

# East Devon Local Plan 2020-2040 Consultation Draft Plan

Savills on behalf of FWS Carter & Sons



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## Introduction

- 1.1 These representations are submitted by Savills on behalf of FWS Carter & Sons to the East Devon draft Local Plan. They are separate from and in addition to representations made in relation to the Business Park and related policies.
- 1.2 These representations focus solely upon an outstanding opportunity that is available within East Devon to deliver a new high quality, modern and sustainable motorway service area (MSA) on the M5 to the north of Exeter. It is our clients objective to secure an allocation for the MSA in the emerging Local Plan. To that end, we have outlined in this section of the representations the reasons why the new MSA should be supported and the substantial benefits it will deliver. If the authority support an allocation then we would welcome the opportunity to work with officers to develop the policy wording for an allocation.
- 1.3 In addition, in the following section of these representations we have commented upon and proposed a number of changes to the draft policies contained in the Local Plan.

## Introduction

2.1 In this section of the representations we explain the substantial benefits that would be delivered through the allocation and subsequent delivery of a new MSA to the north of Exeter. We do so by posing and answering a series of questions.

### **Why propose a new MSA north of Exeter?**

2.2 There is an existing MSA accessed off Junction 30 on the M5 at Exeter. Why therefore do we consider that there is merit in constructing a further service area a relatively short distance to the north? There are a number of reasons.

2.3 First, the existing Exeter MSA, also known as Sowton services, was opened in 1978. It has seen various alterations over its 44 year life. What now exists is a functional but unattractive complex of buildings that have evolved over the years to include a covered area of restaurants and shops alongside toilet facilities, a petrol filling station, a Travel Lodge hotel and a substantial car park and HGV parking area. The MSA performs an important function in providing respite for travellers on the M5 but the dated and unattractive facilities do not represent an appealing or desirable place to stop. Indeed, a survey by the organisation Which in November 2022 concluded that Exeter services ranked 43rd out of a total of 68 services surveyed and that it scored less than 50% for customer satisfaction, with the 'range and quality of shops/food outlets', 'cleanliness', 'convenience and accessibility' all ranked as 2 out of 5. Based upon the outcome of this survey, the MSA does not represent a particularly positive contribution to the experience of travellers on the M5 or a welcoming gateway into Devon for those stopping for the first time in the county.

2.4 By contrast other MSAs within the survey are perceived much more favourably. For example, it will come as little surprise that Gloucester services on the M5 is ranked first in the survey with 5 out of five for each of the individual measures indicated above. It has become well known amongst travellers as a destination to stop and take a break on route and is in many respects a model for future service areas.

2.5 Our client's objective is to construct and operate a new MSA akin to that of Gloucester Services

in terms of quality of place; a services which is ranked alongside Gloucester as a place where road users wish to stop and where they feel there is a very good range and quality of shops/food outlets in a clean and welcoming environment which is conveniently accessed off the M5.

- 2.6 They also want to go one further in so far as sustainability is concerned. The Gloucester services is a well-designed and sustainable building but it is powered from the grid, contains only limited capacity for electric vehicle charging and has no provision for hydrogen refuelling. The proposed services north of Exeter have the potential to be the most modern and sustainable MSA in the country. FWS Carter & Sons are in discussions with Balance Power – a national renewable energy developer – to deliver the services alongside a solar photovoltaic array and hydrogen facility with the objective of delivering an entirely self-sufficient, net zero service area.
- 2.7 The renewable energy generated on site would power the consumption within the service area, electric vehicle charging and, through the on-site hydrogen facility, would provide hydrogen refuelling for HGVs which likely to be the fuel of the future. Using this technology, the services would be at the vanguard of sustainable travel.
- 2.8 Second, Junction 13 of the M5 provides access onto the A379 within Exeter City which in turn connects with one of the principal arterial roots into the city centre. It is inevitably therefore a very busy junction with a large volume of traffic. The Exeter MSA makes a not insignificant contribution to the volumes of traffic using the junction, particularly in the summer months when many people are travelling to and from Devon and Cornwall for holidays. During this period the services can become extremely congested with many southbound trips causing particular congestion on the network.
- 2.9 At the time Junction 30 was originally selected as the preferred location for the services there were considerably fewer vehicles on the road and congestion would not have been a concern. However, with the growth in car use over the past 44 years there is a challenge with congestion which needs to be addressed. One means of reducing congestion on Junction 30 is to relocate the MSA thereby eliminating entirely all related trips at this junction.
- 2.10 The proposed new MSA would have dedicated slip roads and is not linked to an existing junction.

