



**SENT BY EMAIL ONLY**

13<sup>th</sup> January 2023

Planning Policy Department (Local Plan)  
East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

Dear Planning Policy Team,

**East Devon Draft Local Plan Consultation: Barwood Development Securities Ltd. Representations**

Barwood Development Securities Ltd. ('Barwood Land') is promoting c 15.9ha of land to the south of Lyme Close, Axminster for the allocation and delivery of a residential-led development. The land we are promoting is shown on the enclosed site plan. The site is identified as site ref. AMI\_11 (Land East of Lyme Close) in the emerging Local Plan and supporting evidence documents.

We are keen to engage with the Council and other stakeholders to develop a high-quality development that will deliver meaningful public benefits and would welcome the opportunity to engage further with you about this site and the opportunities it presents as an allocation in the Plan.

We support the Council's decision to progress a new Local Plan and we welcome this opportunity to provide comments. We hope our representations will assist the Council as it continues to develop and advance its evidence base and the emerging Local Plan.

We recognise that the evidence base is still being developed and that the policies may evolve as its preparation advances and so when this is made publicly available, we obviously also reserve our position to make new and additional representations in due course.

**Draft Policy 1: Strategic Policy - Spatial Strategy**

We support, overall, the principles set out in the draft Spatial Strategy, in particular focussing and directing significant development to the Principle and Main Centres, including Axminster.

We do not comment at this stage on the housing requirement for the district or the numbers of homes directed to each settlement as set out in draft policies 2. and 3., as we do not consider that there is yet sufficient evidence available to comment meaningfully on that.

**Draft Policy 5: Strategic Policy – Mixed Use Developments Incorporating Housing, Employment and Community Facilities**

This draft policy requires all sites in Tier 1 & 2 settlements to deliver at least 0.4ha of employment land for every 100 homes, and 0.1ha employment land for every 25 homes in Tier 2 & 3 settlements.

Whilst it is agreed that the emerging Local Plan needs to identify and plan to meet its employment requirements over the Plan period, this will not be achieved by the strategy set out in this draft Local Plan. There is no evidential basis for this policy, and it would not be effective in meeting the district's

employment needs. At present, no consideration or assessment appears to have been undertaken to determine which specific sites are suitable, appropriately located or whether there is the need and demand for such uses in those locations.

As a result, as drafted, this strategy and policy would result in piecemeal, small-scale employment sites across the district, which would not meet the identified requirements. This is especially the case given our serious reservations that there would be demand to realise its delivery on many of the sites.

We therefore encourage the Council to reconsider this policy and instead formulate a strategy based on actual evidence of need, existing supply, and demand which is likely to differ across the district. It is also noted that the draft policy does not indicate what type(s) of employment space would be required – we assume it is expected this would comprise the former ‘B’ class uses but it is possible that this may include other employment generating uses, such as retail, leisure, education etc. The policy should be amended to be precise in this regard.

#### **Draft Policy 19: Strategic Policy – Axminster and its future development**

As set out above, we are promoting land which is covered by site ref. AXMI\_11 (‘Land East of Lyme Close’). It is suitable and deliverable for the delivery of at least 250 homes, alongside a sizeable area of open space.

We note that only part of this site (shown as LP\_Axmi\_11a on the Policies Map) is currently identified as a possible allocation for 100 homes, as well as 0.4ha employment land and is also only identified as a second choice option for allocation. These representations therefore focus on responding to the specific reservations raised in the consultation documents and supporting draft evidence base, in order to demonstrate why all of the land shown on the enclosed plan should be identified as a ‘first choice’ for allocation. Our comments on this should be read alongside the enclosed technical note prepared by The Environmental Dimension Partnership.

