



**Representations to the East Devon Local Plan  
2020 to 2042  
(Regulation 19 Publication Draft consultation)**

**Ottery St Mary sites  
February 2025**

On behalf of **KCS Developments**

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## Document Control Sheet

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# 1 Introduction

## 1.1 Introduction

- 1.1.1 These representations are submitted by Stantec on behalf of KCS Development who have land interests in Ottery St Mary. The representations respond to the East Devon Local Plan Regulation 19 Publication Draft consultation.
- 1.1.2 KCS has actively promoted two parcels of land in Ottery St Mary through the emerging local plan, these sites being:
- i. Land at Strawberry Lane, which benefits from a draft allocation for housing in the emerging local plan (site GH/ED/27), and this allocation continues to be supported.
  - ii. Land West of Cadhay Lane (site reference GH/ED/26), which is a sustainable and well located site but is not currently proposed for allocation. A part allocation of which would be entirely logical.
- 1.1.3 Land at Strawberry Lane is subject of a current planning application for 65 high quality homes (application 24/1716/MOUT). Technical matters are or have been addressed and the application is likely to be determined in the coming months.
- 1.1.4 These representations consider strategic policies and the general approach of the emerging plan as well as focussing specific comments on the above sites.
- 1.1.5 The Council does not have a five year housing land supply, and indeed has an acute shortfall with the current supply position being at best 2.97 years. The emerging Local Plan sets out a five year supply based on a stepped trajectory. However, this is based on early delivery of sites as well as having a reliance on a number of larger allocations. Therefore, there is a risk that the plan will not deliver against needs. As such, additional logical sites are required and Ottery St Mary is a sustainable settlement, well placed to accommodate further allocations.
- 1.1.6 In summary, there is a clear need for additional housing in East Devon to respond to issues of overall supply of both market and affordable housing and the above sites can directly respond to this immediate need whilst also contributing to longer term plan-led supply.

## 1.2 Representations structure

- 1.2.1 The remainder of these representation therefore are structured as follows:
- Section 2: Sets the context for the relevant sites.
  - Section 3: National Policy on the preparation of plans
  - Section 4: Comments on the overall plan strategy and strategic policies.
  - Section 5: Comments on site specific matters in relation to Land at Strawberry Lane.
  - Section 6: Comments on site specific matters in relation to Land West of Cadhay Lane.
  - Section 7: Summary and conclusions.

## 2 Site context

### 2.1 Sustainable context of the sites and Ottery St Mary

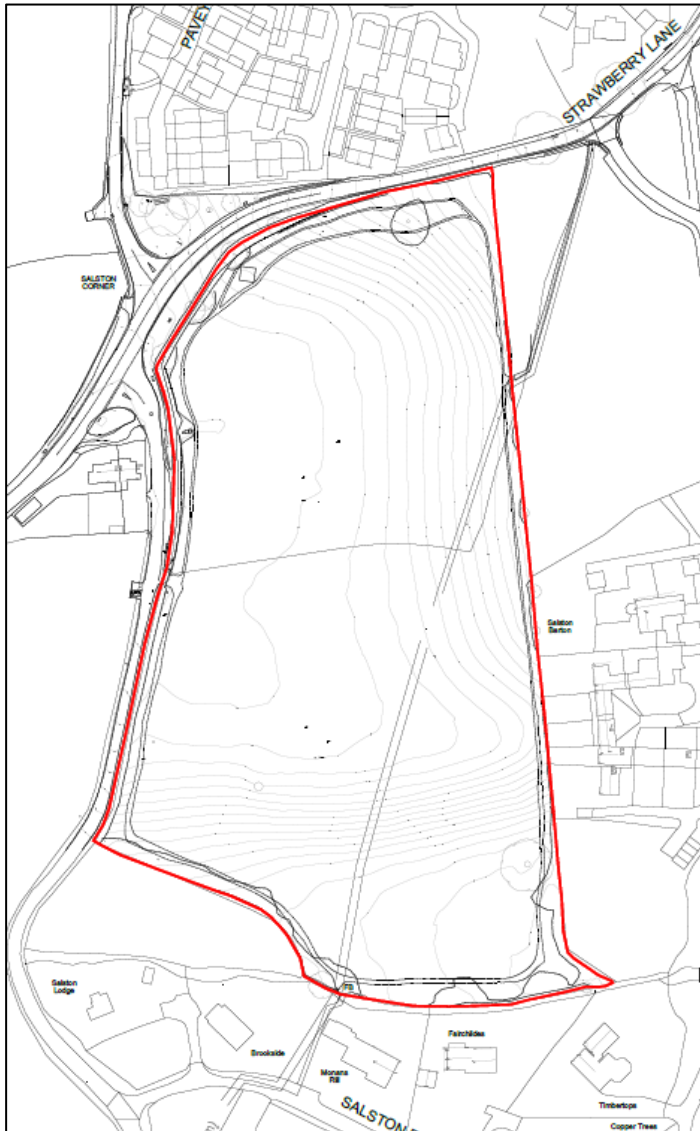
- 2.1.1 Both sites are located in Ottery St Mary which is a suitable and sustainable settlement for growth as accepted in both the adopted and emerging local plans.
- 2.1.2 The adopted Local Plan designates Ottery St Mary as an ‘Area Centre’ where *‘the viability of the town centre will be enhanced through additional housing development’* and that the settlement has a major supermarket, bus links, primary school as well as other services and amenities. The emerging Local Plan considers the Role and Function of Settlements which designates Ottery St Mary as a Main Centre where significant development levels can be promoted and so it is a sustainable location for growth.
- 2.1.3 The sites are sustainably located to a range of facilities within walking distance and within Ottery St Mary, including shops, cafes, pubs and other local amenities. Bus stops are within walking distance and benefit from regular services to Exeter and surrounding settlements. The nearest train station is Whimple approximately 4 miles to the north-west which has regular services to Exeter, London, Salisbury and Woking. The sites are also close to the A30 as a strategic highway which links to the M5 and other key locations.
- 2.1.4 Exeter is approximately 12 miles to the east, and is accessible by a range of means of transport options, where there is a significant and comprehensive range of services and facilities commensurate to Exeter being a key major settlement in the region. These include Exeter Airport, mainline rail stations, Hospitals, main retail, leisure and cultural uses, universities, and historic assets, along with a wide array of shops, cafes, pubs, restaurants, museums, theatres and bars.
- 2.1.5 The site specific background on each of the sites, land at Strawberry Lane and land at Cadhay Lane, is outlined below.