It would therefore remove the impact on the strategic road network rather than displacing the impact from one junction to another.

- 2.11 Third, the existing Sowton services sits on approximately 8 ha of land on the Exeter side of the M5. It is highly accessible and well located to accommodate alternative forms of development. This potential opportunity was recognised in the Great Exeter Strategic Plan (GESP) which identified the ‘Sandy Gate’ area as having potential for redevelopment subject to the relocation of the MSA.
- 2.12 The ‘Sandy Gate’ area also forms one of the eight core locations in the Liveable Exeter Vision published by Exeter City Council. In that document the illustrative masterplanning indicates that the area could accommodate 1,050 homes, 17,000 sqm of shops and leisure uses, 59,000 sqm of work space, along with a number of other uses.
- 2.13 The relocation of the MSA therefore presents an opportunity to deliver alternative land uses through comprehensive redevelopment of the ‘Sandy Gate’ area. This development will not only benefit the delivery of housing, employment and infrastructure within Exeter and enable the city to meet its need in a sustainable location, but by doing so it will also relieve future development pressure on neighbouring areas including East Devon.
- 2.14 Fourth, the Clyst Valley Regional Park (CVRP) covers a vast and diverse area, and represents a significant recreational asset for the new and expanding communities of East Devon. The proposed MSA would sit within the existing CVRP, it is not however an area of the CVRP where there is any public access or even a public right of way. The benefit of a new MSA similar to that at Gloucester is that it would provide a fantastic facility including farm shop, restaurant, café and toilets for those using the CVRP. It could therefore represent an anchor destination within the CVRP which would increase the attractiveness of the area to those walking the nearby public footpaths.
- 2.15 Fifth, as part of this area of open space, substantial land is available to deliver ecological enhancements. The scheme would meet and exceed the minimum net biodiversity gain requirements within forthcoming legislation, and there is an opportunity to deliver some of the

specific ecological enhancement projects identified within the draft Clyst Valley Park Masterplan such as the River Restoration project;

- 2.16 Sixth, the new MSA would represent a new gateway stop for many visitors to Devon. With 66,812 vehicles passing this point of the M5 daily (2018 data) there is an excellent opportunity to promote East Devon. The exemplar design taking local character cues and providing an attractive stop for passing motorists will by its nature promote Devon; however, the MSA can also go further, with the provision of tourism information services and the stocking of local Devon food and drinks brands within its retail area.
- 2.17 Seventh, the development would generate a significant amount of direct and indirect employment. Direct employment would come from the employees on site and include a range of jobs. Taking Gloucester services as an example, it is reported that the services employs circa 410 people to run the various outlets and facilities available at the services.
- 2.18 In addition, as is the case with Gloucester, the MSA would deliver significant further benefits to the local economy, through creation of indirect jobs, employee spend, promoting local tourism attractions, business rates and promotion of Devon food and drinks brands. In relation to the latter, there is a fantastic opportunity for the new services to promote and sell a wide range of Devon produce in the same manner as a farm shop.
- 2.19 For these reasons we consider that there is a strong planning justification to support the replacement of the MSA with a modern, purpose-built alternative.

#### **Are the Environmental Impacts of the new MSA acceptable?**

- 2.20 The short answer to this question is 'yes'. We have undertaken a number of preliminary environmental assessments to establish the impact of the proposed development.