We do not consider that the current evidence base, including the draft Strategic Environmental Assessment (SEA) has taken an objective analysis and comparison of the various site options, as demonstrated by a number of inconsistent conclusions reached. For example, a large area of AXMI\_11 has been discounted as a preferred option, which appears to be due to perceived landscape sensitivities including the potential for views from the AONB and its location in relation to a scheduled ancient monument. Yet other sites, which are identified to clearly be more sensitive in landscape and heritage terms have not been discounted for the same reasons, including Axmi\_02 and Axmi\_08, as well as the Second Choice Axmi\_09, which are much closer to (indeed adjacent to) the same AONB, and which are also closer to (and, again, adjacent to) the same scheduled ancient monument.

Moreover, the evidence base documents appear to discount the site based on there being “uncertainties” about if mitigation can be delivered as opposed to there being any evidence to justify it being discounted. We agree that there are site considerations which are important, including in respect to landscape, heritage and topography, and that this will mean that areas of the site may not be suitable for build development and instead form areas of open space. However, this is not a reason to discount the site’s allocation in its entirety as it can be addressed through sensitive masterplanning, design and mitigation, which can be managed through appropriate policy wording associated with the allocation of this site as well as through the development management process at the planning application stage(s).

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Taking into account the site's considerations, the allocation of a wider area of land in this location will be suitable for the delivery of at least 250 homes as well as a large area of multi-functional, high-quality open space. It will deliver the necessary mitigation, including in respect of landscape, ecology, biodiversity and heritage, whilst also delivering significant material benefits including public open space, recreational opportunities and health & well-being benefits, as well as landscape and ecological enhancement and benefits including significant biodiversity net gain.

The Strategic Environmental Assessment raises questions about whether this site can be accessed. In response, we can confirm that access to the site will be taken from Lyme Road, which will also provide for safe and convenient connections on foot and cycle to the local shops and key services and public transport, with a secondary access achievable (if needed) from Lyme Close. As shown on the attached plan, Barwood Land has the land control to deliver these accesses.

We agree that the land east of Lyme Close is in a highly sustainable and accessible location. It is available now, with Barwood Land being chosen as the promoter on behalf of all landowners of the land shown on the enclosed plan. It is also suitable, with no in principle constraints which cannot be suitably mitigated.

We strongly recommend that the Council needs to review its site selection methodology and to apply it consistently to all sites. We believe that a review of the site selection process and resulting reassessment of sites will result in this site scoring much higher, resulting in a different conclusion being reached whereby all of the identified land on the enclosed plan should be identified as a 'first choice' / preferred option for allocation.

More generally, it is also important that the Council ensures that it is planning now to meet its housing requirement in full by ensuring there are sufficient sites identified for allocation.

We would like to engage with the Council to discuss an appropriate mix of uses for this site. However, for the reasons set out in our comments on draft policies 5 and 41, we do not consider that the site is suitable for employment and older persons accommodation. However, as well as the employment opportunities generated by the delivery of the development, we are committed to ensuring any scheme will encourage and support home and remote working and delivering sustainable, safe and convenient connections to local services and employment opportunities. Moreover, while we do not believe there will be demand for specialist accommodation or for employment space on this site, the homes will be designed to meet a wide range of housing needs, which may include homes which are attractive to and suitable for older persons (e.g. bungalows and accessible/adaptable homes).

## **Draft Policy 40: Policy – Affordable Housing**

We support the objective of planning to meet the affordable housing needs of the district and that this should be a priority. However, we have been unable to find any evidence to justify the level of affordable housing set out in this draft policy, including the significantly reduced requirement that is proposed to be delivered from the new town compared with other draft allocations and residential developments. There also appears to be no evidence of viability testing to demonstrate that this is achievable or justified.

With respect to the new town, we do not consider that the evidence base presented to date provides a justification for a reduced level of affordable housing than is expected to be delivered from all other

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sites which come forward over the Plan period. As the new town is expected to meet a significant proportion of the identified housing requirements for the District across the Plan period, we are concerned that this policy will put increased pressure and challenges for the Council to meet its identified housing needs as well as an imbalance of delivery across the district. In the absence of a sound evidence base or justification for this, we cannot support the policy as drafted.

