objection to the proposed allocation of Site Otry_21 within the emerging East Devon Local Plan 2020–2042. Having reviewed the evidence base, associated technical studies, and relevant planning policies, the inclusion of this site would represent a fundamentally unsound, unjustified, and unsustainable planning decision. The allocation conflicts with the National Planning Policy Framework, the Emerging East Devon Local Plan, and the Ottery St Mary Neighbourhood Plan. It is also at odds with the Council's own evidence regarding environmental constraints, infrastructure capacity, highway safety, and landscape protection. 1. Failure to Meet National Policy Requirements Otry_21 cannot be considered a sustainable location for growth. The site fails to meet core NPPF tests relating to: a) Sustainable transport – Ottery St Mary

already suffers severe congestion, narrow approach roads, limited pavements, and poor cycling infrastructure. Development south and east of the town would intensify existing pinch points, particularly at Winters Lane and Longdogs Lane. b) Environmental and landscape protection – The site comprises high-quality agricultural land, forms part of a valued rural landscape and lies within direct view of the Scheduled Monument at Belbury Castle. c) Flood risk and water quality – Runoff and groundwater flows from the site drain directly into the River Otter, an ecologically sensitive system already under pressure. The NPPF is clear: development must be directed to the most sustainable and least environmentally harmful locations. Otry_21 does not meet these criteria. 2. Conflicts With the Draft Local Plan (Regulation 19) Numerous policies within the emerging Local Plan directly contradict the allocation of Otry_21, including: a) SP06 – which restricts development outside settlement boundaries. b) AR02, OL01, OL04, OL09 – which require protection of water quality, landscape character, views, and biodiversity. c) OL10 – which protects the best and most versatile agricultural land unless exceptional justification exists. The Council's own landscape assessment identifies this as a significant greenfield site, sensitive to both visual impact and heritage settings. Its allocation is incompatible with the Local Plan's objectives for protecting East Devon's rural character. 2 3. Conflicts With the Ottery St Mary Neighbourhood Plan The Neighbourhood Plan places strong emphasis on preserving: a) The distinctive countryside setting, b) The historic settlement pattern, and c) the rural landscape between communities. It also states that no significant new housing allocations were required due to high recent growth. Allocating Otry_21 would contradict these locally endorsed policies, undermining community-led planning. 4. Severe Transport and Highway Constraints The Ottery St Mary Transport & Public Realm Study (2022) identifies: a) Chronic congestion in the historic town centre, b) High car dependency. c) Narrow approach roads, and d) Limited junction capacity. Any expansion to the east, north, or south of the town is expected to substantially worsen traffic conditions. Otry_21 sits in precisely the area where growth would be most damaging. Access through residential roads would significantly raise existing safety concerns for children and parents travelling to nearby schools. A very high percentage of people drive from Ottery St Mary to Exeter or the north and east of the town for employment, therefore, Otry_21 sits in a position that would be the most damaging to the towns traffic flow. 5. Wastewater, Drainage, and Environmental Risks Both the East Devon Water Cycle Study (2025) and South West Water's Strategic Drainage Plan (2023) make clear that: a) Ottery St Mary has no capacity for additional residential development. b) The Fluxton Wastewater Treatment Works is already at, or over, permitted capacity. c) The storm overflow below Gerway Farm spilled 13 times in 2024, more than four times the permitted limit. d) Multiple treatment works within the catchment are in high-risk categories for pollution incidents. 3 Further housing in this location would increase nutrient loading, risk non-compliance with environmental standards, and directly threaten the ecological health of the River Otter and its

protected habitats. 6. Harm to Biodiversity and Protected Habitats The site supports a diverse range of wildlife, including Bats, Dormice, Buzzards, Merlin, Sparrowhawk, Badger, and nearby Beaver populations. It also lies within Zone 2 of influence for the East Devon Pebblebed Heaths SAC/SPA, where increased recreational pressure must be strictly controlled under the Habitats Regulations. The ecological sensitivity of the surrounding area makes Otry_21 an inappropriate and highrisk location for development. 7. No Demonstrable Housing Need There is no evidence of local need for additional housing allocations in Ottery St Mary. Available market housing already exceeds demand, and recent development has delivered significant housing growth. Allocating further greenfield land in this context is neither justified nor proportionate. 8). Unexplained Increase in Proposed Density The site originally appeared as a “second-best option” for approximately 40 dwellings, subject to significant heritage and highway concerns. Its sudden re-emergence at 70 dwellings, with no change in local infrastructure, landscape conditions, or housing need, raises earnest questions about the soundness of the assessment process. Conclusion For the reasons outlined above, the allocation of Otry_21 is: ? Unsustainable ? In conflict with national, local, and neighbourhood policies ? Environmentally harmful ? Infrastructure-constrained ? Unjustified and unsupported by evidence Its inclusion would represent a failure of the plan-led system and risk irreversible harm to the landscape, environment, and character of Ottery St Mary. I therefore respectfully request that Site Otry_21 be removed from the Emerging East Devon Local Plan.