<b>Accessibility</b>	The site is within walking and cycle distance of a number of neighbouring villages, and a large part of northern Exeter is within an acceptable cycle distance. The site sits on the Clyst Valley Trail, and as such, will be
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	<p>accessible via a dedicated walking and cycle route.</p> <p>There are a number of existing bus stops in Poltimore and Broadclyst which would provide public transport access for future employees (with the 1, 1A and 1C providing a high frequency bus link to central Exeter in less than 20 minutes). The MSA would deliver improvements to these stops to ensure that they provide attractive links for future workers.</p> <p>A Travel Plan for future employees would promote sustainable travel choices; for example provision of a cycle to work scheme.</p>
<p><b>Highways</b></p>	<p>The site sits between Junctions 28 and 29 of the M5; and meets the minimum separation distances set out by Highway England to ensure that the MSA would not impact on the junction’s safety and operation.</p> <p>The MSA would be an ‘on-line’ service – i.e. it would not rely on an existing junction for access. Access to the MSA would be achieved via new merge and diverge lanes from the motorway. The design of the accesses has been considered with Highways England; and we understand it complies in principle with the required design standards.</p> <p>Department for Transport Guidance (Circular 02/2013) sets out the minimum requirements for an MSA; covering elements such as opening hours, scale of parking provision, amenities required (ie HGV driver facilities), fuel stations, and abnormal loads. The Illustrative Layout complies with all of these requirements.</p> <p>The Circular references other ‘optional’ elements; however, with the passage of time, we consider that these are also requirements as opposed to options, and the MSA would deliver these as well; this includes electric charging, tourism information, and sustainability measures such as onsite power generation.</p>
<p><b>Landscape</b></p>	<p>The site is not located within any national landscape designations – with the</p>

	<p>East Devon AONB more than 8km to the south east.</p> <p>Due to the rolling and well vegetated surrounding landscape context, much of the site is visually well contained, with the zone of primary visibility being limited to the site itself, its immediate context, the eastern portions of Broadclyst and elevated positions within 1km of the site. These receptors view the site within its setting of well-established urbanising influences; notably the M5.</p> <p>In combination with other considerations, there are clear opportunities to reduce the landscape impacts of the development – with the siting of built form in the less sensitive parts of the site, reducing the impact of development through design, introducing planted bunds to provide screening, and the planting of new, and enhancement of existing, trees and hedgerows.</p>
<p><b>Ecology</b></p>	<p>No part of the site is covered by any statutory designation. Two internationally designated sites are located within 10km, namely Exe Estuary SPA Ramsar, and East Devon Pebblebed Heaths SAC SPA. The proposed MSA will not result in an increase in recreational pressure or an increase in traffic, and therefore no pathways are present for any adverse impacts to occur on these designations. There are no nationally designated sites within 2km.</p> <p>There are a number of local designations in proximity to the site. Broadclyst Moor – Dymond’s Bridge Marsh is an Unconfirmed Wildlife Site for possible floodplain grazing marsh; however an Extended Phase 1 Habitat survey has confirmed that this land is ploughed arable land, with the exception of one small pasture field in the north-east of the site, which falls outside the development and can therefore be retained.</p> <p>A further three non-statutory designated sites are located within 1km. Notably, Poltimore County Wildlife Site (CWS) comprising 60.5 hectares (ha) of parkland habitat is adjacent to the western and south-western boundaries of the site and is connected to the site via a stream which runs along the southern boundary. Development of the site will need to ensure no adverse</p>

	<p>effects occur to the stream, which forms part of the CWS. This is discussed further below.</p> <p>In addition to the above, Home Farm Orchard CWS is located 840m south-west and Broadclyst Moor UWS comprising an area of broadleaved woodland and unimproved grassland lies 950m north. No adverse impacts are anticipated on these non-statutory sites, owing to their spatial separation from the site.</p> <p>A Preliminary Ecological Appraisal has been undertaken, which confirms that the site is relatively unconstrained ecologically, comprising predominantly arable habitat of negligible ecological value. Some habitats on site are considered to be of Local level value but subject to appropriate masterplan design, adverse effects upon these habitats can be readily avoided, mitigated or compensated for and no net loss to biodiversity achieved. A number of Protected Species surveys have been or are being undertaken; and these have identified no ecological constraints to development of the site.</p> <p>The proposed MSA sits within a small part of the wider site. In line with the intentions to support the delivery of the Clyst Valley Regional Park, and in anticipation of biodiversity net gain, a significant area of green infrastructure has been identified which would deliver ecological enhancements.</p>
<p><b>Heritage</b></p>	<p>There are no designated or known undesignated heritage assets within the site. The site forms part of the wider setting of two designated heritage assets; the Grade II* listed building Poltimore House and the Broadclyst Conservation Area.</p> <p>For Poltimore House, the western part of the site forms part of its wider setting, and the eastern part of the site forms part of the setting of the Broadclyst Conservation Area.</p> <p>Given the nature of the development, impacts on heritage assets can be substantially reduced through the avoidance of development in the most</p>

