

**East Devon Local Plan Preferred Options:
Regulation 18 Consultation Draft**
Representations on behalf of Bloor Homes
South West

Land off Ottery Road, Feniton

January 2023

Turley

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Client

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Our reference

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Executive Summary

1. On the behalf of our client Bloor Homes South West Ltd ['Bloor Homes'], we write to provide representations to East Devon District Council [the 'Council'], in relation to the East Devon Local Plan ['EDLP'] Preferred Options: Reg 18. Consultation Draft Plan Autumn 2022 ['the draft LP document'].
2. We have reviewed the draft LP document in full and respond to a number of the draft policies. The main focus for our representations at this stage of the Plan is on the Council's current level of required and planned housing, and questions as to why land off Ottery Road has not been identified as a draft allocation at this stage when:
 - There is clearly an urgent housing need in EDDC for the Council to consider the release of constrained land (as shown in Sidmouth, Exmouth, Lympstone etc). In this context land should undoubtedly be brought forward in unconstrained areas, and outside of that, the most sustainable locations;
 - The delivery of just 42 homes over twenty years in Feniton will unlikely be sufficient to meet local needs across the same period. It is essential that varied sites of scale can come forward within the first 5 years of adoption to meet local needs and market demand. A high proportion of the housing requirement is to be delivered through large scale, strategic land allocations. These are unlikely to come forward or be complete within the first 5 years of Local Plan adoption;
 - There is insufficient supply to meet the policy housing requirement plus a 10% 'headroom' figure. Given the population of East Devon has already exceeded the 2014—based household projections for 2021 (which are used to inform the standard method and local housing need requirement), it is crucial that there is sufficient to supply to meet the policy requirement plus 10% 'headroom'.
 - Feniton represents an unconstrained area. Indeed, it is strategically well placed with few environmental constraints, located outside the Area of Outstanding Natural Beauty [AONB] and Coastal Preservation Area with relatively strong sustainability credentials including the railway station and a reasonable provision of facilities and services including primary school, shops, pub.
 - Land off Ottery Road is available and deliverable and is of a scale that can come forward quickly, being promoted by a house builder with an enviable track record of delivery;
 - The Site performs equally as well in sustainability terms compared to the current draft second best choice allocations;
 - Land off Ottery Road provides many site-specific location benefits which can aid and promote sustainability, including the delivery of new market and affordable housing, delivering local flood mitigation and publicly accessible open spaces.

1. Introduction and Background

Introduction

- 1.1 On the behalf of our client Bloor Homes South West Ltd ['Bloor Homes'], we write to provide representations to East Devon District Council [the 'Council'], in relation to the East Devon Local Plan ['EDLP'] Preferred Options: Reg 18. Consultation Draft Plan Autumn 2022 ['the draft LP document'].

Background

- 1.1 Bloor Homes have an interest in land off Ottery Road, Feniton. A site-specific location plan is provided at Appendix 1 of this representation, which confirms the extent of Bloor Home's land interest at Ottery Road, Feniton.
- 1.2 We previously responded on behalf of Bloor Homes the Call for Sites consultation undertaken between April and May 2022.
- 1.3 The Site within the control of Bloor Homes to promote and develop. Bloor Homes are an experienced national house builder with a proven track record of high-quality design, with the delivery of homes across a range of site scales.
- 1.4 The following documents accompany these representations:
 - Location Plan showing the extent of Bloor Home's land promotion interests; and,
 - Mineral Resource Assessment [MRA] (prepared by Wardell Armstrong, dated September 2022)

2. Strategic Policies

Strategic Policy 1 – Spatial Strategy

- 2.1 The policy states that new development will be directed towards the most sustainable locations in East Devon. In particular, the spatial strategy will allow limited development at a number of Service Villages, including Feniton.
- 2.2 The principle of this policy is supported. We support the fact that Feniton has been acknowledged as a location for growth within the draft local plan. The village has a range of services and facilities, along with a train station. It is therefore a sustainable location for additional growth.

Strategic Policy 2 – Housing Distribution

- 2.3 This Policy sets out the proposed housing distribution for East Devon. The housing numbers relate to the period of 2020 to 2040. For Feniton, it states that 42 homes will be allocated within the settlement.
- 2.4 We support the principle of housing development within Feniton. However, it is considered that the settlement has the potential to deliver a greater level of housing than what is currently proposed. There is clearly urgent need in EDDC for constrained land to be released (as shown in Sidmouth, Exmouth, Lympstone etc). In this context land should undoubtedly be brought forward in unconstrained areas, and outside of that, the most sustainable locations.
- 2.5 Feniton represents an unconstrained area. Indeed, it is strategically well placed with few environmental constraints, located outside the Area of Outstanding Natural Beauty [AONB] and Coastal Preservation Area with relatively strong sustainability credentials including the railway station and a reasonable provision of facilities and services including primary school, shops, pub. Furthermore, a flood alleviation scheme is currently being delivered within the settlement, reducing the risk of flooding within the area. It is therefore an area of few constraints, suitable for additional growth.
- 2.6 Given the proposed housing delivery relates to a period between 2020 and 2040, it is considered the delivery of just 42 homes over twenty years will not be sufficient to meet local needs across the same period. It is recognised that the Council's housing requirements of 18,920 has been derived from the Standard Methodology (as per the paragraph 61 of the NPPF). However, Policy 2 confirms that a high proportion of this requirement will be delivered by large-scale, strategic allocations, including a new town. It is essential that varied sites of scale can come forward within the first 5 years of adoption to meet local needs and market demand.
- 2.7 As research has shown¹, it takes on average, 8.4 years from validation of the first planning application to the first dwelling being completed on schemes of 2000+ dwellings. The New Town is set to deliver 2,500 homes between 2020 and 2040, while

¹ [start-to-finish what-factors-affect-the-build-out-rates-of-large-scale-housing-sites.pdf \(lichfields.uk\)](https://www.lichfields.uk/start-to-finish-what-factors-affect-the-build-out-rates-of-large-scale-housing-sites.pdf)

Cranbrook (an existing adopted allocation) is to deliver 4,170 homes. Together, these make up 56% of the total proposed housing allocations (6,670 of 11, 811 homes). It is therefore considered that these strategic sites, a significant proportion of the Council's housing allocations, are unlikely to come forward or be wholly complete within the first 5 years of the plan adoption.

- 2.8 Given that Feniton represents an unconstrained area, with relatively strong sustainable credentials, it is considered that the settlement has potential to accommodate additional housing allocations, that of a type and scale that could come forward within the first 5 years of the plan adoption, particularly sites being promoted by an active housebuilder. It is therefore considered that the draft policy be amended to increase the number of homes to be delivered within Feniton, recognising that is an existing sustainable and unconstrained settlement that can contribute to meeting the needs of the increasing population.

Strategic Policy 3 - Levels of future housing development

- 2.9 The Policy states that Housing provision will be made for at least 18,920 dwellings to be delivered between 2020 and 2040. The minimum requirement has been derived from the standard methodology, in accordance with government guidance. We would continue to expect the Local Housing Needs figure be a minimal figure, derived from the Standard Methodology, as per the NPPF and PPG. It is considered that there are no exceptional circumstances to allow the Council to deviate from this is figure.
- 2.10 Part 3 of the policy confirms that provision will be made for a supply headroom of approximately 10% to provide housing supply flexibility in the district in the plan period. Supporting paragraph 3.17 confirms this equates to about 20,800 dwellings. The Council forecasts that there is potential to deliver approximately 20,441 dwellings in the plan period, providing about 8% 'headroom'.
- 2.11 It is important that the final housing figure continues to be expressed as a 'minimum' figure – there is a national housing crisis and a serious and significant shortage of new homes being delivered across the country where there are pressing affordability issues that are further compounded by a shortage of new homes coming forward. The housing requirement should not be a cap for development, the figure represents the minimum number of new homes that should be planned for in the authority area and in order to achieve this.
- 2.12 As such, the principle of providing a buffer / headroom housing figure is supported. However, the supporting text to the policy therefore confirms that there is currently insufficient supply to meet the policy requirement of 10% 'headroom'. In order to meet the policy requirement, a greater number of deliverable housing Sites will need to be identified. At present, the supply forecast is at odds with the drafted policy. This is particularly important, given the 2021 Census confirmed that population growth in East Devon exceeded the 2014—based household projections for 2021 (which is used to inform the Standard Methodology). The population size had increased to 150,800 in

2021, compared to the predicted figure of 143,280. Population growth is projected to steadily increase over the next 10 years within England².

