

East Devon Local Plan Consultation Draft November 2022

Representations on behalf of Place Land Limited

1. Strategic Policy – Spatial Strategy

Place Land Limited supports the draft spatial strategy to direct development to the most sustainable locations and the recognition that the service villages, including Kilmington, perform a role within the spatial strategy to deliver new development. The Service Villages and Local Centres offer some of the most sustainable locations to the east of the District. Whilst it is accepted that the western side of the District offers the greatest opportunities to deliver strategic scale development, the spatial strategy should ensure that development is not focussed to the west, at the expense of the east of the District. Development at the service villages offers an opportunity to support rural businesses and services and maintain thriving local communities in a sustainable manner.

3. Strategic Policy – Levels of Future Housing Development

Place Land Limited supports the policy requirement to deliver at least 18,920 (net) dwellings between 1 April 2020 and 31 March 2040. The housing requirement is calculated on the basis of an up to date assessment of local housing needs (East Devon Local Housing Needs Assessment – September 2022) which East Devon Council regards as robust and reliable for the purposes of plan-making (paragraph 2.23, East Devon Housing Need Supply Requirement Interim Topic Paper).

The Council has correctly applied the Government’s standard method for calculating housing need, based on the local housing needs assessment, which results in a local housing need over the 20 year plan period of 18,920 dwelling (Figure 2.38, East Devon Housing Need Supply Requirement Interim Topic Paper). It has also accepted that there is no evidence that exceptional circumstances apply in East Devon to justify a lower housing needs figure (paragraph 3.8, East Devon Housing need Supply Requirement Interim Topic Paper).

Place Land agrees with the Council that unless there is evidence in the Interim Topic Paper to justify using an alternative method, the Local Housing Need for East Devon is 946 dwellings per year (paragraph 2.37). Moreover, in order for the Council to progress its plan-making process and maintain a plan-led system this housing needs figure must be “fixed” as the starting point for the Local Plan (paragraph 2.41). Place Land also supports the intention at section 8 to specify a housing requirement for designated neighbourhood areas.

We support section 5 of the policy which seeks to deliver at least 10% of housing supply over the plan period on small and medium sized sites.

5. Strategic Policy – Mixed Use Developments incorporating housing, employment and community facilities.

Place Land strongly objects to Strategic Policy 5 in respect of the requirement for all sites of 25 dwellings or more within tier 3 and 4 settlements to deliver at least 0.1 hectares of employment land for each 25 dwellings (with this ratio of provision applied on a pro-rata basis above 25 dwellings).

The preferred sites in tier 3 and 4 settlements have been assessed on the basis of their potential for residential development. The majority of sites have not been put forward for employment use and accordingly have not been considered for employment use through the Strategic Housing Land Availability Assessment.

Whilst the Council's objectives to deliver employment alongside housing are reasonable, in practice, the proposed policy threshold of 25 dwellings is too low to yield a genuinely mixed-use site and will result in isolated pockets of employment land with limited market interest and demand due to the limitations of the site size and/or location. Moreover, in certain settlements where several small sites are proposed for residential development, individually below the policy threshold, this policy would fail to deliver any employment despite the cumulative residential development exceeding the threshold.

As drafted, the policy is likely to result in vacant, undeveloped land within residential schemes where employment land has been made available under the terms of the planning permission but has not been taken up by the market. The provision of employment land will rely on speculative developers to develop sites; businesses are unlikely to purchase land for their own development and use, particularly at the scale likely to come forward in tier 3 and 4 settlements.

Strategic Policy 26 provides clarity on the scale of employment and housing development planned for each service village. Strategic Policy 5 as drafted is at odds with that policy. Place Land recommends that Strategic Policy 5 is amended to remove the requirement for Tier 3 and 4 settlements to provide mixed use sites and the Local Plan relies on the provisions of Strategic Policy 26 to identify the most appropriate locations for employment development in these settlements.