	<p>sensitive parts of the site, screening through bunding and vegetation barriers and the construction of low-lying, sensitively designed buildings, possibly employing feature such as green roofs. Combined, these measures will minimise the visual impact of development and change to the character of the existing landscape.</p> <p>There is also an opportunity for enhancement – with the delivery of part of the Clyst Valley Trail encouraging visitors to Poltimore House, and the opportunity to deliver a specific car park for the heritage asset; thus supporting its longer term restoration objectives.</p>
<p><b>Arboricultural</b></p>	<p>An arboricultural survey has been undertaken for the site which identified nine Category A trees of high quality and value and a further 19 have been identified as Category B, of moderate quality and value. All of the surveyed trees are located around the perimeter of the site and they do not adversely constrain the potential to accommodate development in the site. Two veteran trees have been identified, both of which would be retained.</p>
<p><b>Drainage and Flood Risk</b></p>	<p>There are areas of Flood Zone 2 and 3, and a similar area of surface water flooding, along the southern boundary of the site associated with the River Clyst. No development is proposed within these areas, and they fall within the area identified as potential new green infrastructure.</p> <p>An appropriate drainage strategy providing sustainable drainage solutions delivering wider ecological and landscape benefits can be delivered on the site. Surface water runoff associated with the MSA can be appropriately collected, and through natural infiltration systems, potential pollutants can be removed.</p> <p>The draft Clyst Valley Park Masterplan identifies a longer-term river restoration project on the area of flood zone in the wider site, and the opportunity to deliver this, alongside measures to control and improve the water quality of the River Clyst would be explored.</p>

### Why locate the MSA to the North of Exeter?

2.21 There are very few locations around the Exeter area which are suitable and capable of accommodating a new MSA. Indeed, the only other options considered prior to Sowton being selected were at Junction 29 and the site location proposed through these representations. According to an online resource<sup>1</sup>:

*“Poltimore and Sowton West were preferred. Several options to connect Poltimore to M5 J29A were considered, but with too many concerns, a wider search considered Sandy Gate. It was described as "difficult although not impossible" to develop, "complicated by severe internal gradients", with planning permission already given for mineral working.”*

2.22 It would appear that a significant factor in eventually selecting Sowton was the objections that would arise as a result of the potential conflict between the Poltimore site and the proposals that existed at that time for new Junction 29A which would provide access to an Exeter North Bypass. This reason obviously no longer exists as there are no plans for an Exeter North Bypass with which the site would conflict.

2.23 The proposed site therefore represents one of, if not the only, available options around Exeter to deliver a new MSA.

### Is there a need for two MSAs and, if not, what will happen to the Exeter services?

2.24 There are no minimum distances between MSAs prescribed by the Department for Transport provided highways safety is not compromised and there is therefore no reason why two cannot be located relatively close to one another. There are however maximum distances between services prescribed for safety purposes and to ensure road users have adequate and frequent opportunities to take a rest. These distances are important as it would not be consistent with

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<https://motorwayservices.uk/History:Exeter#:~:text=The%20service%20area%20officially%20opened,area%20into%20an%20industrial%20estate.>

Government policy to close Exeter services without a replacement open and operational. In practice this means that there is a significant lead in time and a requirement to identify secure planning and construct the replacement prior to Exeter services being redeveloped.