### 2.2 Land at Strawberry Lane

- 2.2.1 The site extends to approximately 3.9ha and is comprised of agricultural land south-west of Ottery St Mary which adjoins the settlement boundary. There is existing field access to the west of the site which can be utilised for future access, and a public right of way crosses the site approximately in the location of this access
- 2.2.2 Development at the site is a logical extension to Ottery St Mary. The site is proposed as an allocation for up to 60 homes in the draft local plan (site GH/ED/27), and there is a current planning application (reference 24/1716/MOT) for up to 65 homes which demonstrates the site is entirely suitable and deliverable within the first five years of the plan.
- 2.2.3 There is existing residential development to the north, south and the south-east of the site, a draft housing allocation site to the east, with agricultural land to the west. Strawberry Lane runs along the north and western boundary of the site. Agricultural fields and a dwelling are to the west of the site. Hedgerows border most of the site with some trees on the northern boundary and to the south.
- 2.2.4 A portion of the site to the south lies within Flood Zones 2 and 3 due to the beck to the south of the site. There is an area of Priority Habitat Deciduous Woodland adjacent to the south-

west of the site. The site lies within the SSSI Impact Zone for the East Devon Pebblebed Heaths SSSI.

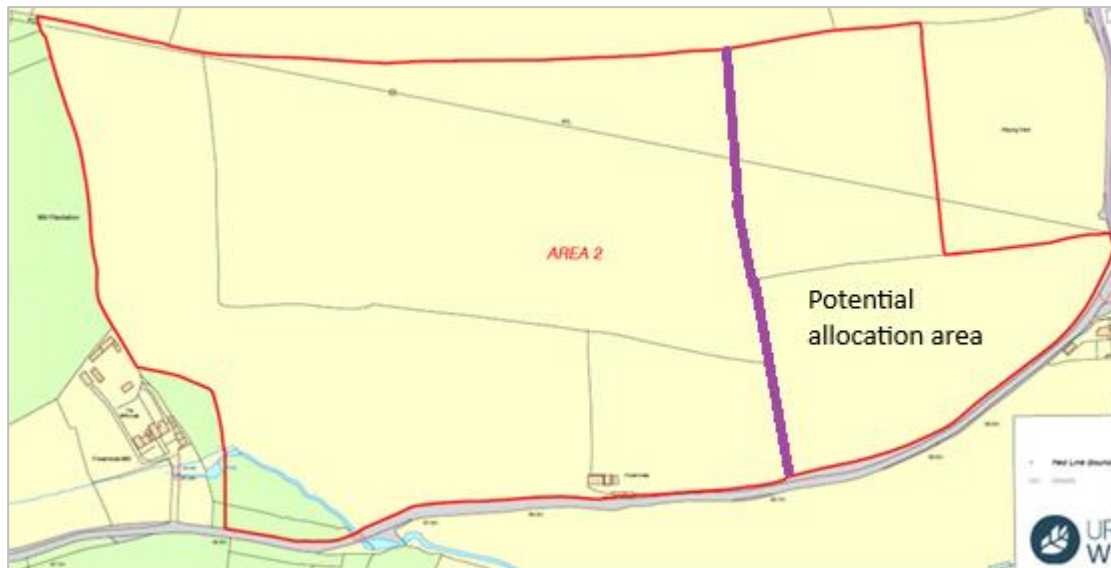
- 2.2.5 There are no Listed Buildings or Scheduled Monuments located on the site and the site is not within a Conservation Area, with the nearest heritage assets being the Grade II Listed Salston Lodge to the south of the site.



**Site GH/ED/27**

### **2.3 Land West of Cadhay Lane**

- 2.3.1 The site west of Cadhay Lane extends to approximately 23ha. Of this site, the two eastern most fields adjoin the settlement and extend to approximately 6.8ha. The overall site could deliver up to 400 dwellings, with the smaller area which is now being promoted for development being capable of delivering approximately 150 units.
- 2.3.2 The site is identified in the emerging local plan evidence as site GH/ED/26 but is not allocated for development in the emerging plan.



### **Cadhay Lane site and proposed allocation area**

- 2.3.3 The site adjoins the settlement boundary and is in a highly sustainable location with access to local services and facilities within walking distance, as accepted in the council's assessment of the site through the emerging local plan site selection process.
- 2.3.4 In terms of neighbouring uses, Strawberry Lane is to the south, and there are further agricultural fields to the west. There is a playing field to the east of the site. The King's Reach housing development is located to the east of the playing fields and adjacent the south east corner of the site. Alongside this, there is a draft housing allocation to the north of the site (LP\_Otry\_01b) and another adjacent to the north of this (LP\_Otry\_09), with a further housing allocation (GH/ED/27) to the south east of Strawberry Lane.
- 2.3.5 The site is wholly located in Flood Zone 1 and there are no heritage, environmental or landscape designations covering or in close proximity. There is limited tree coverage.
- 2.3.6 There are no Public Rights of Way Crossing the site. Access into the site could be via a new junction to the south-east and further improvements to Cadhay Lane / Strawberry Lane would facilitate housing on site and provide wider benefits.

### **The proposed allocation**

- 2.3.7 In terms of detailed design and technical matters, the layout can:
- Work with the existing site constraints.
  - Include strategic and structural planting, such as the western and southern boundary to minimise potential landscape impact.
  - Incorporate areas of publicly accessible green space.
  - Provide sustainable drainage features.
  - Provide walking and cycling routes both to/from Ottery St Mary and around the western edge of the settlement (linking to adjacent allocations).
- 2.3.8 Additionally, the following matters can be accommodated in the layout and development:

- Landscaping and planting which offers additional biodiversity benefits.
- Ecological features can also be provided within the site and/or on adjoining land.
- The site is within the least constrained area around the town in landscape terms.
- Vehicular access can be provided, without severe effects on the local highway network. Indeed, highway improvements associated with development of this site would benefit the wider area, providing an improved link between Barrack Road and Strawberry Lane.
- Therefore, the site layout can respond to the site characteristics and there are no significant constraints that would prevent the development from being delivered.