- 2.13 Given the population of East Devon has already exceeded the 2014—based household projections for 2021, it is crucial that there is sufficient to supply to meet the policy requirement of 10% ‘headroom’. It is considered the Council utilises existing sustainable locations for areas of growth to accommodate future local needs over the next twenty years.
- 2.14 As set out above, given that Feniton represents an unconstrained area, with relatively strong sustainable credentials, it is considered that the settlement has potential to accommodate additional housing allocations, that could not just come forward within the first 5 years of the plan adoption but also ensure there 10% buffer is met.

Strategic Policy 5 – Mixed use developments incorporating housing, employment and community facilities

- 2.15 The draft policy requires 0.4ha of employment land for every 100 homes on all allocated sites at Tier 1 and 2 settlements and 0.1 hectares of employment land for every 25 homes in Tier 3 and 4 settlements.
- 2.16 We appreciate what the draft policy seeks to achieve, by ensuring that employment opportunities are delivered alongside new housing. However, we have concerns with the principle and wording of this policy. As drafted, it currently applies a one-size fits all approach to proposals. It does not account for the specific characteristics and constraints of a Site that may prevent it delivering employment uses alongside housing, and it does not account for locations where there may be no demand for employment uses Furthermore, it assumes that the location for each site that falls within the policy threshold, would be appropriate for delivering employment uses. However, this approach is too broad brush; certainly, there will be site locations where the inclusion of employment would not be appropriate when considering the existing or proposed surrounding uses.
- 2.17 It is noted that the Policy allows for ‘sufficient viability or other evidence’ to be submitted ‘which precludes the delivery of necessary employment provision within mixed use sites’. However, it is considered that the above wording is too ambiguous. It is not clear what constitutes ‘sufficient evidence’ to satisfy the Council and how this evidence will be assessed. It is considered that further supporting text that explains what would be considered ‘sufficient’ is provided.
- 2.18 It is also noted that where viability or other evidence has been provided, a financial contribution to the Council will be required. However, the Council has not yet provided the calculation for this contribution. It is considered this calculation needs be provided during the next consultation stage to ensure it is justified.
- 2.19 Overall, it is considered that the Council needs to apply a more discerning and considered approach to allocating housing and employment land. As drafted, the policy is unclear and unjustified, with requirements that could prevent deliverable housing

² [National population projections - Office for National Statistics](#)

sites coming forward. This is of particular concern when there is a national housing crisis, and the Council needs to ensure sufficient homes can be delivered to meet the LHN requirement.

- 2.20 It is considered that the policy be deleted or re-worded so it makes it clear that the policy objective is required where relevant to the Site in question.

Strategic Policy 26 – Development at service villages

- 2.21 We support the principle of development at Feniton. Feniton represents an unconstrained area, with relatively strong sustainable credentials, it is considered that the settlement has potential to accommodate additional housing allocations. As supporting paragraph 6.149 recognises, the settlement’s railway station and relative proximity to Exeter indicates some reasonable suitability for development.
- 2.22 It is noted that the draft policy invites feedback on the potential for differing scales of growth at Feniton which is welcomed. We consider that Land off Ottery Road should be allocated within the emerging Local Plan. Detailed commentary on the Site is provided below.

Site Location

- 2.23 The Site is located to the west of Ottery Road and extends to approximately 5.43 hectares. It lies to the south west of Feniton. Existing residential development lies immediately to the north and east of the Site. Existing dwellings partially line the Site’s southern boundary, with agricultural fields to the west.
- 2.24 There are no trees within the body of the Site. There are a number of individual trees on the northern and eastern Site boundaries.
- 2.25 The site lies in flood zone 1. There are no designated heritage assets within the site. There is a Grade II listed property (known as Sweethams, ref. 1289213) to the south of the site boundary.

Figure 2.1: Land off Ottery Road Site Location



Site Promotion History

- 2.26 We previously responded on behalf of Bloor Homes to the Call for Sites consultation undertaken between April and May 2022.
- 2.27 Following submission, the Council has released a HELAA Site Assessment of the Site (ref. Feni_04). The key conclusions from this Site Assessment are referred to below.

Sustainability

- 2.28 The presumption in favour of sustainable development is at the heart of the Framework (paragraph 10). For plan-making, Part A of Paragraph 11 states that:

*“all plans should promote a sustainable pattern of development that seeks to: **meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change**” [Turley emphasis].*

- 2.29 As such, to accord with the Framework, allocations within the draft Local Plan are required to be sustainable locations and in particular align growth and infrastructure within the area.

Accessibility and Site Constraints

- 2.30 The Proposal Site is in a sustainable location. To the north and east of the Site lies residential development and the Proposal Site will form a natural extension to the existing town. The Proposal Site is walkable and cyclable to all of the facilities and services in the village. For example, SPAR is located approximately a 4-minute walk away.
- 2.31 With regard to transport connections, the Proposal Site is accessible by public transport. There are two bus stops to the north of the site, off Ottery Road. They are only a 3–4-minute walk away and provide connections to Whimble and Sidmouth. Furthermore, Feniton train station is only a 5-minute walk north of the Site. The station provides links to London Waterloo, Exeter and Axminster. This substantially benefits the sustainability credentials of the settlement as a location for sustainable growth.
- 2.32 The Council’s HELAA Site Assessment confirms the site is within 1,600 metres of 4 or more different local facilities and within 1,600 metres of a train station or bus route with an hourly or better service.
- 2.33 With regards to flood risk, the site is located in flood zone 1. It is therefore at the lowest risk of flooding – in this respect, it meets the Council’s spatial strategy of avoiding development in areas of flood risk. As such, the Proposal Site can provide a significant contribution to housing delivery while avoiding risks associated with flooding.

Sustainability Appraisal – Landscape

- 2.34 The draft plan is accompanied by a Sustainability Assessment [SA] within the evidence base. The Proposal Site is identified as site Feni_04. Feni_05 is currently the only preferred Option. However, the Assessment notes that if there were a strategic growth strategy in Feniton, there are a number of sites that could be reasonably looked upon as potentially good choices for development. The map on page 463 of the Sustainability Assessment shows that Feni_01, Feni_07, Feni_08, Feni_09, Feni_10 and Feni_11 were the Council’s second choice Sites.

- 2.35 In respect of the landscape, the SA concludes that Feni_04, is of some landscape prominence. However, the HELAA Site Assessment report concludes that residential development at the Site would not have an unacceptable impact with regards to landscape. If a growth strategy is agreed, we question why Land off Ottery Road site has been rejected, whereas other Sites within Feniton have progressed to be potential 'second choice' Sites, despite also being greenfield sites.

HELAA Site Assessment

- 2.36 The Council's HELAA Site Assessment concludes Land Off Ottery Road is available and suitable, but the panel concluded that the site is probably unachievable for housing due to minerals constraints, subject to MRA.

Minerals

- 2.37 We have submitted a Mineral Resource Assessment [MRA] (prepared by Wardell Armstrong, dated September 2022) to the Council following the Call for Sites consultation.
- 2.38 The MRA confirms the proposed development site is located in a Mineral Safeguarding Area (MSA) and Mineral Consultation Area (MSA) for bedrock sand and gravel. The report concludes that due to the small quantity of the safeguarded mineral on this site, it is highly unlikely that the mineral would ever be suitable for, or subject to, commercial extraction either now or in the future. In addition, the proposed development will not prejudice the future working of the safeguarded mineral resource to the southwest of the site. The site therefore meets the requirements of adopted mineral safeguarding policy "Policy M2: Mineral Safeguarding Areas".
- 2.39 As such, the report indicates that it is likely that any mineral safeguarding objections can be addressed. We therefore object to the Council's conclusions that Site meets the definition of 'unachievable'.

Deliverability

- 2.40 To accord with the Framework, the draft Local Plan needs to allocate enough housing sites that can be brought forward at a sufficient **rate**. Paragraph 23 of the Framework states:

*"Strategic policies should provide a clear strategy for bringing **sufficient land forward, and at a sufficient rate, to address objectively assessed needs** over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and **allocating sufficient sites** to deliver the **strategic priorities of the area**" [Turley emphasis].*

- 2.41 Two key factors that can impact on this 'sufficient rate' include resolving land ownership issues and environmental constraints of the site. These are considered further below.

Land Ownership

- 2.42 The Site is available now and within the control of Bloor Homes to promote and develop.. As set out above, Bloor Homes are an experienced developer with a proven track record of high-quality design, and delivery of a range of site scales

2.43 As such, importantly there are no land ownership impediments to developing the site and this is a site that is capable of being brought forward for development quickly.

Environmental Constraints

2.44 Initial feasibility work in relation to minerals, highways/access, drainage, and landscape/heritage has been undertaken. Technical work has demonstrated that the mineral safeguarding objections can be addressed, a safe access can be achieved.