1. 26. Strategic Policy – Development at Service Villages

Place Land supports this policy, in particular the allocation of land at Kilmington, designated as Kilm_09, east of George Lane. The site is identified as a preferred allocation for 37 new homes alongside two further allocations which could deliver a total of 52 dwellings at Kilmington by 2040.

The supporting text recognises Kilmington as a village supported by a good range of community facilities and an hourly bus service, with local community support and capacity for incremental growth over the plan period. The Made Neighbourhood Plan allocates the western field of Kilm_09 for around 14 dwellings to be delivered by 2031. This policy seeks to extend the allocation to include the eastern field and increase the site's capacity to around 37 dwellings by 2040, thereby continuing the steady growth of the village.

Paragraph 6.160 of the Local Plan states that the neighbourhood plan has come forward ahead of the Local Plan and therefore further consideration needs to be given to the relation between the two plans and how the development sites should be phased and brought forward.

Place Land disagrees with this statement in respect of the relationship between the Neighbourhood Plan and Local Plan. In accordance with Government policy, Kilmington Neighbourhood Plan was prepared in accordance with the Adopted Local Plan for the period 2020-2031. This draft Local Plan would, once adopted, take precedence over the Neighbourhood Plan and the Parish Council has acknowledged that the Neighbourhood Plan may require an early review to align with the newly adopted Local Plan.

Place Land broadly supports the proposed capacity of 37 dwellings for Kilm_09. This capacity figure is informed by a presentation by Place Land to the Council's Strategic Planning Committee in January 2022, which indicated a potential capacity of 35 – 40 dwellings. Since this presentation, further design work has been undertaken to refine the concept layout, including preparation of a landscape appraisal, initial drainage strategy, walkover ecology survey and heritage appraisal. Copies of these studies and concept proposals for the site, prepared by Lacey Hickie Caley Limited accompany these representations.

The findings of the additional surveys confirm that the site is capable of accommodating around 39 dwellings in a sensitive manner which respects the special landscape qualities of the AONBs and the setting of the listed buildings and mitigates any harm through the design and layout. The surveys submitted in support of this representation are summarised below.

Landscape

The allocation site lies within but on the edge of the East Devon AONB; the AONB's northern extent is defined by the A35. To the north west of the site lies the Blackdown Hills AONB, although land immediately north of the allocation site is not a protected landscape.

The landscape and visual appraisal identifies the main impact of the development of the allocation to be on views from the A35 on the approach to the site from the west, where the site can be appreciated as open fields with views to the Baptist Church in Kilmington. In the wider protected landscape of the AONBs the site is seen in the context of the rest of the village and its development would have a minimal adverse impact on the protected landscapes.

The proposed layout strengthens the established hedgerow and tree planting along the northern boundary, safeguarding a 10 metre corridor for additional landscaping to mitigate the visual impact of development when viewed from the Blackdowns AONB and to enhance the health and wellbeing of new residents through separation from the A35 corridor.

New and additional planting is proposed along the site's other boundaries to maintain and enhance the established visual enclosure of the site and soften the visual impact of new built development. An orchard is proposed to the south of the site and the existing weak field boundary planting through the centre of the site would be bolstered through additional tree planting to introduce a strong framework of landscaping. The landscaping would be sufficient to mitigate the landscape and visual impact of the proposed development on the AONBs and assimilate the development into its context.

Heritage

The heritage appraisal concludes that there is no functional relationship between the listed Old Inn and the proposed allocation. The setting of the Old Inn can best be appreciated from the roadside approaches along the A35; views of the Old Inn from the allocation site are incidental and do not add to its heritage significance. Similarly the allocation site does not form part of the 'designed' or 'intended' views of the Old Inn and is therefore not within the setting of the listed building. Accordingly, the site's development would not harm the Old Inn's setting or significance. Any views of the development are already well-screened by existing vegetation although additional landscape enhancement could be delivered as part of the development, if desirable.

Any impact of development on the setting of George Farm to the west of George Lane can be mitigated by avoiding building in the junction of George Lane and the A35. The listed war memorial to the north of George Lane has a very intimate setting which would not be affected by the development of the allocation.