### Previous plan representations

2.3.9 The site has been consistently promoted through previous Local Plan consultations, including most recently the further Regulation 18 consultation (2024) stages, and the site is identified as site GH/ED/26 in the emerging plan.

2.3.10 In the emerging plan Site Assessment, it is stated that the site has not been allocated as the:

*Site is a significant greenfield site which would extend into open countryside. It has high ecological and heritage sensitivities and development would be visible from a considerable distance.*

2.3.11 These representations will consider the site allocation and explain that a smaller allocation would be proportionate to the site and the settlement and would neatly round off this area of the town when considering other proposed allocations.

## 3 National Planning Policy Framework

### 3.1 National Planning Policy Framework (2024) and Standard Method

- 3.1.1 A revised National Planning Policy Framework ('NPPF') came into effect in December 2024 alongside a revised Standard Method and annual housing requirement. This revision strengthened the presumption in favour of sustainable development as well as further emphasising the importance of housing delivery.
- 3.1.2 As a result of the updated Standard Method the annual housing requirement for East Devon has increased from 893 to 1,188 dwellings, which has implications for the immediate five year housing land supply as well as the longer term position set through the emerging local plan.
- 3.1.3 Annex 1 of the NPPF sets out the transitional arrangements for existing draft Local Plans which have reached at least Regulation 19 stage consultation before 12<sup>th</sup> March 2025 . Paragraph 234(a) notes that the previous NPPF will apply where the plan has reached Regulation 19 on or before 12<sup>th</sup> March 2025, and its draft housing requirement meets at least 80% of local housing need. This is the case for the East Devon Local Plan.

### 3.2 Preparation of Local Plans

- 3.2.1 The NPPF outlines in Paragraph 36 that Local Plans must be prepared in accordance with legal and procedural requirements and whether they are sound, which requires plans are:
- a. **Positively prepared** – *providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
  - b. **Justified** – *an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
  - c. **Effective** – *deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
  - d. **Consistent with national policy** – *enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*
- 3.2.2 It should be noted that Paragraph 72(a) requires a supply of specific, deliverable housing sites for five years on plan adoption. Further, Paragraph 73 notes the important contribution of small and medium sites in meeting the housing requirement of an area.

#### Deliverability

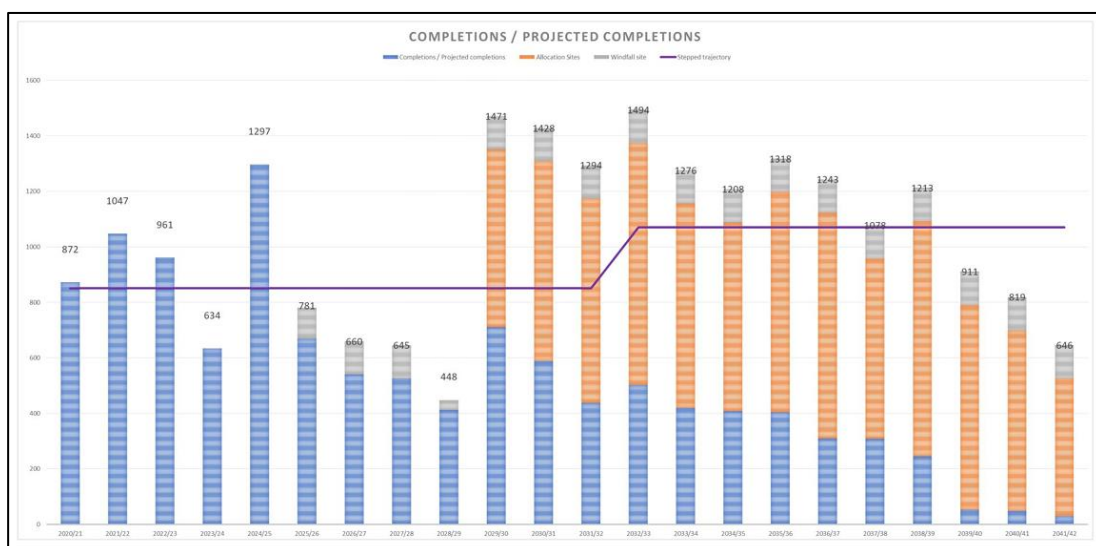
- 3.2.3 The National Planning Policy Framework (2024) requires that sites be deliverable, for plan-making this means that plans should be effective with allocated sites being deliverable over the plan period. 'Deliverable' is defined within the glossary of the NPPF as sites for housing which are available, suitable and achievable with a realistic prospect of delivery.

## 4 Representations to the Draft Plan – Strategic and Technical Policies

### 4.1 House Supply and Delivery

#### Strategic Policy SP02

- 4.1.1 SP02 sets a housing provision for at least 20,909 dwellings (net) by 2042. The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1,070 homes per year from 2032/33 to 2041/42.
- 4.1.2 The above takes into account the recently revised Standard Method figure and transitional arrangements in the NPPF.
- 4.1.3 The policy supporting text recognises the challenges of delivering against the significant housing need and particularly where a significant portion of the plan is reliant on major sites and a new settlement (see policy WS01 regarding the new settlement). There are inherent complexities in delivering major development sites, particularly the proposed new community, and therefore the plan proposes a stepped trajectory.
- 4.1.4 Projected delivery from all sources has outlined that there will be a delivery of 22,614 homes, of which 3,514 have been built. This means a net delivery of 19,100 dwelling. It is also worked out, discounting those already built, that there is a net need of 17,395 dwellings (subtracting from the requirement of 20,909 dwellings) across the 22 year plan period to be delivered through windfalls and allocations. This gives a surplus of 1,705 dwellings to act as a headroom surplus of 9.8%, which is below the council’s stated aspiration for a minimum 10% headroom within the plan
- 4.1.5 The report also sets out the rolling five year housing supply calculations, which includes a 20% buffer, in line with Paragraph 78c of the revised NPPF (2024). This outlines that on adoption, the Council will have a 5.18 year supply and that they will have at least a five year supply in the first five years. However, as demonstrated by the trajectory within the local plan document Appendix 1, delivery in the later years is marginal and some years fall short of the requirement, including years at the end of the plan:



- 4.1.6 Fundamentally, East Devon must deliver its housing requirement on the allocated sites included within the plan to meet its requirements. Even though there is a 'headroom' of 9.8%, this is across the 22 year plan period and only provides a 77.5 dwelling buffer per year. Further, this headroom does not uplift the housing target, in other words, the additional 1,705 dwellings are unallocated.
- 4.1.7 This approach is unsound as if a headroom is to be provided the additional homes should be allocated to ensure delivery. However, at present, there is no evidence the headroom will be delivered. Therefore whilst the principle of a headroom is welcomed, the plan should identify sufficient sites to deliver this headroom. Therefore, the council should re-assess the sites submitted in the call for sites so these additional dwellings can be allocated. Failure to do so would mean the housing forecast is not 'sufficiently flexible'. Site (GH/ED/26), or part of it, for example, is a suitable location for a proportion of 'headroom' dwellings. This site will be discussed in more detail in section 6.
- 4.1.8 Another scenario to consider is that if dwellings are completed early on in the plan period, East Devon could struggle to meet its higher target later in the plan period.
- 4.1.9 It should also be noted the Council accepts there is currently only a 2.97 year housing land supply and so it is imperative that sites are allocated and brought forward in the Local Plan. The housing delivery technical report sets out the housing trajectory for the plan and the sources of housing supply. Allocations make up for 78% of the net need housing to be delivered, with the planned new settlement being a significant contributor to overall supply over the plan period
- 4.1.10 Larger sites and new settlements are inherently challenging to deliver. Recent research shows how large schemes have elongated delivery timescales such that on sites of 2,000 dwellings or more it can take nearly 8 years from the validation of the first planning application to delivery of the first dwelling on site for schemes of 2,000 or more dwellings. However, the emerging plan assumes earlier delivery, which places a significant risk on overall delivery of housing across the plan period.
- 4.1.11 Therefore, whilst the policy intentions are noted there is an inherent **soundness risk** with the proposed stepped trajectory related to the acute housing land supply issues in East Devon and the risk that larger sites within the trajectory will be delayed.
- 4.1.12 There are concerns with deliverability in the timescales given that the planning for the new settlement is in its early stages. Given the stepped approach to housing delivery, there is a greater emphasis on housing delivery between 2031 and 2042 and so if delivery stalls due to delivery of a large scale scheme, East Devon could fall behind the target by a number of dwellings.
- 4.1.13 As such, there is an accepted and very acute short-term housing land supply challenge (with a current supply position of 2.79 year), a further shorter term supply challenge in the early years of the plan (hence the stepped trajectory) and a further longer term supply challenge should larger sites and the new settlement not progress as expected. Therefore, the logical solution is for the council to identify smaller deliverable sites in addition to the current draft allocations to provide greater flexibility.

## 4.2 Development Distribution and Settlement Hierarchy

### Strategic Policy SP01

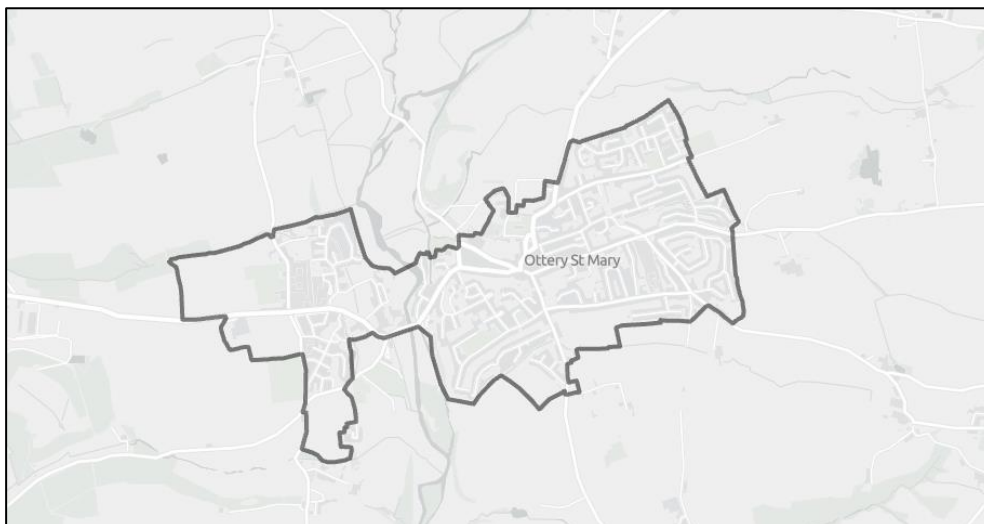
- 4.2.1 This policy outlines the settlement hierarchy and overall approach for focussing development. Development will be directed towards the most sustainable locations, and Ottery St Mary is included on the third tier of the settlement hierarchy and is designated as a Main Centre. It is stated that the Council will promote significant development in Main Centres to serve their own needs and that of the wider surrounding area.
- 4.2.2 The policy where it directs development to sustainable locations is considered **sound**. And the approach of focussing development to Ottery is **sound**. However, there are concerns with the amount of growth being directed to Ottery as additional growth beyond that identified can be sustainably accommodated.

### Strategic Policy SP03

- 4.2.3 This policy relates to housing requirement by designated neighbourhood area. The total minimum housing requirement for Ottery St Mary is 483 dwellings over the plan period. It should be noted that Axminster, a settlement on the same level of the settlement hierarchy as Ottery St Mary, has a minimum requirement of 1,409 dwellings.
- 4.2.4 Whilst the identification of Ottery as a Main Centre is supported and sound, the overall level of development identified for Ottery is unsound for reasons set out below as Ottery can accommodate additional development.

### Strategic Policy SP05

- 4.2.5 These policies relate to development within and beyond settlement boundaries. The settlement boundary for Ottery St Mary is below:



**Ottery St Mary plan**

### Strategic Policy SP06

- 4.2.6 This relates to development beyond settlement boundaries. It is stated that development outside of settlement boundaries will not be permitted unless it is in accordance with a specific Local or Neighbourhood Plan policy.

