

## East Devon Local Plan Regulation 19 – March 2025

### Representations on behalf of Place Land Limited

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#### 1. Strategic Policy SD20 - Development Allocations at Kilmington

Place Land Limited welcomes the identification of land at Kilmington to deliver new residential development over the plan period, namely at Kilm\_09b and Kilm\_10. Kilmington is recognised as a service village under Policy SP01, capable of accommodating new development in accordance with the spatial strategy, with a minimum of 59 dwellings to be achieved within the Neighbourhood Plan area over the period 01.04.2020 – 01.04.2042.

The cumulative total capacity of allocations identified under Policy SD20 achieves 42 dwellings.

Land East of George Lane, Kilm\_09b is allocated for 23 dwellings. The site represents the easternmost of two fields sandwiched between the northern built-up edge of Kilmington and the A35 corridor. The western field is allocated for 14 dwellings in the Kilmington Neighbourhood Plan (Made in October 2022) which covers the shorter plan period of 2020-2031.

Place Land broadly supports the proposed capacity of 23 dwellings for Kilm\_09b. This capacity figure is informed by a presentation by Place Land to the Council's Strategic Planning Committee in January 2022, which indicated a potential capacity of 35 – 40 dwellings for Kilm\_09 a and b combined. Since this presentation, further design work has been undertaken to refine the concept layout, including preparation of a landscape appraisal, initial drainage strategy, walkover ecology survey and heritage appraisal. Copies of these studies and concept proposals for the site, prepared by Lacey Hickie Caley Limited accompany these representations.

The findings of the additional surveys confirm that Kilm\_09 (a and b combined) is capable of accommodating around 39 dwellings in a sensitive manner which respects the special landscape qualities of the National Landscapes and the setting of the listed buildings and mitigates any harm through the design and layout. The surveys submitted in support of this representation are summarised below.

#### **Landscape**

The allocation site lies within but on the edge of the East Devon National Landscape; its northern extent is defined by the A35. To the north west of the site lies the Blackdown Hills National Landscape, although land immediately north of the allocation site is not a protected landscape.

The landscape and visual appraisal identifies the main impact of the development of the allocation to be on views from the A35 on the approach to the site from the west, where the site can be appreciated as open fields with views to the Baptist Church in Kilmington. In the wider protected landscape of the National Landscapes the site is seen in the context of the rest of the village and its development would have a minimal adverse impact on the protected landscapes.

The proposed layout strengthens the established hedgerow and tree planting along the northern boundary, safeguarding a 10 metre corridor for additional landscaping to mitigate the visual impact of development when viewed from the Blackdowns National Landscape and to enhance the health and wellbeing of new residents through separation from the A35 corridor.

New and additional planting is proposed along the site's other boundaries to maintain and enhance the established visual enclosure of the site and soften the visual impact of new built development. An orchard is proposed to the south of the site and the existing weak field boundary planting through the centre of the site would be bolstered through additional tree planting to introduce a strong framework of landscaping. The landscaping would be sufficient to mitigate the landscape and visual impact of the proposed development on the National Landscape and assimilate the development into its context.

### **Heritage**

The heritage appraisal concludes that there is no functional relationship between the listed Old Inn and the proposed allocation. The setting of the Old Inn can best be appreciated from the roadside approaches along the A35; views of the Old Inn from the allocation site are incidental and do not add to its heritage significance. Similarly the allocation site does not form part of the 'designed' or 'intended' views of the Old Inn and is therefore not within the setting of the listed building. Accordingly, the site's development would not harm the Old Inn's setting or significance. Any views of the development are already well-screened by existing vegetation although additional landscape enhancement could be delivered as part of the development, if desirable.

Any impact of development on the setting of George Farm to the west of George Lane can be mitigated by avoiding building in the junction of George Lane and the A35. The listed war memorial to the north of George Lane has a very intimate setting which would not be affected by the development of the allocation.

## **Ecology**

The site comprises two arable agricultural fields with trees, hedgerows and other planting along the site boundaries. The northern hedgerow alongside Gammons Hill (A35) comprise two distinct sections. The western section appears to be a species rich hedgerow that has been in place for a good many years, the eastern extent beyond the field entrance is a line of overgrown beech trees, possibly planted as a hedgerow which became overgrown. This extent is of significantly lower value than the western extent.