Ecology

The site comprises two arable agricultural fields with trees, hedgerows and other planting along the site boundaries. The northern hedgerow alongside Gammons Hill (A35) comprise two distinct sections. The western section appears to be a species rich hedgerow that has been in place for a good many years, the eastern extent beyond the field entrance is a line of overgrown beech trees, possibly planted as a hedgerow which became overgrown. This extent is of significantly lower value than the western extent.

The eastern hedgerow is also species rich and contains some significant trees. The southern hedgerow (to the north of Meadow Bank) consists of a line of trees with an understory of shrubs. None of the trees in this area are considered significant in an arboricultural context, but several are significant in an ecological context.

There are a small number of trees to the rear of properties in The Orch, including one very large oak which is of significant biodiversity value.

A line of small and insignificant trees, largely ash, bisects the two field, separating it in two. These tree are of low value from an ecological context and ash die back is already prevalent in this site, which will mean their demise. There is a section of defunct dry stone wall in this area. Very little of it now remains and it serves no purpose.

The boundary 'bund' of Dares Field is currently of low biodiversity value.

The species rich hedgerow alongside George Lane is of a similar composition and age as that alongside the A35. Two large oak trees are located within this hedgerow. Both have been butchered by Western power as the power lines run close to and through the trees canopy.

The grassland within the two fields is arable in nature. The first survey recorded 100% rye grass, shortly after this it was replaced with maize and has subsequently been returned to rye. The ecological value is negligible.

Transport

The site's location on the edge of Kilmington offers good opportunities to access an existing network of footways, cycleways and public rights of way, including a footway on the A35

connecting to a footway/cycleway routing along the B3261 into Axminster. Existing bus stops are located on the A35 within 260 metres of the site. The bus services provide a service between Exeter and Axminster with services every 2 hours Monday to Saturday. Axminster Rail Station located 2.64 kilometres from the site provide hourly train services to Exeter and London Waterloo. The site benefits from a good range of facilities within an acceptable walking and cycling distance. Accordingly, the site represents a sustainable location for development with reasonable opportunities to travel by sustainable transport modes.

There are two potential vehicular access options. Option 1 is an access off George Lane, via a simple priority T-junction, whilst option 2 is an access off the A35 via a priority junction with a ghost-island right turn lane arrangement. Devon County Council Highways Authority has commented on Option 1 and raises no concerns to the principle of a vehicular access off George Lane. Initial consultation with National Highways on Option 2 indicate that access onto the A35 could be achieved if a departure from standards was accepted.

The proposed allocation offers the opportunity to introduce additional pedestrian and cycle connections onto the A35 and into Kilmington village to the benefit of new and existing residents.

Drainage

The site comprises relatively flat agricultural land; the topography falls generally from west to east at an average gradient of 1 in 33 to a low point in the north-east corner adjacent to the A35. The whole site lies within Flood Zone 1 and is at very low risk of surface water flooding. British Geological Society mapping indicates that the site is underlain by a bedrock of mudstone with superficial deposits of silt, sand and gravel in the western part of the site and sand and gravel in the eastern part. It is therefore anticipated that the use of soakaways will be practical to dispose of surface water runoff. As a worst case scenario, an infiltration basin would be located in the north-east corner of the site to restrict run-off to greenfield rates. The accompanying layout plan incorporates the infiltration basin.

Sewer records indicate that there is a foul sewer connection from the existing residential development in Dares Field, to the south west of the site. A combined sewer should be capable of draining the western part of the site by gravity. The remainder of the site will gravitate to the north-east corner and can be connected to the existing combined sewer in the A35.

Phasing

In respect of phasing, the western field benefits from allocation within the Made Neighbourhood Plan and could be brought forward prior to adoption of the new Local Plan. However, in the interests of minimising disruption to residents during the construction phase, consideration should be given to bringing the wider site forward as a single phase development. A single phase offers significant benefits in terms of limiting disruption associated with the construction phase for both existing and new residents. It would also enable the comprehensive instatement of strategic landscaping along the A35 and pedestrian and cycle connections between the new housing and the existing built up area at the outset of the development. In addition, the comprehensive development of the wider site would enabling a critical mass of affordable housing to be delivered in a single phase, to the benefit of the nominated Registered Social Landlord's future management. Conversely a phased approach could hamper opportunities to deliver this infrastructure which is fundamental to the delivery of a sustainable development.