- 4.2.7 This policy is unsound as it does not apply a flexible approach to housing delivery, for example the policy must follow the NPPF approach and enable development when or where there is a specific need (such as to meet housing land supply requirements)

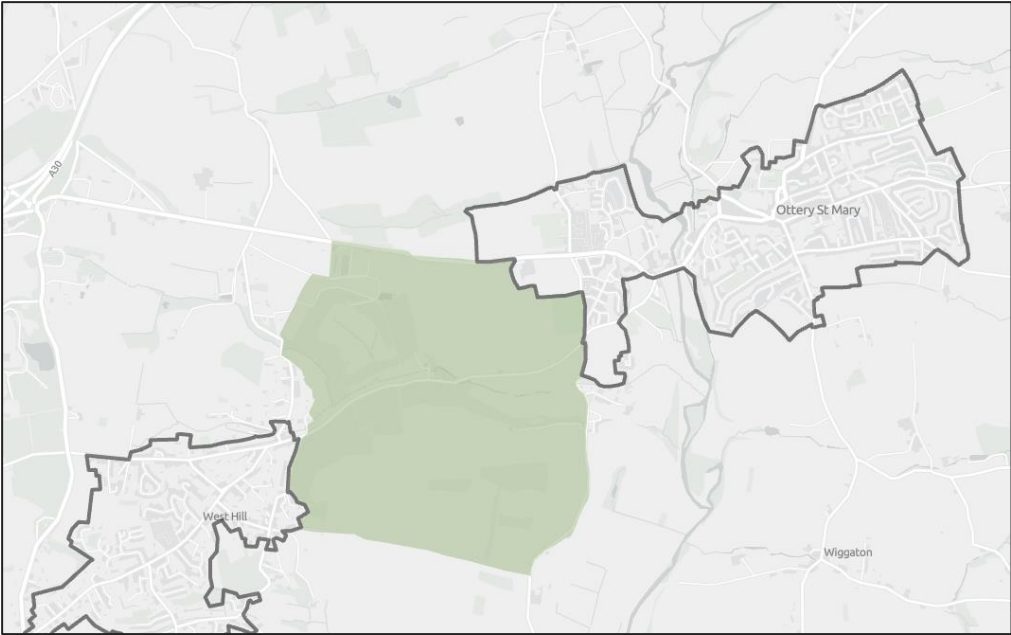
#### **Applicant response**

- 4.2.8 KCS welcomes Ottery St Mary being identified as a Main Centre. However, compared to other settlements at this level in the hierarchy, there is a lack of growth in Ottery.
- 4.2.9 Ottery St Mary is as sustainable as other Main Centres (such as Axminster) and it has the capacity to provide for similar levels of allocations. Currently under Strategic Policy SP03, Axminster provides for nearly three times as many allocated dwellings as Ottery St Mary. Therefore, there is an opportunity for the delivery of further residential allocations to fully utilise the sustainable location of Ottery St Mary and to provide for 'headroom' allocations to ensure that the housing requirement is met. Bolstering housing supply in the plan to secure the requirement 'headroom' would ensure that the plan was positively prepared.
- 4.2.10 In reference to the proposed settlement boundary, we concur with the inclusion of allocation GH/ED/27 within the boundary. However, the inclusion of the eastern fields of site GH/ED/26 within the settlement boundary would effectively round-off the settlement and provide a stronger defensible boundary. It would also ensure that those areas close to facilities are allocated for development.
- 4.2.11 Regarding the policy relating to development outside of settlement boundaries, this is unsound due to its lack of flexibility. It does not consider the scenario if a five year housing land supply cannot be demonstrated. The plan does not consider windfall market housing schemes adjacent to settlement boundaries. Another policy deems that rural exception affordable schemes coming forward on the edge of settlements are acceptable. However, these are only small scale and generally consist of just affordable housing and would not be able to meet general housing requirements if a five year housing land supply cannot be demonstrated.

### **4.3 Green Wedge**

#### **Policy OL05 – Green Wedges**

- 4.3.1 This policy relates to green wedges and their protection. Within green wedges, development will not be permitted if it would add to existing sporadic or isolated development, damage the individual character or identity of a settlement, or could lead to or encourage settlement coalescence. Below is the proposed Green Wedge between West Hill and Ottery St Mary.



**Proposed Green Wedge**

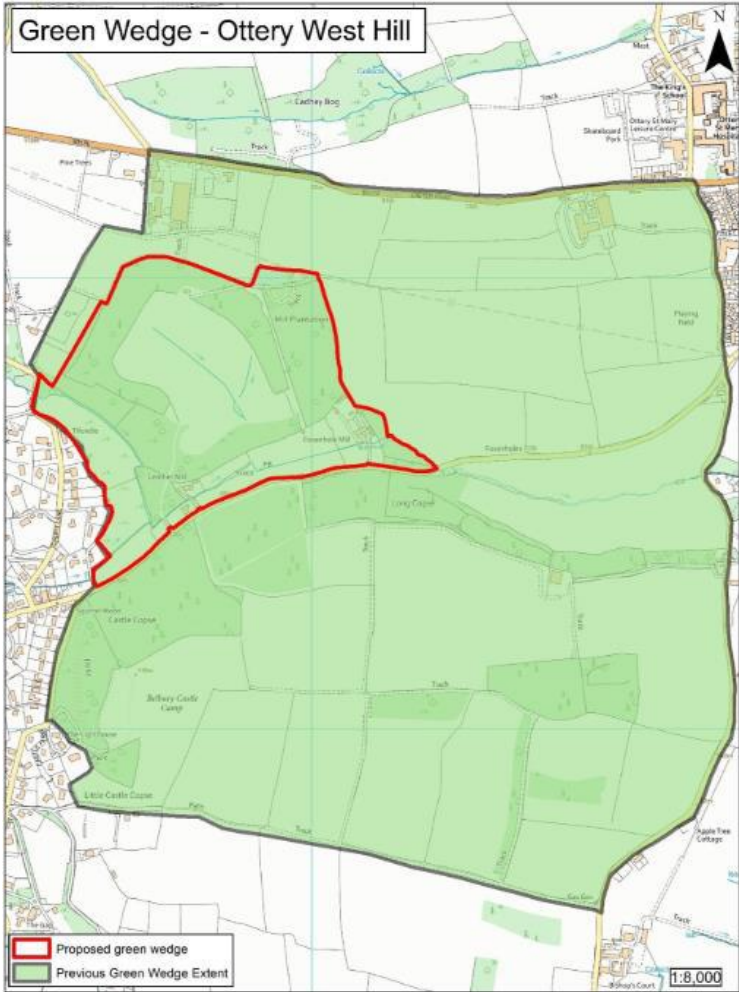
4.3.2 As outlined in our previous representations on Matter 8 of the further Regulation 18 consultation in June 2024, the approach taken by the Council in the designation of the Green Wedge boundary at Ottery St Mary/ Westhill is **unsound** and is not based on robust evidence. An in-depth assessment of the Green Wedge has taken place but its conclusions were not followed in the placement of the boundary.

