

Land East of Axminster and North of Sector Lane

East Devon Local Plan 2040 Regulation 18 Consultation -
Representations for The Crown Estate
December 2022
Our Ref: SRS/508/12/1



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Quality Assurance

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2015.

We confirm that the undersigned is an appropriately qualified and experienced Chartered Planner experienced in the commercial property sector.

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1 INTRODUCTION

- 1.1 These representations to the East Devon Local Plan 2040 Regulation 18 Consultation (November 2022 -January 2023) and relevant supporting documentation have been prepared by Rapleys LLP on behalf of The Crown Estate (TCE). The representations are made in accordance with Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012.
- 1.2 The representations seek to advance and support the case for the proposed allocation of land to the north of Sector Lane, Axminster (the Site) identified in the Regulation 18 Local Plan as part of Site LP-GH/ED/79 and 80a for residential development within Strategic Policy 19 (the Allocation Site).
- 1.3 The Allocation Site is part of the existing East of Axminster allocation Policy 20 of the adopted East Devon Local Plan 2028 for circa 650 dwellings and associated facilities, including the Axminster relief road. A hybrid planning application was submitted by TCE in April 2018 for the development of the TCE land within the allocation based on the principles of the Strategic Masterplan – this application remains undetermined to date principally as a result of issues of viability, funding of the relief road and nutrient neutrality.
- 1.4 The representations are structured as follows –
- Brief description of the proposals for the TCE land,
 - General response to matters of relevance within the Regulation 18 Plan.

2 PROPOSALS FOR LP-GH/ED/80A

- 2.1 TCE currently own some 31ha of land either side of Beavor Lane on the eastern edge of Axminster, extending as far south as Sector Lane. TCE has considered what is achievable on ALL of the land within its ownership, notwithstanding that the Regulation 18 Plan only identifies circa 12 ha of this as a preferred option for mixed use development. This is because TCE consider it is important to understand how the proposal works as a whole, not just that being promoted for mixed use development (although the representations are NOT seeking the allocation of the remainder of the TCE land and Vision). As a result, a Vision Document has been prepared which seeks to promote an alternative development strategy for the TCE land, one that -
- Removes the uncertainty over the deliverability of the allocation and resolve viability concerns,
 - Delivers a smaller self-sufficient and viable development with access off Lyme Road (through the Persimmon land which forms part of the Allocation Site),
 - Provides an opportunity to use its remaining land to deliver phosphate/nutrient mitigation for the Allocation Site and other development land, as well as significant Biodiversity Net Gain (BNG), carbon offsetting and increased public/community access thereby unlocking the delivery of homes and addressing current issues in the Axe Catchment.
- 2.2 The result is a proposal that comprises:
- 12ha of land (ie, the Allocation Site LP-GH/ED80a) for –
 1. Circa 225 homes,
 2. A community hub providing workspace, café, meeting space,
 3. 1.66ha open space, green infrastructure,
 4. New pedestrian /cycle links,
 5. Vehicular access to the south off Lyme Road (through the Persimmon part (LP-GH/ED79) of the Allocation Site).
 - 19.82ha of land (outside the Allocation Site) for –
 1. BNG,
 2. Tree planting,
 3. Phosphate nutrient mitigation,
 4. Community orchards, publicly accessible open space.
- 2.3 The Vision Document is attached as Appendix 1 and attached at Appendix 2 is a short Note on the nutrient neutrality mitigation strategy.

3 RESPONSE TO THE REGULATION 18 CONSULTATION DOCUMENT

3.1 TCE provides a number of comments in relation to -

- The Vision and Objectives
- the overall spatial strategy (particularly that relating to housing and employment distribution and mixed use developments (Strategic Policies 4 and 5)),
- Strategic Policy 19 – Axminster
- Policy 97 – sport, recreation and open space in association with development

3.2 All comments are intended to be constructive and are made with the intention of ensuring that the Local Plan is found 'sound' in the context of the tests of soundness set out at paragraph 35 of the National Planning Policy Framework (NPPF, July 2021).

VISION AND OBJECTIVES

3.3 TCE supports the principles of the Local Plan Vision set out in paragraph 2.3 and its objectives as identified in Table 1 in the Plan.

SPATIAL STRATEGY

3.4 TCE supports the principles of the spatial strategy as set out in Strategic Policy 1, focussing development on the western side of the district (54%) whilst at the same time promoting an appropriate level of development at the 'main centres' throughout the District (30%), including Axminster, and allowing limited development to meet local needs at 'service villages'/local centres and in the countryside (16%).

