

Feniton Parish Council's comments on the Regulation 19 Publication Draft of the East Devon Local Plan.

The Parish Council has commented at all stages of the Local Plan and taken every opportunity to attend and speak at the meetings of the Strategic Planning Committee. It is dismayed that the Planning Authority has never formally acknowledged the Parish Council's legitimate concerns or responded directly to any of the issues and objections that it has raised.

It is the Parish Council's view that the process of preparing the Local Plan has been flawed and that elements of the plan, particularly as they relate to Feniton, are unsound.

Pre-determination

On the one occasion when the Parish Council was invited to meet face to face with the Leader of the Council, the Chief Executive and the Assistant Director responsible for planning, the planning officer stated that as Feniton was not in the AONB and had a railway station it was effectively ripe for development. This set the tone for the way in which Feniton has been viewed throughout this Local Plan process and in the view of the Parish Council demonstrated a pre-determined position from the out-set. This in spite of the fact that in 2014 the District and Parish Councils were united in their opposition to unfettered development at a "Super-Inquiry" that considered the appeals of 4 refused planning consents for large scale housing in the village. The Inspector at that Inquiry agreed with the District and Parish Councils and concluded that Feniton was not a sustainable location for large scale housing.

The Call for Sites and "Common Place"

Early in the plan preparation there was a call for sites where landowners and developers were encouraged to identify development sites. A total of 13 sites were identified at Feniton, vastly more than at any other tier 4 "service village". While initially only one was recommended for inclusion, the majority were categorised as "Second Choice" sites that could be developed dependent on the quantum of development deemed appropriate for a service village like Feniton.

The District Council determined that it was to use the "Common Place" system for public consultation on the plan. It became clear very early on that the system was not suited to a consultation at this scale. There were broken hyper-links and other glitches that led to huge frustration and dissatisfaction with the general public and District Councillors alike. Many were simply put off commenting at all.

Because of this system failure and with additional encouragement by the District Council Chief Executive, Feniton Parish Council organised a clearly worded petition setting out reasoned objections to all the sites in Feniton except the site formally recommended for inclusion. This was signed by more than 500 residents but was never reported to the Strategic Planning Committee when it considered site allocations. Neither was there detailed reporting of the careful responses that a large number of residents persisted in putting on the Common Place system or sending by e-mail.

The residents of Feniton do not believe that their views have been acknowledged, let alone given due consideration in the planning and site selection process.

Mis-application of policy and arbitrary changes

The Vision of the Local Plan states that "rural East Devon will retain its outstanding charm and character with modest and sensitively planned development to meet local needs". The Spatial Strategy of the plan is logically based on a hierarchy of settlements. In order to achieve the

greatest sustainability, more development is to be concentrated in the Principal, Main and Local Centres where there are existing infrastructures and employment. The Parish Council supports this approach.

In the Regulation 18 version of the Local Plan, the Strategy stated that for the smaller settlements in rural East Devon, the tier 4 "Service Villages", there would be "modest development to meet local needs" - in line with the Vision.

When a member of the Strategic Planning Committee pointed out that the committee was allocating in Feniton housing numbers greater than necessary to meet local need the Chairman instructed the Officer to rewrite the Strategic Policy SP01 in the Regulation 19 version so that it now reads: "...E. allowing limited development at the Service Villages...."

This was clearly a device to avoid the charge that the unsustainable proposals at Feniton are not in line with the plan's intended strategic policy of only meeting local housing need in rural villages.

However, the Vision in the Regulation 19 Draft remains "modest...development to meet local needs". There is now a mis-match between Vision and Strategy because of the deception. As a result Feniton is burdened with housing proposals for 102 dwellings far exceeding the definition of modest development to meet local need.

A Feniton housing need survey was funded by the District Council and undertaken by Devon Community Together in 2022. The identified local need then was for 13 dwellings in the following 5 years.

The site Feni_08 Beechwood was recommended for housing late in the site allocation process as it became clear to the Strategic Planning Committee that it was not going to achieve the housing numbers required by national targets. Inadequate and inappropriate consideration was given by the committee to the sustainability consequences of agreeing this site. The site was already rejected by the Planning Inspector at the 2014 "Super-Inquiry" when it was the District Council arguing (at great public expense) that this was not a suitable site to achieve sustainable development. Nothing in the village has changed to make development here in the 2020s any more sustainable than it was in 2014 - in fact it can be realistically argued that the circumstances have worsened. The frequency and reliability of public transport to the village has declined, the volume of journeys by private vehicle has increased, there has been no significant increase in employment in the village, the village school is over capacity and the nearest GP practice in Ottery is drastically over-subscribed. There is no credible evidence in the plan that sustainable development will be achieved from this allocation.

Furthermore, there is imperfect understanding of both the foul and surface water drainage systems in the village. A flood alleviation scheme is currently being constructed in Feniton with the intention of capturing run-off from Cheriton Hill to the east of the village, diverting it around the village on its eastern side, taking it under the railway line and discharging it via an open watercourse to Ottery Road. This scheme is untested in practice. It is not known whether the scheme will completely solve the flooding in Feniton. Indeed it is quite possible that downstream flooding will occur on Ottery Road, the main access from the A30 to the village. This could have dramatic impact on vehicular access to the village at times of high rainfall and diversion of traffic onto entirely unsuitable country lanes.

In particular, it is not clear whether the flood alleviation scheme will stop the surcharging of the foul sewer system in the village that currently occurs at times of high rainfall. At the moment this frequently results in the village foul pumping station on Ottery Road being overwhelmed. The outcome is foul sewage backing up into people's homes, discharge onto the public highway and discharge into the watercourse designed to carry storm water from the village parallel to Ottery Road.