4.3.3 Green Wedges were reviewed by the council as part of the previous Regulation 18 consultation and following a robust evidential based approach officers advised on the potential extent of Green Wedges across the local plan area in a Green Wedge assessment document (February 2024). The Green Wedge assessment document concludes of the Ottery St Mary/ West Hill Green Wedge that:

*Part of this area, as defined on the map above, performs strongly against the majority of Green Wedge criteria and so this area should be designated. The area meets the purposes of protecting the local identities and distinctive characters of Ottery St Mary and West Hill and preventing coalescence.*

*The designation does not extend beyond the area needed to achieve the purposes of the Green Wedge.*

4.3.4 The February 2024 report recommended the below Ottery St Mary to Westhill Green Wedge boundary edged in red:



**Recommended Draft Local Plan proposed Green Wedge**

- 4.3.5 However, the council is now proposing a Green Wedge which includes all land between Ottery St Mary and West Hill, apart from the allocation to the north-east of the Green Wedge (Otry\_01b). This change in approach is contrary to all published evidence and is unsound. There have been no in detailed assessments or new evidence provided with the 2025 consultation document in relation to the designation of Green Wedges.
- 4.3.6 This is despite the robust evidence base, methodology and assessment seen in reports to the Strategic Planning Committee recommending that the Green Wedge should be reduced in size. Therefore, this approach to the designation of Green Wedges is unsound as it is not justified or positively prepared and not based on the evidence carefully prepared by the Council. Very limited evidence was provided to make a decision entirely contrary to the February 2024 recommendation.
- 4.3.7 The council’s evidence is clear that much of the Green Wedge assessment area, and particularly the area to the east where it adjoins the Ottery St Mary settlement boundary, does not function as a Green Wedge and specifically should not be included within the Green Wedge designation. It is unclear why the council has departed from this approach.

**4.4 Technical matters**

**Policy PB05 – Biodiversity Net Gain**

- 4.4.1 This policy notes that major proposals will need to deliver a BNG of at least 20%. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full.
- 4.4.2 It should be noted that the mandatory requirement for Biodiversity Net Gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), means that developers must deliver a BNG of 10%.
- 4.4.3 The submitted plan wide viability document references the Government's impact assessment (published with the consultation on the amendments to the Environment Act), which suggests that this will increase costs to developers by 19%. This would, nevertheless, increase costs for developers and reduce viability. Many of the plan's allocations are on green field land and so the higher costs would reduce housing delivery.
- 4.4.4 The Sustainability Appraisal for the Local Plan, when assessing policy PB05, concludes that there would be a negative effect on housing delivery if the 20% BNG was implemented. The council expect to deliver 1,946 windfall dwellings and 13,537 dwellings on allocated sites to meet housing requirements, and this 20% BNG may mean sites are not viable to deliver.
- 4.4.5 Therefore, in line with legislation, and to ensure viability and deliverability of sites, the requirement for BNG should be 10%. Policy PB05 is **unsound**.

#### **Policy HN05 – Custom build**

- 4.4.6 This policy requires that at least 5% of dwellings on sites of 20 dwellings or more are serviced custom and self-build plots.
- 4.4.7 However, there are inherent challenges with providing self-build plots on smaller sites given resourcing and cost which could undermine deliverability of sites. As is stated in Paragraph 73 of the NPPF, small sites play an important role in contributing to housing supply as they can be built out quickly and so any deliverability issues here could stall housing delivery.
- 4.4.8 Therefore, self-build and custom build dwellings are better placed on larger sites. Policy HN05 is **unsound**.

## 5 Land at Strawberry Lane (site GH/ED/27)

5.1.1 This site has been promoted to the emerging Local Plan for East Devon since the initial Issues and Options Consultation in early 2021. Since then, a number of further consultations have taken place and the Council's evidence base has been progressed.

5.1.2 Policy SD04 outlines housing allocations in Ottery St Mary and Land south of Strawberry Lane is included under reference GH/ED/27. Below is the text from the allocation policy for the site:

*This land lies south of Strawberry Lane and is proposed for 60 houses. This allocation will need to be supported by further flood risk assessment work, details of special measures to be taken to protect ancient trees and measures to ensure that safe cycle and pedestrian access to nearby facilities and Ottery St Mary town centre can be achieved. Part of the site is at risk of flooding and a Level 2 SFRA has been undertaken, the results of which should be incorporated into the development. A sequential test has been undertaken as part of the local plan. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes.*

5.1.3 As stated previously, KCS **supports** the sound allocation of this land. The emerging plan is entirely sound in allocating the site.

5.1.4 All technical matters have been investigated and found that appropriate mitigation to any possible adverse effects can be addressed through the planning process. There is a current planning application (24/1716/MOUT) for outline consent for up to 65 dwellings, and almost all technical matters related to the development have been resolved and/or are close to resolution. There are significant benefits associated with the proposals including affordable dwelling provision.

5.1.5 The planning application also considers the criteria set out in the allocation policy. Therefore, the application has been supported by Flood Risk Assessment work and measures to mitigate against this such as only locating built development in Flood Zone 1. Further, connectivity for pedestrians and cyclists has been a consideration in the design of the scheme with the existing PROW being retained but slightly diverted and an extra connection to the north of the site added. Further, it should be noted that no trees are to be removed for development.

5.1.6 Significant off-site highways improvement works are not required to bring this site forward. Highways modelling undertaken as part of the planning application demonstrated that the number of vehicle movements forecast to be generated by development at the site is low and can be accommodated.

5.1.7 There are sustainable access options for pedestrians/ wheelers both along Strawberry Lane and through existing developments, which link the site to the town centre and other nearby services.

5.1.8 The site can therefore make a meaningful contribution of the council's five year housing land supply position both immediately and within the local plan five year supply. Therefore delivery of this site is critical to the overall deliver of housing in East Devon and is fundamental to the soundness of the plan.

5.1.9 Further, in line with the NPPF, the site is deliverable as set out in the below table

<b>Criteria</b>	<b>Site Specific</b>
Achievable	The site is under option to KCS Development Ltd and the timetable for delivery of homes on site is within 1-5 years, subject to planning.
Suitable	There are no technical issues with the site that cannot be mitigated against. Furthermore, the site is located in a sustainable area with access to a number of amenities and public transport links.
Available	There are no ransom strips or legal issues and/ or covenants affecting development at the site.