Strategic Policy 39 – Housing to Address Needs

Place Land Limited broadly supports the terms of Policy 39, to achieve an appropriate mix of decent, good quality homes which broaden the choice of housing and reflect and respond to existing and future housing needs as identified in the Local Housing Needs Assessment or successor documents and up to date local housing need evidence.

Criteria 4 of the policy states that housing mix will be achieved through a mix of affordable housing, a range of housing for households with specialist needs, market housing for rent and ownership, serviced plots for self-build and custom housebuilding and accommodation for gypsy and travellers and travelling showpeople. PLL supports the provision of this diverse range of housing, however, the policy should clarify that this represents a district-wide objective and does not prescribe a mix which is expected to be achieved through individual development sites; the mix of house types and tenures for each site should reflect the site's location, size and its suitability and capacity to accommodate each type of housing.

Policy 40 – Affordable Housing

Place Land Limited objects to the strict housing tenure mix applied through Policy 40. The policy states that the number, size, type and tenure of affordable housing will meet local need in accordance with Table 1, the Council's most up to date evidence of need and supply, the provisions of this policy and the provisions of other development plan documents where the latter have not been superseded by the local plan. As drafted this policy statement is impractical to

apply; it provides no opportunity to reconcile for any differences between the policy provisions and evidence of housing need. The provisions set out in Table 1 should represent the starting point for consideration of a suitable tenure mix for a development site, taking into account the latest available housing needs evidence, the site size, capacity and suitability for house types and tenures and the practicality of long-term management by a Registered Social Landlord and overall viability, as applicable.

The proposed strategy for a new town to the west of the district, with significant infrastructure costs resulting in a substantially reduced obligation to deliver affordable housing (15%), places a substantial burden of responsibility upon the east of the District to meet the District-wide affordable housing needs. It is noted that the East Devon Local Housing needs Assessment (September 2022) is not a viability study and the viability of delivering the proposed tenure and housing mix is yet to be assessed as part of a whole Local Plan viability exercise. In the absence of the viability assessment, Place Land would question the viability of delivering 35% affordable housing and the proposed mix of tenures in Table 1 on sites within the rest of the District.

Place Land also questions whether the proposed tenure mix complies with the Government's policy requirement to deliver a 25% provision of First Homes and a 10% provision of affordable home ownership and local housing needs identified through the East Devon Housing Needs Assessment (2022) (HNA).

The HNA identifies a total of 8,011 households in housing need over the 20 year plan period, of which 2,760 households are unable to afford market rent and 5,251 can afford private rent but wish to buy their own home and are unable to afford to do so. 3,530 households are in affordable housing need because they are unable to rent or own market housing or aspire to own their own home and could achieve affordable homeownership products.

Within this context, there is a demonstrable need for affordable rents, First Homes and other affordable homeownership products.

Table 1 requires only 10% of new homes within the second new town to be other affordable homeownership products and 0% within the rest of the District. Based on delivery of 2,500 homes at the second new town by 2040, 10% provision of affordable homeownership products would equate to 250 homes, only 1.3% of the district-wide housing requirement. In the absence of any requirement for affordable homeownership products in the rest of the District, this would represent a significant under-provision, contrary to Government policy requirements.

To achieve the Government policy requirement for affordable homeownership products, a requirement of at least 10% should apply to all new housing sites across the District, as a component of the affordable housing requirement. Similarly, provision should be made for affordable rent within the rest of the District, with a proportionate reduction in the level of social rent.

It is noted that section 2c) of the policy does require 10% of the affordable housing on new sites to be affordable homeownership products. However, this fails to achieve the Government policy requirement of deliver 10% of the total number of dwellings as affordable homeownership products. This policy provision should be amended accordingly to align with Government policy.