3.5 TCE has no comments to make with regard to the levels of future housing development, other than to note that it should be a 'minimum' provision. TCE does, however support the Council's intention to balance the maximisation of housing delivery on brownfield land with the need to maintain housing supply and deliver its spatial strategy, vision and objectives, as set out in Strategic Policy 3.4a & b.

3.6 TCE supports the general principles of the economic vision set out in paragraphs 3.36 and 3.37. Paragraph 3.37d specifically references providing the right land and premises in the right location in order to promote sustainable development – TCE agrees with this sentiment but is concerned that the subsequent reference in Strategic Policy 4 to E (g) (ii) and (iii) being able to be carried out in ANY residential area and shall therefore be provided on mixed use site allocations, and Strategic Policy 5, potentially contradicts this. TCE consider that the policy wording will need to be revised within the Regulation 19 plan to overcome this contradiction.

Strategic Policy 5

3.7 This policy implies that sustainable patterns of development are only achievable through the development of mixed use schemes, providing both employment, housing and on-site social/community facilities. This premise does not accord with the NPPF and cannot therefore be considered sound.

3.8 The policy requires that all sites of over 100 dwellings should also provide at least 0.4ha per 100 dwellings of employment land and social and community facilities on-site. Paragraph 3.73 notes that this figure is based on past assessment work that indicates 1ha might support 250 jobs. Whilst the sentiment is admirable, TCE is concerned that there is no up-to-date evidence produced by the Council to back up these calculations or indeed the need. The Council itself acknowledges that the 250 jobs is a higher level figure based on high levels of office use and that the EDNA (Economic Development Needs Assessment) is still in the process of being researched, meaning the exact economic needs of the district are still as yet unidentified.

3.9 The importance of a robust evidence base is set out in the NPPF paragraph 31 –

'The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly

on supporting and justifying the policies concerned, and take into account relevant market signals’.

3.10 This is reflected in the inclusion of ‘justified’ as one of the four tests of soundness that must be met for a plan to found sound. The NPPF definition of justified is

‘an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence’.

3.11 As such the policy is not justified and is therefore unsound. It will need to be revised in the Regulation 19 version of the Plan.

3.12 TCE notes that the policy does provide exceptions to this level of provision, including site constraints, employment-only sites, the nature of housing being proposed and viability. TCE supports these in principle, however, it is unclear how a development can be expected to provide a financial contribution in lieu of the employment requirement if it is not viable.

STRATEGIC POLICY 19 – AXMINSTER

3.13 TCE supports the principle of the allocation of land east of Lyme Road (GH/ED/79) and Prestaller Farm, Beavor Lane (GH/ED/80a). However, TCE considers that neither the amount of dwellings (293) nor the provision of 1ha of employment land on the site is appropriate. The reasons for this are explained below.

3.14 TCE has already expressed its reservations about the robustness of the employment calculation in these representations, considering it to be unjustified.

3.15 TCE does not consider that the Allocation Site is an appropriate location for the type of employment provision envisaged by Strategic Policy 4 (E (g) (ii) and (iii)). This is because –

- The Allocation Site is on the far eastern side of Axminster, accessible only off Lyme Road, a road itself which (i) rises with the land-form as it heads east out of Axminster (ii) characterised by residential development along its length, (iii) has a width restriction just before its junction with Sector Lane.
- There is a lack of public transport availability along Lyme Road to provide alternatives to accessing the employment provision, so those employees not living within the Allocation Site would likely travel by car.
- The topography of the Allocation Site would require a bespoke solution to employment provision in terms of building size, orientation, appearance, functionality, etc which is likely to be unattractive to the market, restrict the type of employment offer and therein be unviable to provide.
- The Allocation Site area is circa 17ha in total. Through its assessment work, TCE consider that the topographical and other constraints of the Allocation Site (for example, the requirement for mitigation for nutrient neutrality, the flood plain associated with the Millbrook in the valley forming the northern most boundary of the allocation, the protection of existing hedgerows and trees, etc) combine to severely compromise the ability to achieve a viable mixed use development required to provide 293 dwellings, 1ha employment, 20% biodiversity net gain (BNG), 2.1ha of open space/green infrastructure, and social and community facilities. The 293 dwellings are only achievable without the provision of the employment land.
- Specific employment-only allocations are being made within Axminster that are better suited, particularly in terms of location, to the scale and type of employment opportunities that are being envisaged within Strategic Policy 4.