We also object to the inclusion of a specific housing mix as part of this policy. This may represent the Council's view on what housing mix is required at this moment in time. However, it is essential that the policy recognises that those needs are likely change over the Plan period and/or may differ in different parts of the district. We suggest that the housing mix table is removed from the policy and is replaced by wording which provides sufficient flexibility to enable the housing mix to be informed by evidence on a site-by-site basis and to also take account of viability considerations. The precise mix of housing can be determined at the planning application stage(s) and controlled by suitably worded planning conditions/s106 legal obligations.

#### **Draft Policy 41: Policy – Housing to Support the Needs of Older People**

We object to this policy. Whilst we agree that it is important to meet a wide range of housing needs, including older persons accommodation, this draft policy will not be effective in achieving that objective and is not based on a sound evidence base.

By the very nature of their use and the occupiers' specialist needs, older person housing accommodation has very specific requirements, including with respect to site location, accessibility to certain services, and site size and characteristics. If those requirements are not met, there will be no demand and specialist housing providers will simply not deliver the accommodation because they are not suitable or viable to deliver and effectively manage. Whilst we welcome the inclusion of flexibility to factor in viability, this is not the only consideration when it comes to the delivery of older persons accommodation.

This policy therefore needs to be revisited. In doing so, we strongly encourage the Council to look at the evidence of need and supply across the district and for the Council to engage with specialist older persons accommodation providers to understand what the operational requirements are for such accommodation in order to ensure that sites are allocated which will meet those needs and respond effectively to demand. The resulting evidence may determine that some of the draft allocations are suitable and deliverable for such accommodation, particularly the larger allocations, such as the new town, where there is the ability to deliver this effectively. However, we anticipate that it will be found that many of the allocations and other residential sites which may come forward are not suitable for such uses and that it will be more appropriate to identify and allocate suitable sites specifically for the purposes of providing specialist older persons housing accommodation.

#### **Draft Policy 42: Policy - Accessible and Adaptable Housing**

We support the principle of delivering accessible and adaptable homes. However, we object to this policy on the basis that it requires 100% of all homes to be delivered to these standards. There is no evidence presented to demonstrate that this is necessary or justified, and the implications on viability have also not been tested.

## **Draft Policy 43: Policy – Market Housing Mix**

For the same reasons explained with respect to the inclusion of a 'fixed' housing mix table for affordable housing, as set out in draft policy 40, we object to this policy. Housing needs will change over time and will differ across the district and so the appropriate housing mix for a site needs to be decided on a site-by-site basis, taking into account up to date evidence on housing needs, supply and demand, as well as other considerations such as site location.

It is important that the policy wording takes these important considerations into account and provides the necessary flexibility to enable the precise housing mix for a site to be agreed and decided at the planning application/reserved matters stages. The agreed mix can then be controlled by suitably worded planning conditions.

## **Draft Policy 44: Policy – Self-Build and Custom Build Housing**

Whilst we do not object to a policy requiring the delivery of self-build and custom-build homes in principle, the policy as drafted is extremely onerous, not justified and is not achievable. It would almost certainly also unnecessarily delay or impede the delivery of sites and harm the objective of meeting the identified housing requirements for the district.

There appears to not be any evidence to support a policy requiring 5% of all homes on sites of more than 20 homes to be self- or custom-build homes. Without the evidence of actual demand for such sites, we question whether this is deliverable or effective, albeit we do support a criterion which would enable such sites to be 'released' if, after appropriate marketing for a period of time, they cannot be sold for those purposes.

A number of the proposed criteria set out in this policy must be deleted or revised. In particular:

**Criterion a):** We have no objection to the principles set out in this criterion. However, we consider 6 months (and a maximum of 12 months) is a more appropriate period for effective marketing of the site to be achieved. It is also not necessary for marketing to start only once the site is fully serviced and developable, which will delay the process and so this element of criterion a) should be deleted.

**Criterion b):** There is no definition of what an "early stage" in the development is. Ensuring that plots are served by suitable road access and services etc can be conditioned at the planning application stage.

**Criterion c):** There is no justification for requiring the self/custom build plots to all be made available before 50% of the dwellings have been commenced. This should be deleted and can instead be controlled by an appropriately worded planning condition at the planning application stage.