Section 4 of the policy stipulates a mix of house sizes for the affordable housing element of proposed schemes. This should represent the starting point for consideration of proposals, taking into account the site's location, size, scheme design and characteristics. It should not be regarded as an absolute requirement to be applied rigidly to all developments.

In summary, the tenure split proposed for the second new town represents a more reasonable, well-balanced housing mix, reflecting the results of the HNA. Place Land recommends that this tenure split should also apply to the rest of the District as the starting point for consideration of affordable housing provision on new development sites, subject to further Local Plan viability appraisal work and any future evidence of local housing needs which may supersede these requirements.

Policy 41 – Housing to Meet the Needs of Older People

Place Land Limited acknowledges the need for housing to meet the needs of older people. However, the extent of the housing required for older persons identified through the Housing Needs Assessment ranges from between 1,630 to 6,224 dwelling over the plan period. The upper figure is the modelled figure of need based on idealised outcomes and the HNA recognises that this is unlikely to be achievable as it represents around one third of total housing needs. The lower figure represents 9% of housing need.

The policy requirement for local plan allocations of between 20 to 199 dwellings to include at least 20% specialist older person dwellings (Use Class C3) far exceeds the lower end of the identified housing needs. In combination with a 35% requirement for affordable housing, this policy requirement would result in delivery of less than 45% standard market housing (including self-build/custom build plots) putting into question the overall viability of schemes.

Place Land acknowledges that the policy requirement is subject to scheme viability and up to date evidence of need for specialist accommodation. It is also noted that further details will be provided on the implementation of the policy through a Supplementary Planning Document. Further details are required to demonstrate how this policy would be applied to development schemes to determine whether the need for older person housing and scheme viability. Place Land reserves the right to submit further comments upon receipt of the viability appraisal.

Policy 43 – Market Housing Mix

Place Land Limited broadly supports the objectives of Policy 43 to provide a mix of house types and sizes in locations consistent with the spatial strategy. However, it objects to the percentages of market housing sought within the table in Policy 43, derived from the Local Housing Needs Assessment. Paragraph 8.51 of the supporting text states that the Council regards this as robust evidence to inform this policy. However, the policy fails to recognise that the LHNA regards these figures as a “starting point” for establishing a housing requirement and are subject to viability and other concerns. Indeed, it acknowledges that the viability of delivering this housing mix will need to be tested as part of the overall Local Plan viability appraisal. Accordingly, Place Land objects to the policy in the absence of evidence that the housing mix is compatible with local plan viability.

Policy 87 – Biodiversity Net Gain

Place Land Limited strongly objects to the policy proposal to increase the requirement for Biodiversity Net Gain from the Government mandate of 10% to at least 20% for all new development proposals.

The Local Plan refers to the DEFRA Viability Study of Biodiversity Net Gain. The DeFRA report acknowledges that the purpose of biodiversity net gain policy is to halt biodiversity loss and that any net gain above 0% achieves this goal. It recognises that some local authorities have sought a higher net gain and that this is achievable on some sites, however, other local planning authorities are achieving considerably lower net gains, e.g. 1-5%. Following consultation with stakeholders DEFRA concluded that a 10% gain provides a reasonable level of confidence that biodiversity loss associated with new development can be halted whilst establishing a policy approach which is deemed to be achievable and viable for most development schemes. Whilst a higher net gain could be achieved on some sites, the purpose of the Local Plan is to ensure that its policies support the viable delivery of new development.

For these reasons, Place Land objects to the policy as drafted and recommends that it is revised to align with the current 10% net gain requirement, or any subsequent amendment to Government legislation which is brought into effect during the life of the plan.

Enclosures:

Illustrative Masterplan, prepared by LHC

Concept Report, prepared by LHC

Landscape Visual Appraisal, prepared by LHC

Site Accessibility and Access Appraisal, prepared by Hydrock

Drainage Strategy, Technical Note, prepared by Hydrock

Heritage Appraisal, prepared by AC Archaeology

Representations issued 13 January 2023