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.: Removal of Otry_21 from emerging plan

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

SD06

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.: SD06

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Sidm_31

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

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.: As a resident of Windsor Mead, Sidford, I am writing to express my concerns.

I would like to highlight two critical flaws in the proposed plan:

Firstly, at the end of the west leg of the cul-de-sac at the top of Windsor Mead, there are two properties that own the land through which any future access to the development must pass. Neither of the owners intends to sell their land to a developer to allow access to the field. This raises the question of whether any residential estate in the UK would be safe from having a road forced through private property if plans at Windsor Mead go ahead. Notably, no alternative suggestions for access have been proposed.

Secondly, the junction from the A3052 remains inadequate and dangerous. Vehicles exiting onto the A road must edge out repeatedly, check their rear-view mirrors, and be ready to reverse if traffic approaches from the right. Visibility is obscured by a hedge, which, although trimmed near the base, still poses a problem for drivers positioned two metres back from the front bumper. Additionally, visibility to the left is hindered by a bank, making it difficult to keep vehicles on the left side of the road when turning. Moreover, the junction is not wide enough to accommodate two vehicles, causing traffic on the A road to back up. Any development would require significant widening of the

junction onto the A road, affecting utility routes and necessitating the purchase of land off properties at the junction.

Furthermore, there are no yellow lines approaching the junction from up Windsor Mead, allowing cars, including large ones and trailers, to park there. This situation, already challenging, would worsen with development vehicles and increased traffic from new residents. Several residents already park on the road due to insufficient driveway space. Are developers expected to extend driveways or remove essential, narrow footpaths to widen the main road? This seems unlikely.

This is not a NIMBY objection, but an observation on the impracticality of the proposal.

SD08

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.: SD08

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Budl_02

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

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.: To the best of my knowledge, it has taken EDDC over 2 years to select and agree on the most appropriate sites for new housing in East Devon. I understand EDDC are tasked with the impossible job of finding suitable sites to meet the ambitious housing targets set by central Government, and that if sites are not allocated by EDDC to meet these targets, a higher authority will make those decisions for them - without consideration at a local level. I therefore support site Budl_02 to be developed with 35 new houses because it is by far the most suitable and feasible option in this town. NO OTHER SITES SHOULD BE CONSIDERED. Needless to say, infrastructure must be in place to support the additional number of people, cars, children etc. that 35 new houses brings.

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

SD10

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.: SD10

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Development of these sites is not wanted

SD29

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.: SD29

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Whim_08a

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.: Issues addressed by objectors have not been addressed by these changes. For instance, that this is a green wedge. The ridgeline amendment does not address that this is building on the green wedge which should not happen. No building should be taking place on any of the site as it is in the green wedge.

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.: SD29

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Whim_08a, Whim_11

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

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

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.: If development is deemed to be proposed on a site that is liable to flood then I would suggest this is an issue, even if an FRA is conducted, and building on the site should be dismissed. Know Whimple as I do the likelihood of flooding downstream of Whimple 08 and 11 is highly likely and those resident who may be affected would have no recourse and it would be too late for their properties.

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.: Suggest if the proposed build are deemed to be in a flood risk then the sites should be abandoned.

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: No

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.: Flooding issue again

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD29

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Whim 08a

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Councillor Todd Olive suggested a maximum of 30 dwellings, the statement 'up to 50' is incottect.

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.: See above

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 Development in the Towns and Villages 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.: State the correct wording ' up to 30 dwellings'

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.: It's incorrect

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.: Its incorrect

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.: State the correct wording

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

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.: Maybe

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.: SD29

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here:: Whim_08a

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Strategic Planning Committee meeting 2nd September 2025 minutes that the allocation wording was to be amended to 'up to 50 houses' instead of '50 houses' but this alteration has not been carried forward into the latest plan

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 Development in the Towns and Villages 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.: restate the Whim08a allocation to 'up to 50 houses'

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

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.: Drainage issues, lack of footpaths and safe access to the village. Lack of bus routes into the village and ingress of development from Cranbrook into Whimple Parish Coucil boundary.