## 6 Land west of Cadhay Lane (GH/ED/26)

### 6.1 Site Summary and allocation benefits

- 6.1.1 As outlined in Section 2 this site is a suitable, appropriate, and sustainable location for residential development.
- 6.1.2 The local plan evidence is predicated on the entire site being allocated for development. However, the evidence fails to recognise that a smaller area of the site is being promoted that being the eastern part of the site where it adjoins Cadhay Lane and the playing field such that the site boundary mirrors the proposed allocation to the north. It should also be noted that the draft allocation site to the north is further from local services and arguably less sustainably location than site GH/ED/26.
- 6.1.3 All potential technical matters can be addressed through typical scheme design. Furthermore, Ottery St Mary is a wholly suitable and sustainable location for further housing growth. Its sustainability is evidenced by its designation as an Area Centre in the adopted and emerging Local Plan.
- 6.1.4 It is noted the site is within a revised proposed draft 'Green Wedge', as proposed elsewhere in the current Regulation 19 consultation. Further analysis of this is provided in section 4 of this document, however, in summary, the revised Green Wedge is unsound and is neither logical nor supported by sufficient evidence.
- 6.1.5 KCS would support a **partial allocation** of the site for residential development, namely the two fields in the eastern part of the site (as identified in previous representations and summarised here). This would deliver a number of significant benefits, including:
- Development would provide a strong defensible boundary to the edge of Ottery St Mary,
  - It would include high quality landscaping and public realm works in-keeping with the edge of settlement location,
  - The landscaping and planting offer additional benefits in terms of biodiversity net gain.
  - Ecological features can be provided within the site and/or on adjoining land.
  - The site is within the least constrained area around the town in landscape terms as shown in the submitted comparison document.
  - Vehicular access can be provided, without severe effects on the local highway network. The provision of highway improvements through a north / south link road through the allocation site would be a benefit for the local area.
  - Further residential allocation in Ottery St Mary will aid the vitalisation of the town centre and be in line with the settlement hierarchy,
  - The opportunity exists to connect into good bus, bicycle, and pedestrian links to key local services, facilities and employment sites, and
  - This site can help meet housing requirement in the first five years of the plan period,

- If would deliver notable affordable housing in an area of need.
- 6.1.6 The site is an entirely sustainable, logical, and deliverable site which can meet local housing needs in the short to medium term.
- 6.1.7 As discussed in section 5 of this document, Ottery St Mary has the capacity to deliver a similar amount of growth as Axminster due to its sustainability as a Main/ Area Centre. Delivery of further allocations would bolster housing supply and create more certainty around the delivery of the ‘headroom’ supply.
- 6.1.8 Further, the site is also comparatively equal or better, sustainable, deliverable, and suitable in comparison with other sites put forward for allocation in Ottery St Mary.
- 6.1.9 In line with the NPPF, the site is deliverable as set out in the below table

Criteria	Site Specific
Achievable	The site is under option to KCS Development Ltd and the timetable for delivery of homes on site is within 1-5 years, subject to planning.
Suitable	There are no technical issues with the site that cannot be mitigated against. Furthermore, the site is located in a sustainable area with access to a number of amenities and public transport links.
Available	There are no ransom strips or legal issues and/ or covenants affecting development at the site.

## 6.2 Council’s assessment of the site

- 6.2.1 The western edge of Ottery St Mary is accepted (in the draft plan and Sustainability Appraisal (SA)) as the least constrained and therefore most suitable area for growth in the town. In reality, GH/ED/26 is a logical extension to the settlement in a location where other sites have been identified as being acceptable in planning terms.
- 6.2.2 It should also be noted that despite previous representations on a partial allocation of GH/ED/26 being appropriate in the additional sites consultation of 2024, the site’s full extent is still assessed. Therefore, many of the conclusions reached in the SA are not relevant and the site should score significantly better in the assessment. This is outlined below:

Theme	Current score and reasoning	Suggested score and reasoning given reduced site area
<b>Biodiversity</b>	+ / - as there are small pockets of woodland or copses adjacent to site and boundary trees.	0 as there is still a small area of woodland to the north of the site. There are also some boundary trees. However, the smaller site is no longer adjacent to the large band of woodland to the west of the site.
<b>Landscape</b>	-/- likely to have a significant impact on the local landscape due to the rural character of the site and its visibility in short and long range views, with a medium-high landscape sensitivity.	- reduced impacts due to smaller scale of the site.

<b>Historic Built Environment</b>	-/- as the site adjoins a Grade II listed mill to the west.	0 as the smaller site is not adjacent to or in close proximity to heritage assets
<b>Climate Change Carbon Emissions</b>	+ as it is located to the west of the town within 400m of the secondary school, hospital and leisure centre. It is noted that the western section of the site feels remote and this is a factor in rejecting this site for allocation.	+ the site is sustainable and the western section is now not included and so this is no longer a reason for rejection of site allocation here.
<b>Climate Change Adaption</b>	0 as the site has small parts within Flood Zones 2 and 3.	+ as the reduced site area now no longer has areas of Flood Zone 2 or 3.
<b>Land Resources</b>	- ? as the site comprises of Grade 3 agricultural Land.	- ? as the site comprises of Grade 3 agricultural Land.
<b>Water Resources</b>	0 as the site is not located within an SPZ.	0 as the site is not located within an SPZ.
<b>Homes</b>	+ + as the site has the capacity to deliver over 100 dwellings.	+ + as the site could still deliver over 100 dwellings.
<b>Health and Wellbeing</b>	+ as the site is within 500m of open space or play area/ open space can be accommodated onsite.	+ the site is within 500m of open space or play area and space can be provided on site.
<b>Access to Services</b>	+ the site is in close proximity to services.	+ the site is within close proximity to services.
<b>Jobs and Employment</b>	+ + as the site is large enough to accommodate an employment use.	+ as the site is within 800 metres of a employment site.
<b>Town Centres</b>	+ as site within 1600m of the town centre.	+ as site within 1600m of the town centre.
<b>Connectivity and Transport</b>	0 as none of site is within 800m of the railway station/ A road/ recognised cycle route.	0 as none of site is within 800m of the railway station/ A road/ recognised cycle route.