The eastern hedgerow is also species rich and contains some significant trees. The southern hedgerow (to the north of Meadow Bank) consists of a line of trees with an understory of shrubs. None of the trees in this area are considered significant in an arboricultural context, but several are significant in an ecological context.

There are a small number of trees to the rear of properties in The Orch, including one very large oak which is of significant biodiversity value.

A line of small and insignificant trees, largely ash, bisects the two field, separating it in two. These tree are of low value from an ecological context and ash die back is already prevalent in this site, which will mean their demise. There is a section of defunct dry stone wall in this area. Very little of it now remains and it serves no purpose.

The boundary 'bund' of Dares Field is currently of low biodiversity value.

The species rich hedgerow alongside George Lane is of a similar composition and age as that alongside the A35. Two large oak trees are located within this hedgerow. Both have been butchered by Western Power as the power lines run close to and through the trees canopy.

The grassland within the two fields is arable in nature. The first survey recorded 100% rye grass, shortly after this it was replaced with maize and has subsequently been returned to rye. The ecological value is negligible.

## **Transport**

The site's location on the edge of Kilmington offers good opportunities to access an existing network of footways, cycleways and public rights of way, including a footway on the A35 connecting to a footway/cycleway routing along the B3261 into Axminster. Existing bus stops are located on the A35 within 260 metres of the site. The bus services provide a service between Exeter and Axminster with services every 2 hours Monday to Saturday. Axminster Rail Station located 2.64 kilometres from the site provide hourly train services to Exeter and London Waterloo.

The site benefits from a good range of facilities within an acceptable walking and cycling distance. Accordingly, the site represents a sustainable location for development with reasonable opportunities to travel by sustainable transport modes.

There are two potential vehicular access options. Option 1 is an access off George Lane, via a simple priority T-junction, whilst option 2 is an access off the A35 via a priority junction with a ghost-island right turn lane arrangement. Devon County Council Highways Authority has commented on Option 1 and raises no concerns to the principle of a vehicular access off George Lane. Initial consultation with National Highways on Option 2 indicate that access onto the A35 could be achieved if a departure from standards was accepted.

The proposed allocation offers the opportunity to introduce additional pedestrian and cycle connections onto the A35 and into Kilmington village to the benefit of new and existing residents.

### **Drainage**

The site comprises relatively flat agricultural land; the topography falls generally from west to east at an average gradient of 1 in 33 to a low point in the north-east corner adjacent to the A35. The whole site lies within Flood Zone 1 and is at very low risk of surface water flooding. British Geological Society mapping indicates that the site is underlain by a bedrock of mudstone with superficial deposits of silt, sand and gravel in the western part of the site and sand and gravel in the eastern part. It is therefore anticipated that the use of soakaways will be practical to dispose of surface water runoff. As a worst case scenario, an infiltration basin would be located in the north-east corner of the site to restrict run-off to greenfield rates. The accompanying layout plan incorporates the infiltration basin.

Sewer records indicate that there is a foul sewer connection from the existing residential development in Dares Field, to the south west of the site. A combined sewer should be capable of draining the western part of the site by gravity. The remainder of the site will gravitate to the north-east corner and can be connected to the existing combined sewer in the A35.

### **Wording of Policy SD20**

The Neighbourhood Plan was prepared in general conformity with the Adopted East Devon Local Plan 2031 and there is a stated intention to monitor the relationship with the emerging Local Plan and undertake a review of the Neighbourhood Plan, if necessary, to ensure it takes precedence in decisions on developments in the parish (paragraph 1.1, Kilmington Neighbourhood Plan).

The National Planning Policy Guidance advises that where a neighbourhood plan has been brought into force, the LPA should take its policies and proposals into account when preparing the local plan and should not duplicate those policies in the neighbourhood plan unless changed circumstances justify this (Paragraph: 006 Reference ID: 61-006-20190723).