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.: Correct the plan to reflect the changes made in Strategic Planning Committe meeting 2nd September 2025

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

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

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.: SD29

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Whim_08

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

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.: Because the wording does not include for a wildlife survey. The historic orchard and surroundings form a very important habitat for several species of bats, owls, and is a major wildlife corridor in the area. It should be stipulated that all the relevant wildlife surveys take place prior to any development.

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 Development in the Towns and Villages 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.: Wildlife surveys and reports need to be included as a condition of any planning application. The orchard becoming a public space should also be a condition of any application.

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

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.: For reasons given here and in previous objections / comments

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.: Consideration to wildlife and studies to protect same. There should be strict conditions re wildlife preservation and that the orchard is protected.

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: No

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.: As above.

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.: Because no protection has been stipulated for the historic orchard and the nature habitat that it provides. All proof provided in previous consultations especially the protection of historic orchard document.

6.3

Proposal:

6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?: Paragraph

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

6.3

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here:: Devon

2. Do you consider that this part of the Mitigating Climate Change chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: Energy Hierarchy. The subsequent wording then details the current version.

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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 wording should be strengthened to state that the p,an operates to the whatevsr the current version is at the point to which it is being referenced/used. The subsequent wording can the state thatt the current hierarchy is as follows. They are many cases within the plans as a whole that have the same problem. The plan needs to make clear that the requirement are the latest, whoch may supercede what is stated in this plan.

4. Do you consider that this part of the Mitigating Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

7.1 - 7.13

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.:

7.1 - 7.13

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.: I don't understand the legalities but it is essential to recognise utmost importance of NFM to Climate resilience in East Devon. It is explicitly endorsed in the NPPF2023 and one would expect the Local Plan to be in keeping with National Policies.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change 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 Adapting to Climate Change 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.: A specific policy endoring the importance of NFM. EDDC officers are best placed to draft a specific policy.

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.: The omision of a specific policy on NFM.

7.4

Proposal:

7. Adapting to Climate Change

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

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

7.4

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(a). If yes, and you wish to support the legal compliance of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: Water

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.: Reference is made to the Water Cycle Study. Representation has been made tha this study has gaps and errors, and thus at present is not fit for purpose. There needs to be a requirement for the study to be completed fully adrressing all issues and gaps. Water Cycle Study is not currently fit for purpose.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change 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 Adapting to Climate Change 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 study needs to completed addressing all issues and gaps identified.

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

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

AR02

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

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

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.: Words used All development should...

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change 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 Adapting to Climate Change 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.: Words such should are not robust enough and allow the requirements to potentially be bypassed. These types of words need to be replaced with stronger terminology. In this case should needs to be replaced with must

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

8.2

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.:

8.2

1(b). Does your comment relate to one of the changes listed above?: No

2. Do you consider that this part of the Meeting Housing Needs chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not legally compliant. Please be as precise as possible.: Housing target is not a true reflection of need and does not take account of 66% of East Devon being National Landscape. Leading to development being considered on prime agricultural land

2(c). Please set out the modification(s) you consider necessary to make this part of the Meeting Housing Needs 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 Meeting Housing Needs 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.: Reduction in housing target

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

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.: Housing Need I request that you question the accuracy of the figures and indeed the very term Housing Need, this is not an actual need it is a notional figure derived by calculation to achieve a Government Target. East Devon is using the standard method calculation; however this method provides a starting point for local authorities, but it is not a mandatory unchangeable target. Local authorities can use evidence constraints, such as the presence of a National landscape in their Local Plan. The Government has clarified that meeting housing need is never a reason to cause unacceptable harm to protected places. The fact that East Devon is 66% National Landscape should be embraced by the Planners to help reduce the target figure and avoid building on

excellent quality agricultural land. East Devon is not taking this approach and in fact are criticising nearby Torbay for doing so. WHY?

3(c). Please set out the modification(s) you consider necessary to make this part of the Meeting Housing Needs 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 Meeting Housing Needs 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.: Reduction of housing target

4. Do you consider that this part of the Meeting Housing Needs chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter fails to comply with the duty to co-operate. Please be as precise as possible.: No objections are ever taken into account

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Sustainability Appraisal

Proposal: Sustainability Appraisal

If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.: Paragragh 17. Words used are limited levels of pollution. South West Water are one if the worst performing water companies both for wet weather spills and dry weather spills. Therefore I believe that the statement is either misleading or wrong. This then questions whether there are sufficient infrastructure improvements to cope with future developments. The water cycle study thst has been recently published is being questioned, given thst errors and gaps have been raised. We need to delay the Local Plan to address the issues in the Water Cycle Study, and to fully ascertain that any required water infrastructure requirements are scoped, funding identified, with key timelines that align with all developments agreed with SWW.