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East Devon District Council
Planning Policy Team

13th January 2023

By email only: planningpolicy@eastdevon.gov.uk

Dear Sir/ Madam,

**Re: East Devon Draft Local Plan – Regulation 18 Consultation Feni_12, Feni_13
Feni_15 and Otry_20**

This written representation has been prepared by Mantra Planning on behalf of Mr F. Pyle in response to the Regulation 18 draft Local Plan consultation. The representations are made in the context of our client's land at Long Park Farm, Talaton Road, Feniton EX14 3BU, which has also been promoted for residential development in the Council's Call for Sites 2022.

The extent of the land put forward for residential development is Feni_12, Feni_13 and Feni_15 and for commercial/ employment land is Otry_20.

As confirmed by the Housing and Employment Land Availability Assessment and draft Sustainability Appraisal, the sites are not constrained by any landscape, heritage or ecological constraints and are sustainably located, being within a reasonable walking distance to a number of local facilities.

Land off Talaton Road, Long Park Farm, Feniton

The site comprises two parcels of land located off Talaton Road and separated by a private access track. The sites consist of gently sloping greenfield land on the western edge of Feniton, currently used as an orchard and agricultural land. The sites are roughly rectangular in configuration and amount to 2.7ha in total.

According to the East Devon Adopted Policies Map, the application site is located outside the built-up area boundary of Feniton. The site is not constrained by any landscape or heritage designations. The site is located in a mineral consultation area, Flood Zone 1 and the Feniton Critical Drainage Area.

Feniton has also been identified as a settlement with at least seven local facilities and according to the Role and Function of Settlements report, plays a *"local role for both the settlement and immediate surrounding area in meeting the basic needs for residents on a day-to-day basis"*.

The parcels of land (reference Feni_12, Feni_13 and Feni_15) were submitted in response to the East Devon Call for Sites 2022. The land was appraised in the HELAA appendices F(iii) and again in the draft Sustainability Appraisal.

The HELAA found that reference Feni_12, Feni_13 and Feni_15 all passed stages A and B suitability assessment for housing, although the panel concluded that housing development was *"Probably unachievable for housing due to minerals constraints, subject to Mineral Resource Assessment."*

Devon County Council provided the following comments for each of the sites, as part of this assessment:

"The site is located within the MCA for aggregates and is close to the MSA and a reasonably sized area of resource which may be economic for mineral working. As such Devon County Council objects to the inclusion of this site on the basis that development has the potential to constrain future working within other parts of the Mineral Safeguarding Area. It is open to EDDC to commission a Mineral Resource Assessment to establish the potential economic value of the sand and gravel resource if it wishes to pursue allocation of this site."

Whilst not included as a reason for discounting the sites, the following comments were also provided by Devon County Council's Education Department:

"37 ha development sites proposed. Feniton Primary School has no capacity to support additional development and no capacity to extend on the current site. Payhembury primary has limited capacity to support some development. No capacity at Kings School, academy not willing to expand without significant investment and new school. Any additional primary/secondary capacity would need to be funded by development. Transport cost would apply."

Whilst the DCC Education comments are noted, it is considered that the constraint is no greater in extent than at other locations, for example Feni_05, which has been included in the draft Local Plan. The lack of school places is a strategic issue and not site specific and would be for the Council to deliver appropriate school places based on their housing need. The required education contributions would also be sought from any housing development to address this issue.

The draft Sustainability Appraisal also assessed the site at Long Park Farm under reference: Feni_03. The site received a similar score against all sustainability criteria to the proposed allocated site Feni_05, except for landscape issues. The Report concluded that Feni_03 had the... *"potential for adverse landscape impacts due to the rising ground levels."*

Feni_12, Feni_13 and Feni_15 all sit well within the landscape and are shielded from wider landscape views thanks to the topography to the immediate south. As the train station is an easy 125 metre walk to the east the proposed sites also feel close to the 'centre' of Feniton, whereas some other proposed sites feel remote to settlement.

Planning History

A permission in principle (PiP) application was submitted to the Council on 15th January 2023 to establish whether the site is suitable for in-principle residential development of 4 – 9 dwellings. The site, the subject of this PiP, forms part of the wider site submitted in response to the Call for Sites 2022.