Unique Benefits

2.45 The allocation of the Proposal Site will also provide unique benefits:

- **Delivery of new market and affordable housing** - This development provides the opportunity to meet identified local housing needs, with proposals including around 90 homes with affordable housing in line with policy, and properly taking account of site constraints.
- **Delivering local flood mitigation** - The scheme will safeguarded land for part of the Council's Flood Alleviation Scheme, diverting flood water from Feniton to the stream to the south of the village.
- **Publicly accessible open spaces** – The Site has the potential to include new areas of publicly accessible and useable open spaces for new and existing residents to enjoy.
- **Designed to achieve a biodiversity net gain** - The scheme has the potential to provide rich planting to enhance ecology, create new habitats and deliver a biodiversity net-gain for the site.

Land Off Ottery Road: Site Summary

2.46 We support the principle of housing development at Feniton. The Council has invited feedback on the potential for differing scales of growth at Feniton. We consider an increased level of housing growth should be identified at the village in the draft LP. As part of that allocation, the Land off Ottery Road should be identified for housing development when:

- The Council needs to identify additional land to meet the housing requirement, plus a 10m buffer / 'headroom'.
- Land off Ottery Road is available and capable of early delivery and is of a scale that can come forward quickly, being promoted by Bloor Homes, a house builder with an enviable track record of delivery;
- The Site performs equally as well in sustainability terms compared to the current draft second best choice allocations;
- Initial technical feasibility work (including work submitted in support of these representations) shows that the site can come forward where the mineral safeguarding objections can be addressed, a safe access can be achieved, and

has the potential to have a sensitive design with regards to heritage and landscape;

- Land off Ottery Road provides site-specific location benefits which can aid and promote sustainability, including the delivery of new market and affordable housing, delivering local flood mitigation and publicly accessible open spaces.

Strategic Policy 27 – Climate Emergency

2.47 Strategic Policy (SP) 27 presents the targets to which new development must respond in order to meet the climate emergency and the commitment by East Devon District Council (EDDC) to be carbon neutral by 2040. The targets listed by SP 27 are:

- Delivering net-zero development;
- Maximising opportunities for delivery of renewable energy, district heat networks, zero-carbon energy and energy storage facilities; and
- Calculating the impact of embodied carbon and retaining existing buildings where possible.

2.48 We fully support the Councils target of net zero by 2040 and agree that new development can play a significant role in supporting this transition. The strategic targets listed in SP 2 are supported however it is important to ensure that suitable timeframes are in place for these targets as part of a transition to net zero by 2040. Whilst the development industry is moving at pace to net zero, huge advances in supply chains and technologies are required to deliver net zero buildings. It is important that these challenges are recognised in draft Policy and the targets outlined are not introduced immediately on plan adoption but phased in over a suitable timeframe.

Strategic Policy 28– Net-Zero Carbon Development

2.49 SP 28 places a number of targets and requirements upon new development which includes achieving Net Zero Carbon (NZC) emissions. The targets are:

- All new residential and commercial development to deliver net zero carbon development;
- Homes will be future proofed to avoid temperature discomfort as a result of rising temperatures
- Maximising the use of renewable energy and ensuring the performance gap is minimised.
- A requirement to undertake a Whole Life Carbon (WLC) assessment in accordance with a nationally recognised methodology.

2.50 We fully support the strategic objectives of SP 28 and the delivery of NZC although it is noted that the policy contains three requirements other than NZC which could be confusing to the reader and those implementing the policy.

2.51 Taking each of these draft Policy requirements in turn the we would like to make the following comments:

- The requirement for Net Zero Carbon requires further detail to suitably define the definition of NZC and the delivery mechanism. For example there are several definitions of NZC which have very different commercial and technical implications for buildings. We consider that to ensure the policy is sound and deliverable from the point of plan adoption, the draft Plan should utilise the Governments definition of NZC³ which is delivered as follows:
 - (i) From 2025 construct all dwellings to the Future Homes Standard (FHS) which will require the construction of a highly energy efficient building which uses electricity for heating, lighting and power. Heat is provided through air or ground source heat pumps and electricity is provided via photovoltaic cells. As a result of an all-electric strategy, the carbon footprint of the building constantly reduces as the electricity grid decarbonises eventually reaching net zero carbon around 2040. Assuming the local plan is adopted in 2024, then this route to NZC is deliverable and achievable. For non-domestic buildings, compliance with the 2025 Future Buildings Standard (FBS) would achieve the same output.
 - (ii) We consider that Policy SP 28 should be amended to confirm that the NZC definition is that used by the Government through the delivery of the Future Homes Standard.
 - (iii) The requirement within SP 28 to future proof homes to avoid temperature discomfort is noted and supported. We consider however that this element of Policy SP 28 is at risk of duplicating national policy. In December 2021, the Government published a new Building regulations requirement, Part O, which requires an overheating assessment on new buildings which considers the impacts of climate change. We consider that this element of SP 28 should be deleted given it is covered by Building Regulations.
 - (iv) We support the Local Plans ambition to maximise the delivery of renewable energy in new buildings. It is important to note that this ambition will be delivered as a result of all new buildings meeting the FHS and FBS respectively. This legislation will require all new homes and non-domestic buildings to deploy extensive renewable heat and electricity generating technologies. We consider that this element of Policy SP28 should be amended to note that compliance with the FHS and FBS should meet this requirement.

³ <https://www.gov.uk/government/news/new-homes-to-produce-nearly-a-third-less-carbon>

- (v) We support the requirement for new development to undertake a Whole Life Carbon Assessment to calculate the carbon footprint of the building and identify mechanisms to reduce construction and operational carbon. With regards to the 'nationally recognised methodology', we recommend that the Council consider the use of the 'OneClick' Life Cycle Assessment software⁴ which is widely used and respected across the industry. It is also a relatively easy to use process for undertaking WLC assessments. We would also suggest that the Policy recognises that for outline planning applications in particular, there is rarely sufficient information to complete a full WLC assessment and therefore the policy should be amended to permit the full WLC assessment with the Reserved Matters or Detailed planning application.

Strategic Policy 33 - Heat Networks

- 2.52 SP 33 has been drafted to require new developments to consider the potential for the development of on-site heat and energy networks which have the potential to save significant volumes of carbon emissions provided they are fuelled by energy sources other than fossil fuels.
- 2.53 EDDC has a proven track record with the delivery of heat networks as demonstrated at the west end of the District at Cranbrook and Monkerton in Exeter. We are supportive of SP 33 and the ambition of EDDC to expand the delivery heat networks across East Devon.
- 2.54 Whilst we fully support the deployment of heat networks it is important that such networks are planned in a manner that will reduce carbon emissions in a cost-effective manner. To ensure this, we consider that SP 33 should reflect the following:
- That decentralised heat networks can only save carbon if they are powered by means other than natural gas. Given the pace of decarbonisation of electricity from the national grid, the carbon content of electricity is currently significantly lower than gas⁵ which means that a gas fuelled heat network will release more carbon emissions compared to heating by electric systems.
 - In addition, new homes and buildings are considerable more energy efficient than existing stock and the introduction of the FHS and FBS in 2025 will further increase energy efficiency ratings. This will result in very low heat demands from dwellings and the majority of non-domestic buildings which will render a neat network unviable. We recognise the desire of EDDC to promote heat networks however and would like to suggest the following amendments to SP 33 to provide the flexibility to determine on the viability of such a system on each application:

For all major developments proposed within 1km of an existing heat network a feasibility study will be undertaken to determine the commercial and technical

⁴ <https://www.oneclicklca.com/>

viability of connection to that network and that it will result in a reduction in carbon emissions. In addition, where no heat network currently exists, a feasibility study will be required for proposals above 1,200 homes or 10 ha of commercial floorspace.

Strategic Policy 40 – Affordable Housing

- 2.55 This Policy states that at least 35% of residential schemes of 10 or more dwellings should be affordable. It is essential for the overall soundness of the plan that the proposed affordable housing quantum is subject to robust viability assessment. This should have regard to all other policy requirements for development, and ensure that the total policy 'ask' is clearly assessed as part of a robust viability model to inform the plan. This will naturally include issues of affordable housing mix, and how the plan will meet the 'First Homes' policy set by government. This issue is likely to go to the heart of the deliverability of the plan and the soundness of policies which are being included to guide sustainable development in East Devon.

Strategic Policy 41 – Housing to Meet the Needs of Older People

- 2.56 We are supportive of the principle of the Policy in providing homes that are suitable to meet the needs of older people and disabled people. However, as drafted, it currently applies a one-size fits all approach to proposals. It does not account for the specific characteristics and constraints of a Site that may prevent it delivering homes appropriate for older and disabled people. It is considered the policy should be amended to allow for greater flexibility to ensure deliverability is not impacted and Sites can come forward in an efficient manner.
- 2.57 It is also essential for the overall soundness of the plan that the quantum of proposed housing for older people and disabled people is subject to robust viability assessment. This should have regard to all other policy requirements for development, and ensure that the total policy 'ask' is clearly assessed as part of a robust viability model to inform the plan.