3.16 TCE therefore considers that the proposed 1ha of employment development should be deleted from Strategic Policy 19.

3.17 TCE does support and propose, however, that Strategic Policy 19 include the requirement for provision of a community hub building that can be used for a variety of uses including workspace, café, meeting rooms, etc, all falling within the wider E use class.

3.18 TCE also considers that the overall Allocation should be increased to provide for circa 310 dwellings to reflect the assessment work on densities and yields on the TCE land set out in the TCE Vision Document and also the dwellings achievable on the Persimmon land.

POLICY 97 – SPORT, RECREATION AND OPEN SPACE ASSOCIATED WITH DEVELOPMENT

3.19 TCE supports the principles of open space provision on and as part of the comprehensive development of allocation sites. However, TCE is concerned that the policy as worded is not sound.

3.20 The opening sentence of the policy states -

Planning permission for new housing development will only be granted where there is, or there will be, land space of at least the quantified levels as set out in this policy.'

3.21 The second paragraph then goes on to state -

Development proposing net new dwellings will be expected to provide for open space on-site in line with the table below where there is a demonstrable need for such open space in the vicinity. Developments will be assessed against existing provision in the parish in which they are proposed.'

3.22 TCE considers that the opening sentence of the policy should be deleted as it contradicts the second paragraph. It is also unnecessary given the second and third paragraphs set out the precise way the policy will be applied.

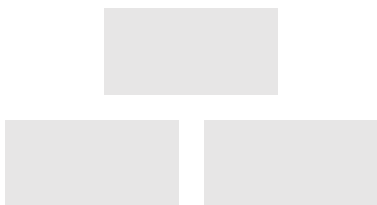
3.23 TCE also questions whether it is reasonable to expect (assuming that there is a need) that ALL sites of over 200 dwellings should have to provide ALL the open space typologies identified on-site. The fourth paragraph, whilst providing some scope for negotiation and variance to the required typologies and quantities, does not acknowledge (i) economies of scale, or (ii) that the site may not be suitable, due to topographical or other reasons, for the provision of, all typologies, for example playing pitches require level, well drained land. In the event that a typology cannot reasonably be provided on-site, the policy should acknowledge that a financial contribution in lieu of this may be appropriate.

4 CONCLUSIONS

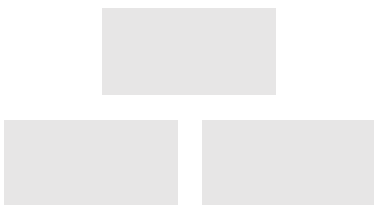
4.1 TCE has set out a number of comments and observations in relation to the proposed Local Plan strategy and policies which it considers are pertinent to assist EDDC in achieving a sound and adoptable Local Plan.

4.2 TCE specifically supports the Allocation Site LP-GH/ED79/80a as an appropriate and sustainable location for the development of a residential extension to Axminster, with the modification of an increase in dwelling numbers to circa 310, the inclusion of a community hub building and the deletion of the 1ha of employment. It is capable of being brought forward and delivered within the Plan period to provide much needed housing without the need for the relief road as originally envisaged.

Vision Document – included as a separate document due to size (We Transfer link)



Nutrient Neutrality Note



CALCULATION RECORD

Job Name: Land East of Axminster
Job No: 332511279
Note No: TN001
Date: 13/01/2023
Prepared By: A Harman
Subject: Initial Nutrient Budget and Mitigation Calculation Record – NOT FOR PLANNING

1 Overview

1.1 Introduction

- 1.1.1 This Calculation Record has been prepared by Stantec, on behalf of the Crown Estate, to support representations of Land to the east of Axminster to be included in the Local Plan.
- 1.1.2 The information given within this calculation record is based on publicly available data at the time of writing, and no discussions with consultees have been undertaken. Future planning applications will be supported by a full nutrient neutrality assessment.

1.2 Development Proposals

- 1.2.1 This Calculation Record will review the initial nutrient budget for residential development as set out in the Masterplan (Option 3) A1 Landscape CAD Drawing.
- 1.2.2 The foul water produced by the development has been assumed to discharge to the Kilmington WwTW.

2 Initial Nutrient Budget

2.1 Parameters

- 2.1.1 To calculate an initial nutrient budget, a series of parameters have been defined, based on the hydrological setting of the site, and development proposals. These are presented in **Table 2.1**.