Figure 1: Aerial image of PiP application site outlined yellow (Google)

Draft Local Plan (2021 – 2040) - 26. Strategic Policy – Development at Service Villages

The site is located on the outskirts of Feniton, identified as a service village in the draft Local Plan. The draft policy entitled “26. strategic policy – development at service villages” goes on to list potential sites for allocation for development at these villages. In the village of Feniton, site “Feni_05 – Land and buildings at Burland Mead” is allocated for around 42 dwellings. The policy goes on to specify that the current consultation exercise will inform the potential for differing scales of growth at Feniton and the potential for additional land to be allocated for development.

Directing additional growth toward sustainable locations is particularly important given the under delivery in both new market and affordable housing for the plan period, as detailed in paragraphs 3.17 and 3.18 of the draft local plan. One option put forward to address this is to identify additional sites for allocation. Sites at sustainable locations, such as those at Long Park Farm, could make a positive contribution to this identified shortfall and being a greenfield site, can more likely be relied upon to deliver policy compliant levels of affordable housing.

According to The Role and Function of Settlements Report, the population of Feniton is 1,703 with at least seven local facilities including a Primary School, Train Station, convenience store and village hall. Whilst the village has been subjected to a number of applications for residential development (a total of 22 completions and commitments from 2020- 2022), given the size of the village in terms of population and built form along with its sustainability credentials, the village could comfortably accommodate a larger quantum of residential development. Residential development would also help to maintain and potentially enhance the vitality of this rural community and existing facilities, in accordance with paragraph 79 of the NPPF.

The evidence base does identify an existing pattern of out-commuting from Feniton with comparatively limited jobs in the village and immediate surrounding areas. However, the recent Covid-19 pandemic has resulted in significant change to working practices, most notably, the decrease in demand for traditional employment space and a greater emphasis on home and flexible working. Nevertheless, the site and village as a whole, is well related to larger employment and service centres, being within 300m of the Feniton Train Station providing a service on the Exeter-London Waterloo line on an hourly service and therefore will assist in supporting the aims of sustainable development. Further the land owner has promoted Otry_20 within the village for employment/commercial use. This is something they would like to bring forward in conjunction with any housing application as it could provide local employment, reduce out commuting and include 'start-up' business units for local residents who want small and affordable commercial space.

Given the strategic objectives of the draft Local Plan to direct development toward sustainable locations and the need for additional sites for housing and in particular affordable housing, further consideration should be given to the level of growth directed at Feniton and the potential for additional land to be allocated for housing led-development.

Reference: Feni_12, Feni_13 and Feni_15

In light of the above, we respectfully request that further consideration is given to the suitability of the sites at Long Park Farm, (reference: Feni_12, Feni_13 and Feni_15) for housing-led development. We consider that the sites were harshly assessed and prematurely discounted from the site selection process based on. A review of the commentary provided in the HELAA and Sustainability Appraisal confirms that the reasons for their elimination were landscape impacts and the mineral consultation area designation.

The sites at Long Park Farm are within close proximity to the properties lining Ottery and Talaton Road and any onsite mineral working would therefore raise a number of issues in terms of impacts on existing neighbour amenity levels. It should also be noted that, unlike many of the other MCA sites in the plan area, the mineral rights for these sites are in private ownership and are unlikely to be sold to any third party. Therefore, it is highly unrealistic that the sites will be utilised for mineral working in the future and further consideration should be given to their allocation in the draft Local Plan, particularly given their suitability in all other areas.

The sites at Long Farm Park received a similar score against the sustainability objectives compared to Feni_05. Observations were made as part this assessment that the sites at Long Park Farm are of "some prominence in landscape terms." We would respectfully point out that the sites are bordered by residential development on two sides and rising land to the south; any development would therefore either be obscured by or seen within this built context. In addition, any formal application would be informed by a landscape assessment to ensure a sensitive scheme is developed and mitigation measures incorporated to avoid, reduce or offset significant negative effects on the landscape.

It is therefore respectfully requested that the above sites, as shown on the appended location plan and referenced Feni_12, Feni_13 and Feni_15 in the HELAA are given full consideration as suitable sites for housing led development.

Land to the south-east of Bridge Cottages

Otry_20 has been submitted for inclusion as an employment/ Commercial site. There is an existing agricultural barn on site which would benefit from Class R (GPDO 2015 as amended) Permitted Development Rights. The wider site is available for commercial/ employment use and this includes the erection of new buildings. The current trees surrounding the site are that of a commercial apple orchard, a suitable tree strategy could be implemented which sees partial removal of the orchard.

The landowner will continue to promote their interests in the and Feni_12, Feni_13 Feni_15 and Otry_20 and would ask that any questions and correspondence is directed to


Yours Faithfully

Chris Burton

MPlan MRTPI