Strategic Policy 42 – Accessible and Adaptable Housing

- 2.58 This Policy relates to Accessible and Adaptable Housing. It sets out the standards from Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings) (or replacement standards) that will apply to new dwellings, subject to consideration of site suitability and site viability.
- 2.59 We are supportive of providing homes that are suitable to meet the needs of older people and disabled people. The draft plan is accompanied with a Local Housing Needs Assessment that identifies the need for nationally described standards for accessible and adaptable homes (Part M4(2)) and wheelchair users (Part M4(3)). The report concludes that the need is largely driven by a growing population of older persons.
- 2.60 It is considered that the draft policy be modified to take into account Planning Practice Guidance which states that Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3)

compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied (ref. 008 Reference ID: 56-008-20160519)

- 2.61 It is also considered that any additional standard which are imposed via this policy (or any modified version) should be subject to robust viability assessment as part of preparing a final version of the plan.

Strategic Policy 43 - Market housing mix

- 2.62 The policy sets out how the Council will seek to achieve a mix of housing types and sizes across East Devon. The need for a variety (mix) of new housing is supported. It is recognised that the draft policy currently includes acceptable circumstances where a proposals departure from the required housing mix is justified. It is recommended that this wording to allow for flexibility in schemes is retained within future iterations of the draft plan. It helps to ensure where Sites are particularly constrained or face viability concerns, will be able to come forward.

Strategic Policy 44 – Self-Build and Custom Build Housing

- 2.63 The need for a variety (mix) of new housing is supported, but Policy 43 should take a flexible rather than prescriptive approach. Further evidence around viability should be presented to support the requirements for self and custom build housing being proposed by the policy and which is to apply in a blanket way across major developments of 20 homes or more.

Strategic Policy 84 – Protection of Internationally and Nationally Important Wildlife Sites

- 2.64 This policy relates to international, national, regional and locally important wildlife sites so the title of this policy should be amended to reflect this scope. The first part of the policy relates to internationally and nationally important sites so the first sub-heading needs to be amended to reflect this i.e. reference to locally-important sites should be removed from the sub-heading.
- 2.65 Reference is made to biodiversity net gain for impacts to all Wildlife Sites. It is considered that this duplicates policy requirements set out in Policy 87 – Biodiversity Net Gain, and should therefore, be removed. Furthermore, proposed avoidance, mitigation and, as a last resort, compensation measures for impacts to designated sites (refer also to Paragraph 2.4 below) should ensure that the integrity of these site is maintained and significant harm avoided e.g., in relation to the Conservation Objectives for National/International Wildlife Sites such as SACs, SPAs or Ramsar Sites, or the 'Favourable Condition' of sites such as SSSIs. There is no requirement to achieve a net gain for these sites, either in the National Planning Policy Framework (NPPF), legislation or elsewhere.
- 2.66 The application of the ecological mitigation hierarchy for impacts to National/International Wildlife Sites such as SACs, SPAs and Ramsar Sites should be amended to reflect the due process that it required under the Conservation of Habitats

and Species Regulations 2017 (as amended; the ‘Habitats Regulations’) for ensuring that the integrity of these sites is maintained. The effect of a plan or project on the integrity of these sites should only consider avoidance and mitigation measures for adverse effects in the first instance. If the plan or project is considered to have a residual adverse effect on site integrity following consideration of these measures, compensation measures should only be proposed after it has been concluded that no alternatives exist and that the ‘Imperative Reasons for Over-riding Public Interest’ (IROPI) test has been satisfied.

- 2.67 Habitats of Principal Importance (note Principal spelt incorrectly in the Policy and at other locations in the Consultation Local Plan) have been included in this Policy. These are not Wildlife Sites and it is considered that these habitats should be addressed through inclusion under Policy 85 to ensure a clear and consistent approach.

Strategic Policy 85 – Protection of irreplaceable habitats and important features

- 2.68 As set out above in Paragraph 2.5, Habitats of Principal Importance should be addressed by this policy.

Strategic Policy 86 – Habitats Regulations Assessment

- 2.69 Habitats Regulations Assessment is a legal requirement under the Conservation of Habitats and Species Regulations 2017 (as amended) for a plan or project that could affect a SAC, SPA, pSAC, pSPA or Ramsar site. Therefore, policy requiring this approach is considered to be duplication of a legal process and is not required. Accordingly, it is recommended that the section of the Policy entitled ‘HRA process and requirements’ is deleted. The Policy should then be changed to ‘HRA avoidance and mitigation strategies and guidance’.
- 2.70 Following the current proposed section on ‘Specific mitigation strategies and guidance’, Policy 86 details ‘Specific HRA policy requirements to avoiding mitigating and compensating for HRA impacts’. There is significant duplication of text within this latter section and guidance provided in the mitigation strategies referenced. To avoid duplication of text and inconsistency, it is recommended that the Policy relies on the strategy documents referenced. If these strategy documents are considered to be deficient and/or require updating, these should be updated accordingly.

Strategic Policy 87 - Biodiversity Net Gain

- 2.71 Under this Policy, development proposals will need to deliver a minimum of 20% net gain in biodiversity. The Environment Act 2021 sets out a minimum of 10% net gain for development. Whilst this requirement is not currently law, per se, secondary legislation requiring this level of gain (likely to become law in November 2023) is unlikely to change the 10% minimum requirement initially. Therefore, once a legal requirement, development that would deliver a gain of 10-19% would be legally compliant (acceptable in law) but would not be policy compliant under proposed Policy 87. To ensure consistency with the proposed legislation, it is recommended that the Policy aligns with the legal net-gain requirement in place at that time, with 10% net gain set as the initial default position. This flexible and consistent approach would obviously

allow the Policy net-gain requirement to increase above 20%, should the legislation set a higher requirement in the future.

- 2.72 Notwithstanding the above requirement for parity between the legal and policy requirements for net gain in biodiversity, it is noted that the justification for Policy 87 (Paragraphs 13.37-13.44 of the Consultation Local Plan) does not present evidence that justifies the increase in the net-gain requirement from 10% to 20%. Documents referenced in the justification are all pre-November 2021 (when the Environment Act became law) so the Government and its nature-conservation advisors would have been fully aware of this information when setting the 10% target. The documents identify the clear and significant declines in biodiversity globally and within the UK but do not identify a specific situation in East Devon that justifies the requirement for net-gain delivery to be greater than that set nationally. Specific evidence should, therefore, be provided to demonstrate why East Devon warrants a higher net-gain requirement. The position, if progressed, should also be supported by a specific viability assessment relative to East Devon.

Strategic Policy 88 – Local Nature Recovery Strategy and Nature Recovery Network

- 2.73 Clarification is required as to the meaning of ‘proposals’, which, as per the proposed Policy, ‘must contribute to the strategic objectives of the Local Natural Recovery Strategy....’.

Strategic Policy 89 – Ecological Impact Assessment

- 2.74 The first section of this Policy should be entitled ‘Ecological Impact Assessment process’. It is considered that policy text could be rationalised in this section e.g. text on deviation from best practice could be included in the ‘Justification’ section, which follows the Policy. It is recommended that the heading ‘Protected and notable species’ before paragraph 13.53 on the Consultation Local Plan is deleted. Text within paragraph 13.53 can simply be included within the ‘Justification’ sub-section above. This will avoid confusion with the following policy, Policy 90, which relates to protected and notable species.