Table 2.1: Initial Calculation Parameters

Parameter		
Wastewater Treatment Works		Kimlington
Dwellings		225
Average Occupancy Rate		2.4
River Catchment		Lim and Axe
Soil drainage type		Impeded
Annual Average Rainfall (mm)		1000.1-1100
Presence in Nitrate Vulnerable Zone		No
Site Area (ha)		11.91
Pre-Development Land use (ha)	Lowland Grazing	11.91
Post-Development land use (ha)	Residential Urban	5.05
	Green space	6.86

CALCULATION RECORD

2.2 Initial Nutrient Budget

- 2.2.1 The budget calculation methodology produced by Natural England, is formed of four stages to quantify the nutrient loading and demonstrate if there is additional loading resulting from the development proposals.
- 2.2.2 The initial nutrient budget calculation is based upon the masterplan available at the time of preparing this Calculation Record.
- 2.2.3 Outcomes of the initial nutrient budget calculations are presented in **Table 2.2**.

Table 2.2: Initial Nutrient Budget

Calculation Stage	Calculation Output	TP
Stage 1	Annual Wastewater load (kg/yr)	21.30
Stage 2	Pre-development Annual Nutrient Export (kg/yr)	14.42
Stage 3	Post-development Total Annual Nutrient Export (kg/yr)	10.75
Stage 4	Nutrient Budget including 20% buffer (kg/yr)	21.16

- 2.2.4 A precautionary buffer of 20% is applied to the initial nutrient budget. This buffer is used to recognise the uncertainty with the data and ensures the approach is precautionary.
- 2.2.5 Therefore, based on the calculations presented, the proposed development to the east of Axminster does require mitigation to demonstrate nutrient neutrality.

3 Mitigation

3.1 SuDS Treatment

- 3.1.1 In order to maximise nutrient treatment onsite, the proposed surface water drainage strategy consists of the following treatment train:

Permeable Paving – Grass Swales – Wetland Basins

- 3.1.2 The above treatment train results in an approximately 74% reduction in Phosphorus loading in the development's surface water runoff. This reduction has been calculated based on data extracted from the International Stormwater BMP Database Analysis Tool 2022.
- 3.1.3 The effect of this reduction on Stage 3 of the nutrient budget is shown below in Table 2.3.

Table 3-3: Nutrient Budget when adopting SuDS Treatment Train Nutrient Removal

Calculation Stage	Calculation Output	TP
Stage 1	Annual Wastewater load (kg/yr)	21.30
Stage 2	Pre-development Annual Nutrient Export (kg/yr)	14.42
Stage 3	Post-development Total Annual Nutrient Export with SuDS Nutrient Removal (kg/yr)	2.80
Stage 4	Nutrient Budget including 20% buffer (kg/yr)	11.62

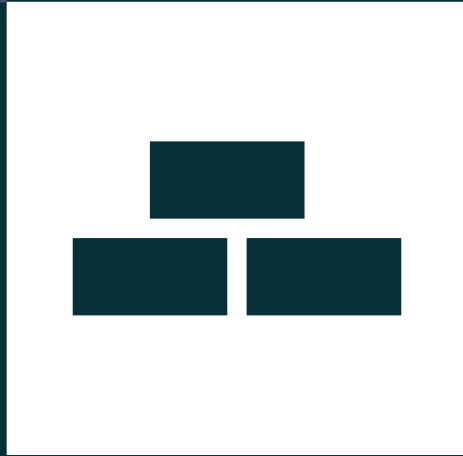
CALCULATION RECORD

3.2 Arable Reversion

- 3.2.1 The process of arable reversion involves converting agricultural land into a less intensive form of management with lower or zero nutrient input.
- 3.2.2 The area of land to the north of the development, consists of approximately 20ha of a mix of agricultural uses including cereal cropping and grazing.
- 3.2.3 Converting the entire 20ha from agricultural use, into a mixture of open greenspace and woodland will result in a nutrient reduction of 26.96 kgTP/year which can be used as nutrient mitigation.

4 Conclusion

- 4.1.1 The proposed nutrient mitigation strategy for this development consists of a SuDS treatment train, which will treat the surface water runoff, and arable reversion which will act as an offset for the remainder of the nutrient budget.
- 4.1.2 The remaining nutrient budget for the proposed development after the reduction from the SuDS treatment train is 11.62 kgTP/year. The 20ha of arable reversion to the north provides a nutrient reduction of 26.96 kgTP/year which in turn provides sufficient mitigation to ensure the proposed development is nutrient neutral, with approximately 15.34 kgTP/yr surplus.
- 4.1.3 Therefore, the development has a viable nutrient mitigation strategy to ensure a future planning application can achieve nutrient neutrality.



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