Allocating further development in Feniton that will increase surface run off and further burden the foul system, while these issues remain unresolved, is unsound planning.

Late introduction of an employment site

After the original Call for Sites and the Regulation 18 draft consultation, a late site was brought forward by the landowner and introduced into the local plan. Now known as Otry_20, it is a site of 4.64 hectares comprising an active orchard and a former poultry house. The site is adjacent to but outside the current built area boundary of the village. By a quirk of ancient parish boundaries it is in Ottery parish rather than Feniton. It is far distant from and has no bearing on the functioning of Ottery St Mary as a settlement but is very significant for Feniton village.

The site was not consulted on in the routine Regulation 18 round and very few residents had the opportunity to comment. What comments there were, were not discussed at the Strategic Planning Committee.

This site is very controversial. It is proposed in the plan as an employment site for general industrial, distribution and office/R&D uses. At 4.6 hectares it is totally disproportionate to the scale of Feniton. It represents more industrial/distribution land to be allocated in Tier 4 Feniton than in Tier 1 Exmouth (the Principal Centre) and in Tier 2 Axminster and in Tier 3 Ottery and Seaton. This is completely out of scale and not in line with the plan's stated spatial strategy of concentrating development proportionately across the settlement hierarchy.

The Regulation 19 Local Plan Draft proposes redrawing the Feniton settlement boundary to newly include site Otry_20 to which the Parish Council has objected. The Parish Council contends that this change in boundary is a contrivance to ensure that employment Policy SE01 applies to the site. In reality the site is outside the village (in fact in another Parish altogether). As such it would normally be considered as "Employment development in the countryside" to which employment Policy SE02 of the Local Plan would apply.

In these circumstances the site allocation and its intended uses would fail the policy tests set out in Policy SE02. The business is not close to full occupancy nor is there a proven need from new or expanding functions. Expansion is not proportionate to the size and scale of operations nor prioritising re-use of existing buildings. Development will not be readily accessible via a range of modes of transport, nor would it be socially and environmentally acceptable. Development of this countryside site for industrial, distribution and research purposes would not be compatible with overall plan strategy and other local plan considerations.

Were it to be argued that the proposal is a form of farm diversification, the Parish Council would contend that it fails the policy tests in Employment Policy SE03. The allocation does not represent an ancillary or subordinate component of an existing enterprise. Development would prejudice the existing agricultural undertaking on the site. New building, parking and other structures on a 4.6 hectare site would not be modest in scale.

Quite apart from the policy failure, the site itself is totally unsuitable. It is accessed off a narrow country lane with an unconventional junction to the village "main" road. The site entry point is between two humped, narrow railway bridges and where there is no footway. It is wholly unsuitable for large commercial vehicles and largely incapable of improvement at a realistic cost. The site is beyond the natural village boundary formed by Green Lane and in open countryside. A recent planning application further east on Green Lane was refused by the District Council for the same reasons.

Gagging of the Parish Council

When the site proposal Otry_20 came before the Strategic Planning Committee the Parish Council came to the meeting prepared to make its case against the proposed inclusion of the employment site. However, at the meeting the Chair of the Committee ruled that no representative of the Parish Council could address the Committee because the site was technically in Ottery St Mary Parish. This was totally undemocratic and an abuse of process. As stated above, the site has no bearing on Ottery St Mary but is very important to the functioning of Feniton and the Parish Council was prevented from raising residents' legitimate concerns with the Committee.

Flawed Sustainability Appraisal

The Sustainability Appraisal includes a lengthy section on the sites that emerged from the Call for Sites. A member of the Parish Council's Local Plan Working Group made detailed comments on the original appraisal of the Feniton sites which have never been acknowledged or reported to the Strategic Planning Committee. No changes have been made to the Sustainability Appraisal and no explanation given as to why the suggested amendments were rejected. The Parish Council remains concerned that this element of the Sustainability Appraisal is flawed and understates the sustainability impacts of development proposals in Feniton.

Conclusion

Because of the failings detailed above, Feniton Parish Council questions whether the plan has been developed in a legally compliant way. It is further doubtful of the soundness of the plan as far as the proposals for Feniton village are concerned. The lack of evidence to support the allocation of 102 houses and 4.6 hectares of employment land in a small Tier 4 Service Village with poor infrastructure and a known flooding problem is very concerning. In the Council's view there has been a disregard of evidence and planning history indicating that this scale of development in Feniton is unsustainable. The proposals for Feniton are not consistent with the local plan's stated vision and strategy and by extension with national policy.

The Parish Council proposes the removal of employment site Otry_20. It would support the inclusion of a more modest employment land allocation proportionate to its Tier 4 status and more appropriately located relative to existing infrastructure.

The Parish Council proposes the removal of housing site Feni_08 until such time as the Flood Alleviation Scheme is completed and its efficacy tested and until the foul sewage system has been improved to eliminate excess storm water surcharge. In terms of achieving sustainable development in the village, the Parish Council doubts whether an allocation of more than half the land comprising Feni_08 would be appropriate within the plan period given the lack of evidence of need and the existing infrastructure constraints.

The Parish Council supports in principle the inclusion of housing site Feni_05 but remains concerned that it too will be developed before the storm and foul water systems have been improved to cope with the current and new demands.

Feniton Parish Council requests an opportunity to give evidence to the Local Plan Inquiry in due course.