Strategic Policy 90 – Ecological Impact Assessment

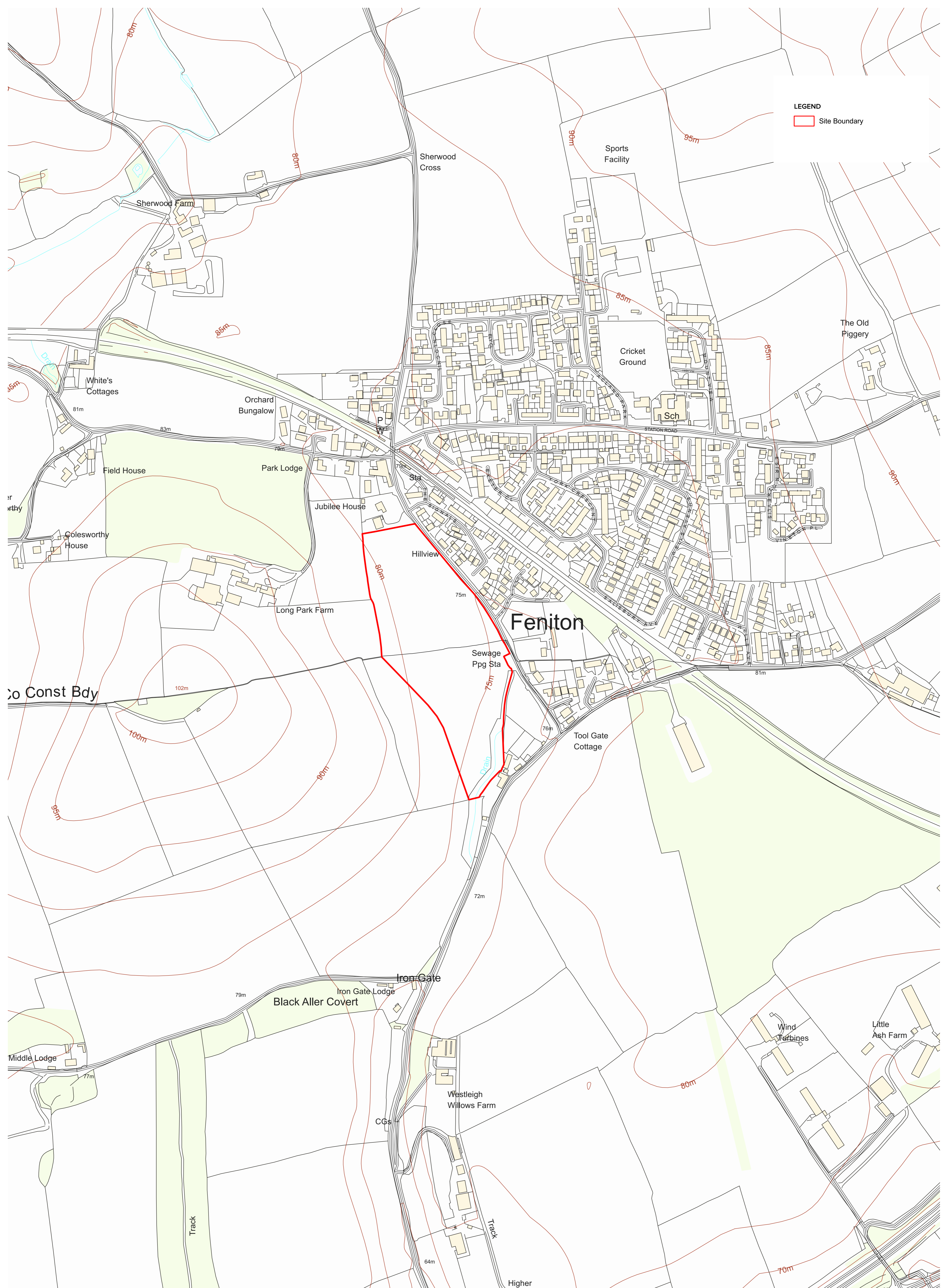
- 2.75 Reference is made to the consideration of European Protected Species, defined as species listed under Annex II and IV of the Habitats Directive. It is considered that this should be modified and defined as species listed under Schedules 2 and 5 of the Habitats Regulations. The fifth bullet point in the first series of bullet points (defining protected and notable species) should be modified to text only i.e. not a bullet point.

Strategic Policy 91 – Ecological enhancement and incorporation of design features to maximise the biodiversity value of proposals

- 2.76 As identified for Policy 88, clarification is required as to the meaning of ‘proposals’ within this Policy.

Appendix 1: Location Plan

LEGEND
Site Boundary



Appendix 2: Mineral Resource Assessment

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ENERGY AND CLIMATE CHANGE
ENVIRONMENT AND SUSTAINABILITY
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MINERAL ESTATES
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BLOOR HOMES SOUTH WEST

PROPOSED DEVELOPMENT ON LAND AT OTTERY ROAD, FENITON, DEVON

MINERAL RESOURCE ASSESSMENT

SEPTEMBER 2022

DATE ISSUED: September 2022
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BLOOR HOMES SOUTH WEST

PROPOSED DEVELOPMENT ON LAND AT OTTERY ROAD, FENITON, DEVON

MINERAL RESOURCE ASSESSMENT

SEPTEMBER 2022

PREPARED BY:

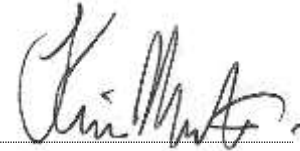
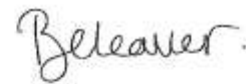
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DRAWINGS TITLE

ST19830 - 001 Solid Geology

EXECUTIVE SUMMARY

This report has been prepared in support of a planning application by Bloor Homes South West for proposed development on land at Ottery Road, Feniton, Devon. The site has been reviewed in relation to the adopted mineral safeguarding policies of the Devon Minerals Plan. The proposed development site is approximately 5.3 ha in area, and is located approximately 7 km southwest of Honiton town centre. The proposed development site is located in a Mineral Safeguarding Area (MSA) and Mineral Consultation Area (MSA). The Minerals are bedrock sand and gravel.

Published geological maps for the area indicate that superficial deposits are absent from the proposed development site. The solid geology comprises two formations, namely the Helsby Sandstone Formation, and the Chester Formation. It is the Chester Formation that is the safeguarded mineral resource on this site. Historic Ordnance Survey mapping records 'old pits' worked for Marl some 500 metres to the west of the site. The mapping shows that these were not large operations. We are not aware of any extraction on, or immediately adjacent to the site.

The proposed development site is located within a Mineral Safeguarding Area and Mineral Consultation Area for bedrock sand and gravel. However, the safeguarded mineral resource is only present along the southwestern boundary of the proposed development site, and there is a very small quantity of the Chester Formation safeguarded mineral within the southwestern corner of the site boundary.

It is considered highly unlikely that the mineral will be worked either now or in the future. The mineral can be considered to have little to no economic value.

The proposed development site is also located in a Mineral Consultation Area (MCA) which is a 250m buffer zone around the MSA and is designed to stop development that would prejudice the future working of nearby mineral resources.

The proposed development is for residential housing, and if extraction of the safeguarded mineral resource were to take place, then a 100m buffer zone would be required around the perimeter of any extractive operation in order to protect the amenity of the residents. The 100m buffer zone covers approximately 4.3 ha of safeguarded mineral resource, which is too small in area to be considered a commercially viable quantity of mineral. The remainder of the Chester Formation designated as a MSA could be worked in the future.

In conclusion, due to the small quantity of the safeguarded mineral on this site, it is highly unlikely that the mineral would ever be suitable for, or subject to, commercial extraction

either now or in the future. In addition, this proposed development will not prejudice the future working of the safeguarded mineral resource to the southwest of the site. The site therefore meets the requirements of adopted mineral safeguarding policy “Policy M2: Mineral Safeguarding Areas”.

1 INTRODUCTION

- 1.1 This report has been prepared in accordance with instructions from Bloor Homes South West to prepare a mineral resource assessment in support of a planning application for proposed development on land at Ottery Road, Feniton, Devon. The site is located approximately 7 km southwest of Honiton town centre. The proposed development site is approximately 5.3 ha in area and the site boundary is shown edged red on the plan attached at **Appendix 1**. The site is bounded by residential properties to the north, by Ottery Road to the east, by agricultural land and farm buildings to the south and by agricultural land to the west.
- 1.2 The proposed development site is located in a Mineral Safeguarding Area (MSA) and Mineral Consultation Area (MSA) for bedrock sand and gravel, so a planning application for development must include a mineral resource assessment to determine whether the proposed development would be compatible with the relevant mineral safeguarding policies.

2 GEOLOGY

- 2.1 Geologically, a distinction is made between “superficial deposits” and “solid geology”. Superficial deposits such as sand and gravel are found at, or close to, the surface. The solid bedrock beneath the superficial deposits is called the “solid geology”.

Superficial Deposits

- 2.2 The British Geological Survey (BGS) online map shows that superficial deposits are absent from the proposed development site.

Solid Geology

- 2.3 The BGS geological map shows that there are two geological formations underlying the site, namely the Helsby Sandstone Formation, and the Chester Formation. Most of the site is underlain by the Helsby Formation which comprises sandstone and is not a safeguarded mineral resource. There is a very small part of the site that is covered by the Chester Formation which comprises conglomerate and is shown shaded orange on the attached drawing ST19830-001. The Chester Formation is present along the southwestern boundary of the site and is the safeguarded mineral resource on the site.

- 2.4 The Mineral Safeguarding Area covers the same area as the Chester Formation outcrop to the southwest of the proposed development site. The MSA is shown shaded orange on the extract from the Devon Minerals Plan Policies Map which is attached at **Appendix 2**. It is clear from the policies map, that there is a very small quantity of the safeguarded mineral on the proposed development site.