2.25 On that basis, whilst we consider that it is not *necessary* to have two MSAs around Exeter, given that there is no legal or planning mechanism available to force the closure of the existing services, there may therefore be a period of time when two service areas exist in tandem before the existing services close.

2.26 Given the superior customer experience of a new services akin to that of Gloucester, and the ease of access to the M5 as a result of the independent and dedicated access to the motorway, the expectation is that within a relatively short period of time the redevelopment value of Exeter services will exceed its current use value as an MSA thereby triggering its redevelopment.

## Conclusion

2.27 In this section of the representations we have:

- a) outlined the significant benefits to the delivery of a new MSA on the M5 to the north of Exeter;
- b) explained how the environmental impacts of the proposals can be acceptably managed through the design of a development which has due regard to these important considerations;
- c) described why the selected location represents the only feasible and available opportunity to secure the benefits described; and
- d) explained what would happen to the existing Exeter services should the proposals be supported by EDDC.

2.28 For these reasons we urge the authority to support the proposed new MSA and to allocate the land upon which it is proposed within the new Local Plan. Appended to these representations is a Vision Document which demonstrates the commitment of the landowners to deliver a truly exceptional development.

2.29 We would be happy to work with the Council to develop suitable policy wording for the allocation which would ensure these benefits are secured in advance of the next stage of plan preparation.

## Response to Policies

3.1 In the proceeding section of this representation we make the case for the allocation of land north of Exeter for a new MSA. In this section we comment upon the range of draft policies which would be relevant to the determination of a future planning application.

### **Strategic Policy 16 – Green Infrastructure and the Clyst Valley Regional Park**

3.2 If the authority agree that the MSA should be allocated in the Local Plan then the land within the allocation would logically be excluded from the designated CVRP. The requirements of Policy 16 would not therefore directly apply to any future application proposals as the land would fall outside of the CVRP.

3.3 This is similar to the position with the proposed allocation of employment land north of Sowton village under draft Strategic Policy 12. Delivery of that allocation would require development on land currently designated within the CVRP, yet it is proposed that the designation is removed in favour of the proposed employment allocation.

3.4 Notwithstanding, the construction of an MSA of the form and mix of uses envisaged would provide a significant positive contribution to the usability and desirability of the CVRP. The substantial green infrastructure delivered at part of the MSA could link with the existing footpaths in the vicinity and the services itself would anchor the northern part of the CVRP, providing a stop off point including refreshment and comfort facilities for visitors to the CVRP.

3.5 The MSA would also support the delivery of biodiversity net gain through the strategic landscaping proposals. The form and nature of this enhancement would take into consideration the green infrastructure projects and objectives of the CVRP policy and strategy, thereby supporting delivery of the over-arching objectives for the area.

### **Chapter 7 – Tackling the climate emergency and responding to climate change**

3.6 Chapter 7 contains a number of relevant policies all designed to address the climate emergency

declared by EDDC.

- 3.7 The first of these, Policy 27, sets challenging targets for new development within the authority area, requiring these to achieve net zero carbon emissions and to maximise the delivery of renewable energy etc.
- 3.8 The subsequent Policy 28 further emphasises that all new residential and commercial development will be net-zero carbon and that a ‘carbon statement’ is required to support planning applications.
- 3.9 As explained in the preceding section of these representations, the proposed MSA is entirely consistent with, and will assist in achieving, these broad policy objectives. We have two important points to make in this regard.
- 3.10 First, the development itself will be powered entirely by locally generated, on site renewable energy. Its operation will therefore have a net zero carbon impact.
- 3.11 Second, the renewable energy generated will not only be directed towards the buildings but will provide two sources of fuel for vehicles using the services - electric vehicle charging and hydrogen refuelling. The hydrogen fuel will be generated on site using excess solar power generated throughout the day. It is expected that hydrogen will become the preferred fuel of choice for heavy goods vehicles, the power demands and delivery programming of which cannot be satisfied by electric recharging.
- 3.12 The MSA would therefore make a significant additional contribution towards addressing the climate emergency by creating renewable power for use both within and beyond the development itself.
- 3.13 Strategic Policy 29 offers broad encouragement and support for the delivery of renewable and low carbon energy proposals. It does so however caveat this support with the statement that there must be no unacceptable impacts upon a range of environmental considerations. We do not dispute that these environmental considerations are relevant to the determination of planning applications for energy projects, however, it is unclear from the policy quite how an ‘unacceptable

impact' is to be judged and how these matters are therefore to be balanced against the benefits of renewable energy generation.