- 6.2.3 The above updated scoring matrix taking the smaller site area into account outlines that the site has reduced negativity associated with many of the themes. It is noted that the only outright negative score was on landscape, which scores the same on all of the other sites considered in the SA. In fact, the smaller site improves on at least three previously negative themes. The first is on biodiversity given that there are only boundary trees and no adjacent woodland. The second is in relation to the historic environment, given that the smaller site is now not in close proximity to heritage assets. Finally, the third is in relation to climate change adaption given that the smaller site is not within Flood Zones 2 or 3.
- 6.2.4 Further, in the council's latest site assessment, it is stated that the remoteness of the western part of the site was a reason for the rejection of a site allocation. Given that the smaller part allocation of the site only covers the eastern fields, this reason for not allocating the site should be removed.
- 6.2.5 The site assessment for GH/ED/26 concludes that the site

*'is rejected as it does not abut the town and wholly extends into open countryside. There are heritage, ecology and visual impact concerns. The site us part of an area*

*identified in the adopted neighbourhood plan where development should be restricted to prevent settlement coalescence.'*

- 6.2.6 The updated site assessment for the smaller parcel addresses most of the above points. Further, it should be noted that the designation of the area as a Green Wedge is not based on thorough analysis and in fact is contradictory to evidence as outlined in section 4. Alongside this, a smaller site would not lead to coalescence and it would not jut out into the countryside.
- 6.2.7 Ottery St Mary has the capacity to accommodate more dwellings to make provision more in line with other settlements on the same level of the hierarchy. The western area of Ottery is the least constrained and so the site is a logical allocation.
- 6.2.8 Despite the clear benefits of **part allocating GH/ED/26** and the significant further detail provided in the previous Draft Plan representations the site has not been considered for allocation. The Council should have properly reassessed the site with this information and **part allocation** in mind.

### 6.3 Assessment Against Other Sites

- 6.3.1 It should be noted that two other sites have been allocated on the western side of Ottery St Mary, beyond the current built development line. These are allocations Otry\_09 and Otry\_01b.
- 6.3.2 Our client's site either performs the same or better than these sites that have been allocated in the Local Plan (excluding the employment score for Otry\_01b as this proposes a mix of uses including employment). In fact, the allocation of Land to the West of Cadhay Lane would better round off the settlement limits of Ottery. The below table shows the smaller site score performance of GH/ED/26 against Otry\_09 and Otry\_01b.

Theme	GH/ED/26	Otry_09	Otry_01b
Biodiversity	0	+ / - -	+ / -
Landscape	-	-	-
Historic Built Environment	0	0	- ?
Climate Change Carbon Emissions	+	+	+
Climate Change Adaption	+	0	+
Land Resources	- ?	- ?	- ?
Water Resources	0	0	0
Homes	+	+	+
Health and Wellbeing	+	+	+
Access to Services	+	+ / -	+
Jobs and Employment	+	+	++
Town Centres	+	+	+
Connectivity and Transport	0	0	0

- 6.3.3 Otry\_01 was promoted as a single large site and yet the Council assessed and allocated only part of that site (Otry\_01b). By comparison, the entirety of GH/ED/26 was assessed and there

was no consideration of the benefits of partial allocation (namely the two fields to the east). Therefore, some of the approaches to analysis in the evidence base are unsound in line with Paragraph 36 of the NPPF.

- 6.3.4 Part allocation of site GH/ED/26 is entirely logical and in line with current adjacent allocations. Residential development here would bolster the housing land supply and provide certainty for the delivery of the 'headroom' dwellings required.

## 7 Conclusions

- 7.1.1 This representation is made on behalf of KCS Developments, who have land interests in Ottery St Mary. It is submitted in response to the Regulation 19 Publication Draft consultation.
- 7.1.2 There is a short and longer term acute housing land supply deficiency in East Devon. The Council can currently demonstrate, at best, 2.97 year housing land supply and the emerging local plan is reliant on a 'stepped trajectory' to achieve a 5 year supply on adoption. Even then the stepped trajectory is based on ambitious delivery of major sites and a new settlement, and the plan does not allocate sufficient sites to meet needs or the required 'headroom' of supply.
- 7.1.3 The natural conclusion is the plan must allocate additional land for development.
- 7.1.4 On a strategic scale, Ottery St Mary has the capacity to deliver a similar amount of growth as is proposed for other settlements at the same level in the proposed settlement hierarchy (such as Axminster) due to its sustainability as a Main Area Centre. However, Axminster has three times as many allocated dwellings as Ottery St Mary. Therefore, it is logical that Ottery St Mary can accommodate additional growth.
- 7.1.5 The representations, in line with previous Draft Plan representations, support allocation of Land South of Strawberry Lane under reference **GH/ED/27 for residential development**. The continued allocation of the site is sound and is supported.
- 7.1.6 The representations also demonstrate that, in accordance with previous Draft Plan representations land west of Cadhay Lane (site GH/ED/26) is deliverable, is located adjacent a sustainable settlement, and has no insurmountable technical constraints. However, despite the council recognising that further housing sites are required, the site is not proposed for allocation. An updated site assessment, for a smaller part allocation of GH/ED/26, concludes that the site generally performs better than or the same as other allocations on the western side of Ottery St Mary. In fact, the western side of the town is the least unconstrained and residential development of GH/ED/26 would effectively round-off the settlement boundary. A **part allocation of GH/ED/26** is both logical and sound.
- 7.1.7 The emerging plan proposes a Green Wedge between Ottery St Mary and West Hill under Policy OL05. However, the area of the Green Wedge is not founded on any reasonable basis and indeed the evidence is clear that only a much smaller Green Wedge is necessary. The Green Wedge is **unsound**.
- 7.1.8 Policy PB05 requires a 20% Biodiversity Net Gain is not based on any evidence, and is **unsound**. The policy target should be reduced to 10% in line with the Environment Act.
- 7.1.9 Policy HN05 requiring 5% of dwellings to be self/custom build on sites of 20 or more dwellings should be altered to be on larger sites of 100 dwellings or more given the inherent challenges of delivering these dwellings on smaller sites.
- 7.1.10 Overall, the strategic approach of locating development in Ottery St Mary is supported as is the allocation of site GH/ED/27. However, other elements of the plan are unsound and additional housing sites are required.