3 MINERAL PLANNING POLICY

Adopted Minerals Local Plan

- 3.1 The relevant planning policies are contained in the Devon Minerals Plan (DMP) and was adopted in February 2017. The DMP provides the policy framework for decisions by Devon County Council on planning applications for mineral development over the period to 2033, together with decisions on non-mineral development by other planning authorities that may affect mineral resources.
- 3.2 Adopted “Policy M2: Mineral Safeguarding Areas”, which is attached in full at **Appendix 3**, states mineral resources and infrastructure within the Mineral Safeguarding Areas will be protected from sterilisation or constraint by non-mineral development within or close to those areas by permitting such development if:
- a) It can be demonstrated through a Mineral Resource Assessment and in consultation with the relevant mineral operators that the mineral resource or infrastructure concerned is not of current or potential economic or heritage value; or
 - b) The mineral resource can be extracted satisfactorily prior to the non-mineral development taking place under the provisions of M3; or
 - c) The non-mineral development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction or operation within the timescale that the mineral resource or infrastructure is likely to be needed; or
 - d) There is an overruling strategic need for the non-mineral development; or
 - e) It constitutes exempt development, as set out in the exemption criteria.

Compliance with adopted safeguarding policy

Criterion (a)

- 3.3 The proposed development site is in a Mineral Safeguarding Area and Mineral Consultation Area for bedrock sand and gravel. It is the Chester Formation that is safeguarded and is present along the southwestern boundary of the proposed development site. It is clear from drawing ST19830-001 that there is a very small quantity of safeguarded mineral within the site boundary, and it may not be present as the deposit thins towards the edges. It is highly unlikely that the mineral will be worked either now or in the future, so it has little to no economic value.
- 3.4 The proposed development site is also located in a Mineral Consultation Area which is a 250m buffer zone around the MSA. The MCA is designed to stop development that would prejudice the future working of nearby mineral resources. The outcrop of the Chester Formation to the southwest of the site has been designated as a MSA, but this does not mean that the mineral will be worked. Planning permission for mineral extraction would still be required if the mineral were to be worked. The proposed development is for housing, and if mineral extraction were to take place of the safeguarded mineral resource, then a 100m buffer zone would be required to protect the amenity of the residents. The 100m buffer zone from the site boundary is shown by the black dashed line on the attached drawing ST19830-001. The 100m buffer zone covers approximately 4.3 ha of safeguarded mineral resource, which is too small to be considered a commercially viable quantity of mineral. The remainder of the Chester Formation covered by MSA could be worked in the future, if permission for mineral extraction is granted. Consequently, it is clear that the proposed development will not prejudice the future working of surrounding mineral resources.
- 3.5 As a result of the small quantity of the safeguarded mineral on the site, it is highly unlikely that the mineral would ever be subject to commercial extraction either now or in the future. In addition, the proposed development will not prejudice the future working of the safeguarded mineral resource to the southwest of the site. The site therefore meets the requirement of Criterion (a) because the mineral resource concerned is not of any current or potential economic value.

4 CONCLUSION

- 4.1 The proposed development site is located within a Mineral Safeguarding Area and Mineral Consultation Area for bedrock sand and gravel. However, the safeguarded mineral resource is only present along the southwestern boundary of the proposed development site, and there is a very small quantity of safeguarded mineral within the site boundary. It is highly unlikely that the mineral will be worked either now or in the future, so it has little to no economic value.
- 4.2 The proposed development site is also located in a Mineral Consultation Area (MCA) which is a 250m buffer zone around the MSA and is designed to stop development that would prejudice the future working of nearby mineral resources. The proposed development is for housing, and if mineral extraction were to take place of the safeguarded mineral resource, then a 100m buffer zone would be required to protect the amenity of the residents. The 100m buffer zone covers approximately 4.3 ha of safeguarded mineral resource, which is too small to be considered a commercially viable quantity of mineral and the remainder of the Chester Formation designated as a MSA could be worked in the future.
- 4.3 It clear that due to the small quantity of mineral on the proposed development site, it is highly unlikely that the mineral would ever be subject to commercial extraction, so is not of any current or potential economic value. In addition, the proposed development will not prejudice the future working of the safeguarded mineral resource to the south of the site. The site therefore meets the requirements of adopted mineral safeguarding policy “Policy M2: Mineral Safeguarding Areas”.

APPENDICES

Appendix 1: Site boundary plan

- 3.3.7 These resources are defined as Mineral Safeguarding Areas on the Policies Map, together with the wharves and railheads available for the movement of minerals and mineral processing facilities identified in Appendix F.
- 3.3.8 The inclusion of land within a Mineral Safeguarding Area carries no presumption that mineral development would be acceptable or that planning permission would be forthcoming for extraction of the underlying mineral resource. Instead, the intention is that, in the event of a future need for a particular mineral, the County Council would be able to consider all options rather than choice being constrained by the sterilisation of some areas by other forms of development.
- 3.3.9 Policy M2 does not represent a veto on other forms of development, but enables non-mineral development to be undertaken within a Mineral Safeguarding Area where it can be demonstrated that one or more criteria can be met. Reference in criterion (c) to “development ...of a temporary nature” should be interpreted in the context of the timescale for potential extraction of the mineral resource, and will normally comprise non-built development such as playing fields and touring caravan parks that generally have little or no built structures. However, where an area of mineral resource is known to be of economic value but where there is clear evidence that sufficient alternative locations will enable a steady and adequate supply to be maintained for a considerable period, there may be scope for built development of a non-residential nature to be undertaken provided that a mechanism is in place to enable cessation and removal of the non-mineral development prior to access to the mineral being necessary.
- 3.3.10 Consideration in Policy M2 (criterion (d)) of whether non-mineral development has “an overriding strategic need” should take account of the hierarchy of mineral resources in Table 8.1, together with the strategic or local importance of the non-mineral development and evidence on the availability of alternative locations for that development. Where a safeguarded resource underlies land allocated for non-mineral development in an adopted or made Development Plan, that allocation will normally amount to “an overriding strategic need” for the purposes of criterion (d) of Policy M2.

Policy M2: Mineral Safeguarding Areas

Mineral resources and infrastructure within the Mineral Safeguarding Areas defined on the Policies Map will be protected from sterilisation or constraint by non-mineral development within or close to those Areas by permitting such development if:

- (a) it can be demonstrated through a Mineral Resource Assessment and in consultation with the relevant mineral operators that the mineral resource or infrastructure concerned is not of current or potential economic or heritage value; or
- (b) the mineral resource can be extracted satisfactorily prior to the non-mineral development taking place under the provisions of Policy M3; or
- (c) the non-mineral development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction or operation within the timescale that the mineral resource or infrastructure is likely to be needed; or
- (d) there is an overriding strategic need for the non-mineral development; or
- (e) it constitutes exempt development, as set out in the exemption criteria.

- 3.3.11 To ensure that proper consideration is given to the potential impacts of non-mineral development on the safeguarding of mineral resources and infrastructure, Mineral Consultation Areas are defined around all Mineral Safeguarding Areas. The 'buffer' between these two Areas reflects the characteristics of each resource as indicated in Table 3.1, and ensures that account is taken of development beyond the extent of the mineral resource or site that could constrain existing or future mineral operations.
- 3.3.12 Unless proposals for non-mineral development fall within the exemption criteria defined in Appendix B¹, the local planning authority should consult Devon County Council as the Mineral Planning Authority, together with the appropriate representative of the minerals industry, on receipt of a planning application within a Mineral Consultation Area. Consultation with the minerals industry will enable consideration of the current or potential economic value of the resource. Devon County Council recognises that consultation with mineral operators is essential, particularly where the mineral resource is one of national importance. Appendix B¹ outlines the procedure for undertaking consultation within the Mineral Consultation Areas. In determining an application, the local planning authority is obliged under Section 38 of the Planning and Compulsory Purchase Act 2004 to have regard to Policy M2.
- 3.3.13 Development of land for non-mineral purposes sometimes provides an opportunity to extract underlying mineral resources for use within that development or for sales elsewhere. Sand and gravel resources are more easily extracted than hard rock, and examples of their prior extraction in Devon include:
- (a) the removal of substantial volumes of sand from a business development site at Sidmouth Road in Exeter for stockpiling and subsequent sale at the adjacent Bishop's Court Quarry; and
 - (b) the excavation of sand during earthworks at the Cranbrook new community to the east of Exeter and its use on site as a pipe-bedding material (reducing the developer's need to buy in materials as well avoiding the need to dispose of the 'waste' elsewhere).
- 3.3.14 For Devon's industrial minerals and some aggregate minerals, non-mineral development will normally be opposed where it would sterilise resources of economic value. The greatest scope for prior extraction lies with sand and gravel resources of local or lesser importance where the need for the non-mineral development outweighs the value of the mineral resource, but where use of excavated materials can contribute to meeting local aggregate needs. Proposals for prior extraction are encouraged through Policy M3, particularly where the materials are utilised within the development site. Areas with the greatest scope for prior extraction include the eastern fringe of Exeter and the adjoining part of East Devon, and land at Wolborough to the south of Newton Abbot.