- 3.14 EDDC has declared a climate emergency and the preceding two policies (27 and 28) in the draft Local Plan demonstrate the authority's commitment to the net zero carbon agenda. Consistent with the climate emergency and declared objective of the authority, we consider that greater emphasis and encouragement should be placed upon the delivery of renewable energy projects.
- 3.15 We therefore recommend that the words "*where there are no unacceptable impacts*" should be replaced with a more permissive policy test which supports development of renewable energy infrastructure unless there is a "*significant and demonstrable*" harm to the stated environmental considerations. This change would raise the bar of the policy test and enable a greater quantum of renewable energy to be generated within East Devon.
- 3.16 Strategic Policy 30 combined with the proposals map indicates the areas which are considered suitable for solar energy development. The wording of this policy is very similar to the preceding Strategic Policy 29 and we therefore make the same observations and recommend the same changes.
- 3.17 As explained previously in these representations it is our client's desire to deliver a new MSA powered by energy generated from a direct line into a solar farm. There are many considerable benefits to such a proposal and an opportunity for EDDC to be home to a truly unique and innovative development. There will inevitably be a degree of impact to environmental assets as a consequence of the development however the overriding outcome will be positive. Raising the bar of this policy test would ensure that the proposed development and others like it can come forward and make a significant difference to the carbon emissions generated in East Devon.

### **Other Policies**

- 3.18 Policy 77 of the local plan provides protection to a wide range of views. The broad intention of the policy as set out in the first paragraph is to permit development proposals only where they "*preserve the visual integrity, identity and scenic quality of the District*". The following paragraph

applies this objective to a very wide range of areas within EDDC. For example, “*views from publicly accessible areas which are within, to and from settlements which contribute to the viewers enjoyment of the local area*” and “*view from public rights of way*”. Taken on face value, this policy could apply to virtually everywhere within the EDDC area.

- 3.19 Our concern with it is that the Landscape Institute guidelines interpret any change to the landscape as being inherently harmful. By definition they could not therefore be preserved or enhanced through development. The effect of this policy would therefore be to prevent vast amounts, if not all of development within EDDC even that on allocated sites.
- 3.20 We strongly urge the authority to revisit the wording of this policy and to replace it with an approach which affords appropriate weight to landscape impacts within the planning balance.

### **Chapter 15 – our outstanding Historic Environment**

- 3.21 Chapter 15 contains a suite of policies relating to the Historic Environment in general, including listed buildings, conservation areas, archaeology and historic landscapes.
- 3.22 We have a number of concerns with the policies within Chapter 15 as currently drafted. First, there are contradictions in the policy tests applied under the different policies. For example, policy 102 requires that “*proposals for new development must be sensitively designed and not cause harm to the Historic Environment*”. This test is broadly consistent with that outlined in paragraph 1 of Policy 103 which requires that development involving a listed building “*will be expected to:… conserve, enhance or better reveal those elements which contribute to the heritage significance and/or it’s setting*”. However, neither of these policy tests work effectively alongside paragraph 2 and three of Policy 103 which seek to emulate the terminology of the Framework in describing the circumstances within which various degrees of harm to heritage assets are deemed acceptable. The internal inconsistency within and between these policies will render it impossible to use the development plan effectively through the decision-taking process.
- 3.23 Second, the tests of soundness within paragraph 35 of the published Framework require development plan policies to be consistent with those in national policy as set out within the

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Framework. As currently drafted the suite of policies within chapter 15 would fail that test of soundness.

- 3.24 We urge officers to revisit the policies of Chapter 15 as a whole to ensure they are both in accordance with the Framework and present clear and consistent tests against which development proposals can be judged.

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## Appendix A: Devon Services Vision Statement (March 2021)