**Criterion i):** This criterion must be deleted as there is no legislative or policy basis to impose a requirement for any obligation for developments, including self- and custom-build homes to be delivered and completed within a set timeframe. Such restrictions could therefore not lawfully be imposed, in policy or via planning conditions or s106 legal obligations. Moreover, this requirement could inadvertently detract demand and interest from those wishing to purchase a self- or custom-build home and therefore undermine the policy objective.



We support the proposed policy to encourage suitable sites to be identified and allocated through neighbourhood plans.

#### **Draft Policy 84: Policy – Protection of Internationally and Nationally Important Wildlife Sites**

This policy requires development proposals to result in a Biodiversity Net Gain (BNG) of at least 20% and the drafting of this policy indicates that the Council could seek to argue it applies to virtually all residential developments which come forward. This exceeds the 10% BNG which is expected to become mandatory in late 2023 under secondary legislation accompanying the Environment Act (2021). There is no legislative or policy basis for this and no evidence provided to demonstrate why this is justified.

Whilst we support the protection of important wildlife sites as well as measures to deliver material benefits as part of developments, including in respect of biodiversity net gain, there is no justification for 20% Biodiversity Net Gain to be a policy requirement and that should be deleted.

#### **Draft Policy 86: Habitats Regulations Assessment**

Whilst it is recognised that Natural England's current position and advice to authorities is that all residential sites in certain areas should achieve nutrient neutrality, we do not consider that it is appropriate or justified to make this a planning policy requirement in the emerging Local Plan.

It is noted, in particular, that nutrient neutrality requirements are currently constraining housing development in 74 of the 333 Local Authorities in England. The UK Government has recognised that this needs to be addressed urgently and, in July 2022, it set out plans to address this through:

- a) placing a new legal duty on water companies to upgrade wastewater treatment works in affected areas; and
- b) launching a new Defra-funded Nutrient Mitigation Scheme to be run by Natural England (NE) to invest in habitat creation projects such as new and expanded wetlands and woodlands which take up nutrients out of surface water, for which nutrient credits can be purchased by developers.

Further details of the national Nutrient Mitigation Scheme were published by NE in November 2025.

This confirmed that the scheme will be open to all developers, with credits offered in batches for which developers can apply. NE will formally launch the scheme by inviting applications for credits from developers before the end of March 2023.

This draft policy must therefore be reconsidered in order to ensure that it does not unduly prevent or delay the delivery of the district's housing needs and to ensure there is the flexibility to respond to changes in legislation, policy and guidance in respect of impacts on protected wildlife sites as appropriate.

#### **Draft Policy 87: Policy – Biodiversity Net Gain**

For the same reasons set out above in relation to draft Policy 84, there is no justification for a requirement to deliver a minimum of 20% biodiversity net gain and this should be deleted from the



draft policy. Whilst delivering this could be supported or encouraged through policy, it cannot be imposed as a policy requirement.

**Draft Policy 97: Policy – Land and buildings for sport, recreation and open space areas in association with development**

We note that the draft policy recognises that its evidence base is out of date and further, up to date evidence needs to be produced, and we reserve our ability to comment further on this when that evidence is made available.

We consider that, as drafted, the policy will not currently provide an appropriate level of flexibility regarding the delivery of land/buildings for sport, recreation and open space. The policy wording should provide flexibility to reflect that there will be differing needs and supply of such spaces on a site-by-site basis. For example, particularly on non-strategic/smaller allocations and sites, where it might be better to contribute towards larger facility (new or improved) elsewhere (if justified). Whilst having open space standards defined, reflective of evidence of need and demand in the area, this should be a starting point as there may also be circumstances where there is justification for alternative standards to be applied on a case-by-case basis.

We trust these comments are helpful and we would welcome a further discussion about the opportunities that the allocation of the land we are promoting at Lyme Close, Axminster as you continue to develop the evidence base and advance the preparation of the emerging Local Plan.

Yours faithfully

Rebecca Mitchell  
Planning Director

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