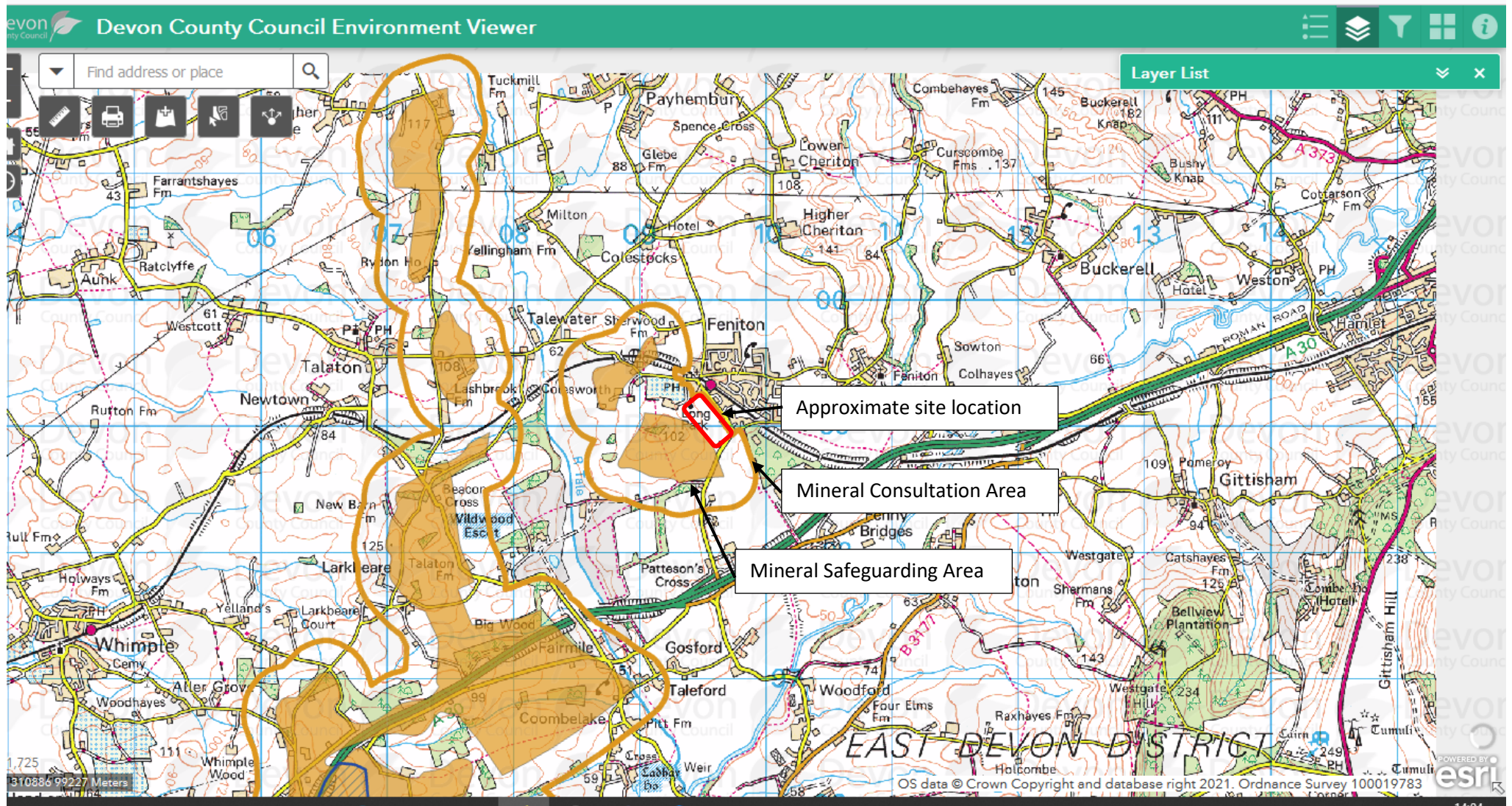
Policy M3: Prior Extraction of Minerals

1. The prior extraction of minerals in advance of non-mineral development will be permitted provided that such extraction does not prejudice or delay the subsequent non-mineral development.
2. Proposals for prior extraction that utilise the mineral resource within the development site are encouraged.

¹Appendix B will be replaced by the Mineral Safeguarding Supplementary Planning Document on its adoption.

Appendix 2: Minerals Policy 5: Mineral Sterilisation

Appendix 2 – Extract from the Devon Minerals Plan Policies Map



Appendix 3: Extract from Devon MLP policies map

- 3.3.5 Consideration of which mineral resources within Devon warrant safeguarding for future use has been informed by national policy and guidance, including the British Geological Survey's Mineral Resource Information and associated mapping for Devon. To ensure a robust approach that ensures the protection of those resources currently or potentially of economic value, reflects Devon's local characteristics and strikes a realistic balance that avoids protecting large areas of mineral resource with no prospect of future working, Devon County Council (in partnership with the other wider Devon mineral planning authorities) has undertaken a detailed review of potential resources.
- 3.3.6 Following consideration of a range of criteria for each individual resource, including its scarcity, ability to be mapped, evidence of viability/quality, levels of extraction, potential conflict with other development and compliance with the Spatial Strategy, the resources identified in Table 3.1 are proposed for safeguarding. Areas of mineral resource have been refined through the exclusion of land already sterilised by built development.

	Resource	Area to Safeguard	'Buffer'
Industrial Minerals	Ball Clay	Full extent of resource, including mineral planning permissions*	250m
	China Clay	Full extent of existing mineral planning permissions* plus known resource outside these permissions	500m
	Tungsten	Full extent of existing mineral planning permissions* with inclusion of potential lateral extension area	500m
Aggregate Minerals	Bedrock Sand and Gravel	Budleigh Salterton Pebble Beds Aller Gravels Upper Greensand resource in the Newton Abbot area Full extent of existing mineral planning permissions* plus potential future extension identified by operator	250m
	Limestone	Westleigh Formation (full extent of resource) Devonian Limestones in the Plymouth, Brixham, Chercombe Bridge and East Ogwell Formations (full extent of resource) Full extent of existing mineral planning permissions*	500m
	Sandstone	Full extent of existing mineral planning permissions* plus potential future extensions identified by operators	500m
	Igneous and Metamorphic	Full extent of existing mineral planning permissions*	500m
	Secondary Aggregates	Will be safeguarded through other mineral safeguarding areas	N/A
Building Stone	Building Stone	Sites with planning permission*	100m
Other	Chalk	Existing mineral planning permission* plus potential future extension identified by operator	100m

* Sites with planning permission are listed in Appendix F

Table 3.1: Mineral Resources for Safeguarding in Policy M2

- 3.3.7 These resources are defined as Mineral Safeguarding Areas on the Policies Map, together with the wharves and railheads available for the movement of minerals and mineral processing facilities identified in Appendix F.
- 3.3.8 The inclusion of land within a Mineral Safeguarding Area carries no presumption that mineral development would be acceptable or that planning permission would be forthcoming for extraction of the underlying mineral resource. Instead, the intention is that, in the event of a future need for a particular mineral, the County Council would be able to consider all options rather than choice being constrained by the sterilisation of some areas by other forms of development.
- 3.3.9 Policy M2 does not represent a veto on other forms of development, but enables non-mineral development to be undertaken within a Mineral Safeguarding Area where it can be demonstrated that one or more criteria can be met. Reference in criterion (c) to “development ...of a temporary nature” should be interpreted in the context of the timescale for potential extraction of the mineral resource, and will normally comprise non-built development such as playing fields and touring caravan parks that generally have little or no built structures. However, where an area of mineral resource is known to be of economic value but where there is clear evidence that sufficient alternative locations will enable a steady and adequate supply to be maintained for a considerable period, there may be scope for built development of a non-residential nature to be undertaken provided that a mechanism is in place to enable cessation and removal of the non-mineral development prior to access to the mineral being necessary.
- 3.3.10 Consideration in Policy M2 (criterion (d)) of whether non-mineral development has “an overriding strategic need” should take account of the hierarchy of mineral resources in Table 8.1, together with the strategic or local importance of the non-mineral development and evidence on the availability of alternative locations for that development. Where a safeguarded resource underlies land allocated for non-mineral development in an adopted or made Development Plan, that allocation will normally amount to “an overriding strategic need” for the purposes of criterion (d) of Policy M2.