For the following reasons Place Land considers that changes in circumstance justify the inclusion of the land allocated in the Neighbourhood Plan under Policy HD3 in this Local Plan within Policy SD20:

1. The Neighbourhood Plan expires in 2031, some 10 years prior to the Local Plan and whilst there is a stated intention from the Neighbourhood Plan group to review the Plan, it cannot be relied upon to ensure the ongoing allocation of the site for housing.
2. Kilm\_09b is reliant on vehicular access via the land identified within the Neighbourhood Plan land (HD3). The Highway Authority, Devon County Council has advised that a satisfactory access arrangement can be secured via George Lane (see attached email and access drawing). A vehicular access via the A35 would also be taken from within the Neighbourhood Plan allocation. The allocation of Kilm\_10 within this Local Plan also includes a stated preference for the highway access to be gained from Kilm\_09b. Accordingly, the Local Plan allocations are interlinked with, and reliant upon, the delivery of a site which falls outside the Local Plan and which may not retain its status as an up-to-date allocation for the lifetime of the Local Plan.
3. The Neighbourhood Plan site is referred to as “Kilm 09a” within Policy SD20. However, Kilm\_09a is not an allocated site within this Local Plan, it is not identified on the Policies Map and is not known by this reference within the Neighbourhood Plan. It would appear that the site reference has been carried over from earlier drafts of the Local Plan when the land was included in the site allocation.
4. Policy SD20 requires that a comprehensive development layout should cover both the Neighbourhood Plan allocation and the local plan site, with the whole site conforming with the design principles set out in Neighbourhood Plan policy. The effectiveness of this policy approach is questionable. Firstly, the design principles in the Neighbourhood Plan policy were drafted to apply to HD3 only. These policy principles cannot be conveyed to another allocation outside the Neighbourhood Plan. Policy SD20 does not clarify which elements of Policy HD3 represent the “design principles” which should apply across the whole site, leaving this open to interpretation at the submission of a planning application. Policy SD20 includes

some further design principles regarding buffer planting and footpath links. However the relationship between these principles and those within the Neighbourhood Plan are unclear.

5. The design principles within Policy HD3 refer to policies in the Adopted Local Plan, including EN19 and TT1. These policies will be superseded by the new Local Plan.
6. In respect of affordable housing and self-build, the Neighbourhood Plan policy requirements under Policy HD3 are overly prescriptive and onerous, requiring 50% affordable housing and a specific mix of house types for affordable housing and self-build. The policy requirements are inconsistent with the policies of this Local Plan and the prescriptive nature of the policy impedes delivery of housing (see attached copy of Policy HD3).
7. In light of these policy discrepancies and in the interests of establishing clear development principles for the comprehensive development of land at Kilm\_09 (a and b), Place Land finds Policy SD20 to be ineffective and unsound in its current form. To achieve a sound policy, the wording should be amended to allocate Kilm\_09 a and b under Policy SD20 with comprehensive design principles to apply to the whole site and affordable housing provision consistent with Kilm\_09b.

b) Place Land propose the following amended wording: *Policy*

*“Land east of George Lane is allocated for 37 homes. This site is in the East Devon National Landscape and requires very careful design to take account of its landscape setting. –A comprehensive development layout should include:*

*- a buffer of planting to the northern site boundary (along the A35);*

*- safe pedestrian and cycle access with connections to adjoining roads and paths, including to southern and northern site boundaries and a west-east pedestrian/cycle link to connect to existing facilities in the village”*

### **Policies Map**

For the reasons set out in respect of representations to Policy SD20, Place Land objects to the omission of land west of Kilm\_09b from the policies map. In order to ensure the comprehensive delivery of development across Kilm\_09a and Kilm\_09b, the sites should be identified as a contiguous residential allocation on the policies map, supported by Policy SD20, as proposed for amendment by Place Land Limited.

**Enclosures:**

Concept Design, prepared by LHC

Landscape Visual Appraisal, prepared by LHC

Site Accessibility and Access Appraisal, prepared by Hydrock

Drainage Strategy, Technical Note, prepared by Hydrock

Heritage Appraisal, prepared by AC Archaeology

Representations issued 28 March 2025