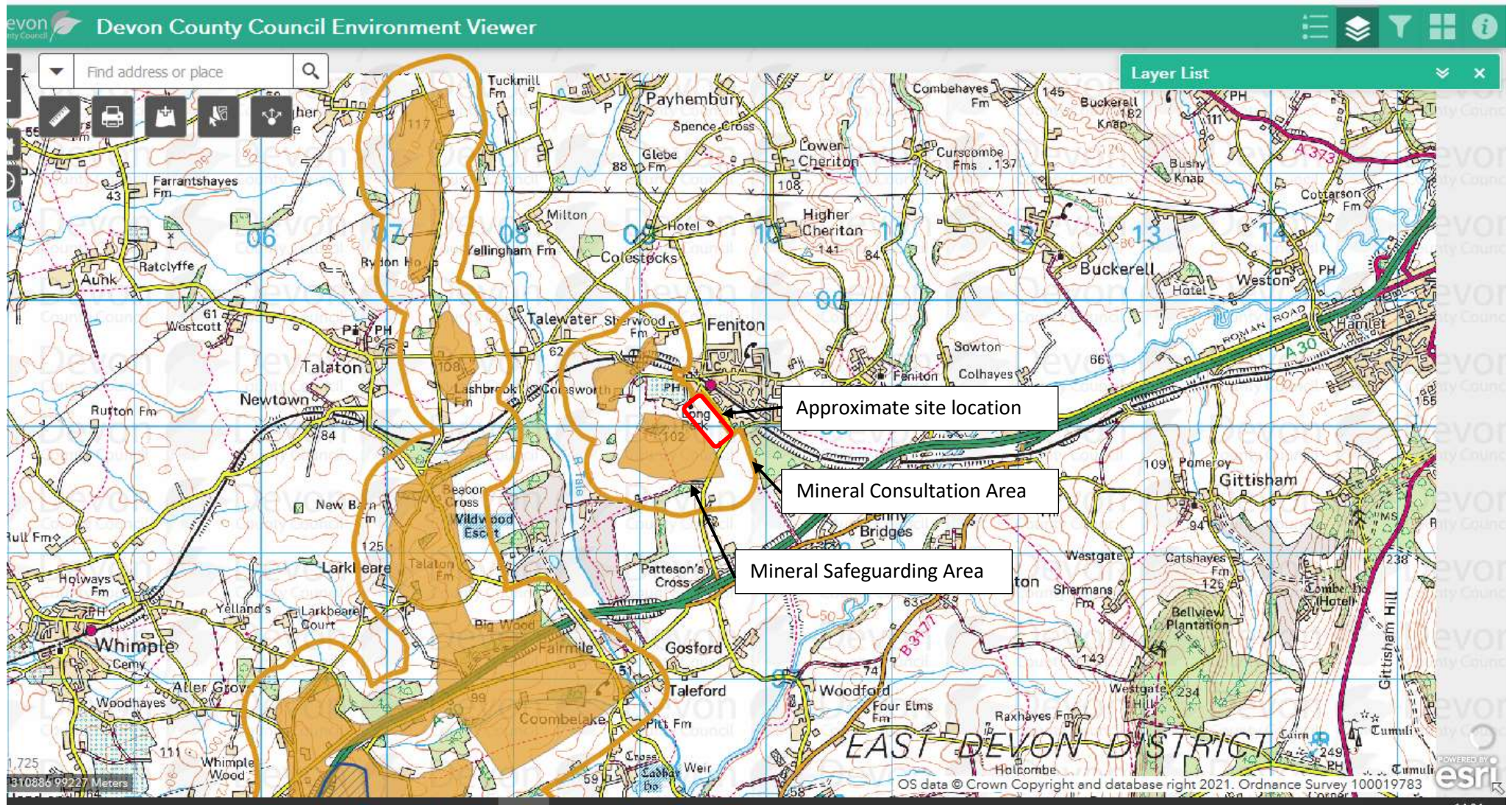
Policy M2: Mineral Safeguarding Areas

Mineral resources and infrastructure within the Mineral Safeguarding Areas defined on the Policies Map will be protected from sterilisation or constraint by non-mineral development within or close to those Areas by permitting such development if:





- (a) it can be demonstrated through a Mineral Resource Assessment and in consultation with the relevant mineral operators that the mineral resource or infrastructure concerned is not of current or potential economic or heritage value; or
- (b) the mineral resource can be extracted satisfactorily prior to the non-mineral development taking place under the provisions of Policy M3; or
- (c) the non-mineral development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction or operation within the timescale that the mineral resource or infrastructure is likely to be needed; or
- (d) there is an overriding strategic need for the non-mineral development; or
- (e) it constitutes exempt development, as set out in the exemption criteria.

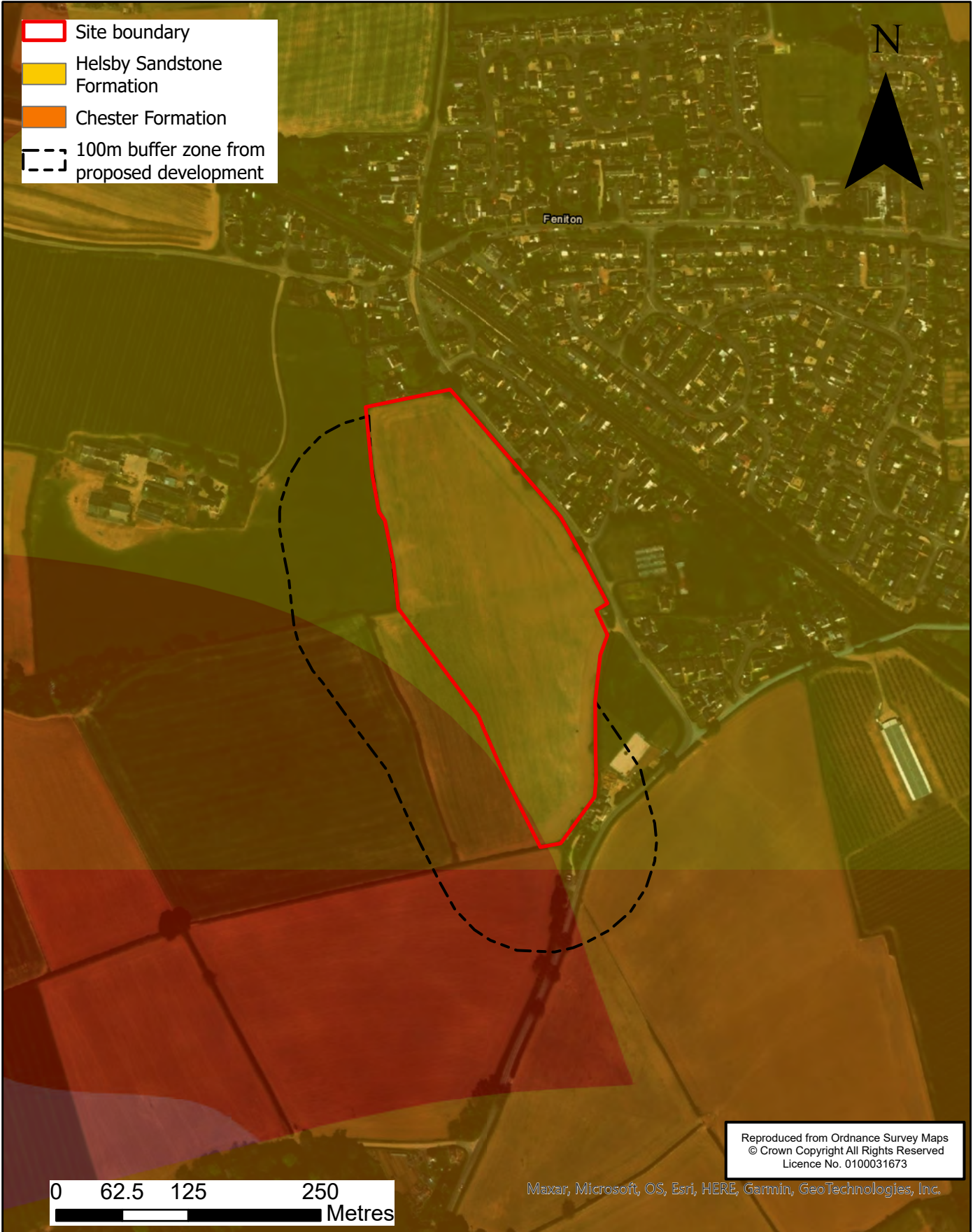
Appendix 4: Ordnance Survey map excerpt, 1880s revision

Appendix 4 – Extract from the Devon Minerals Plan Policies Map





DRAWINGS

-  Site boundary
-  Helsby Sandstone Formation
-  Chester Formation
-  100m buffer zone from proposed development



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CLIENT BLOOR HOMES SOUTH WEST	DRG No ST19830-001		REV V1
	SIZE A4	SCALE 1:5,000	DATE 20/09/2022
PROJECT LAND AT OTTERY ROAD, FENITON	DRAWN BY BVC	CHECKED BY SDB	APPROVED BY SDB
	DRAWING TITLE SOLID GEOLOGY		
			

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