

Representations to the East Devon Local Plan 2020 to 2042

(Second Regulation 19 Publication Draft consultation)

On behalf of KCS Development
January 2026



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Contents

1	Introduction	1
1.1	The representations.....	1
1.2	Structure of the report.....	1
2	Site context	2
2.1	Sustainable context of the sites and Ottery St Mary	2
2.2	Land at Strawberry Lane	2
2.3	Land West of Cadhay Lane	3
3	National Planning Policy Framework	6
3.2	Preparation of Local Plans	6
4	Representations to the Draft Plan – Strategic and Technical Policies	8
4.1	Housing Supply and Delivery	8
4.2	Development Distribution and Settlement Hierarchy	9
4.3	Green Wedge	11
4.4	Technical Matters	14
5	Land at Strawberry Lane (site GH/ED/27)	15
6	Land west of Cadhay Lane (site GH/ED/26)	17
6.1	Site Summary and allocation benefits	17
6.2	Council assessment of the site.....	18
6.3	Assessment Against Other Sites	20
7	Conclusions	21



1 Introduction

1.1 The representations

- 1.1.1 These representations are submitted by Stantec on behalf of KCS Development who have land interests in Ottery St Mary. The representations respond to the second East Devon Local Plan Regulation 19 Publication Draft consultation that is running from November 2025 to January 2026.
- 1.1.2 KCS is actively promoting two sites in Ottery St Mary through the emerging local plan, these sites being:
- Land at Strawberry Lane, which benefits from a draft allocation for housing in the emerging local plan (draft allocation site GH/ED/27), and this allocation continues to be supported.
 - Land West of Cadhay Lane (site assessment reference GH/ED/26), which is a sustainable and well located site but is not currently proposed for allocation. Allocation or part allocation of the site would be entirely logical.
- 1.1.3 Land at Strawberry Lane is subject of a current planning application for 65 high quality homes (application 24/1716/MOUT). Technical matters are or have been addressed and the application is likely to be determined in the coming weeks.
- 1.1.4 These representations consider strategic policies and the general approach of the emerging plan as well as focussing specific comments on the above sites.
- 1.1.5 The representations are made in the context that the Council does not have a five year housing land supply, and indeed has an acute shortfall with the current supply position being at best 3.5 years. The emerging Local Plan sets out a five year supply based on a stepped trajectory. However, this stepped trajectory is based on early delivery of existing sites with planning permission and smaller allocations, with higher delivery in later years being reliant on a number of larger allocations including a new settlement. Therefore, there is a risk that the plan will not deliver against needs. As such, additional logical sites are required and Ottery St Mary is a sustainable settlement, well placed to accommodate further allocations.
- 1.1.6 In summary, there is a clear need for additional housing in East Devon to respond to issues of overall supply of both market and affordable housing and the above sites can directly respond to this immediate need whilst also contributing to longer term plan-led supply.

1.2 Structure of the report

- 1.2.1 The remainder of these representation therefore are structured as follows:
- Section 2: Sets the context for the relevant sites.
 - Section 3: National Policy on the preparation of plans
 - Section 4: Comments on the overall plan strategy and strategic policies.
 - Section 5: Comments on site specific matters in relation to Land at Strawberry Lane.
 - Section 6: Comments on site specific matters in relation to Land West of Cadhay Lane.
 - Section 7: Summary and conclusions.

2 Site context

2.1 Sustainable context of the sites and Ottery St Mary

- 2.1.1 KCS is promoting two sites, both located in Ottery St Mary which is a suitable and sustainable settlement for growth as accepted in both the adopted and emerging local plans.
- 2.1.2 The adopted Local Plan sets Ottery St Mary as an 'Area Centre' where *'the viability of the town centre will be enhanced through additional housing development'* and that the settlement has a major supermarket, bus links, primary school as well as other services and amenities. The emerging Local Plan sets Ottery St Mary as a Main Centre where significant development levels can be promoted and so it is a sustainable location for growth.
- 2.1.3 The sites are sustainably located being close to a range of facilities within walking distance and within Ottery St Mary are schools, medical services, shops, cafes, pubs and other local amenities. Bus stops are within walking distance and benefit from regular services to Exeter and surrounding settlements. The nearest train station is Whimple approximately 4 miles to the north-west which has regular services to Exeter, London, Salisbury and Woking. The sites are also close to the A30 as a strategic highway which links to the M5 and other key locations.
- 2.1.4 Exeter is approximately 12 miles to the east, and is accessible by a range of means of transport options, where there is a significant and comprehensive range of services and facilities commensurate to Exeter being a key major settlement in the region. These include Exeter Airport, mainline rail stations, larger hospitals, main retail, leisure and cultural uses, universities, and a wide range of shops, cafes, pubs, restaurants, museums, theatres and bars.
- 2.1.5 The site specific background on each of the sites, land at Strawberry Lane and land at Cadhay Lane, is outlined below.

2.2 Land at Strawberry Lane

- 2.2.1 The site extends to approximately 3.9ha and is agricultural land south-west of the town which adjoins the settlement boundary. There is existing field access to the west of the site which can be utilised for future access, and a public right of way crosses the site approximately in the location of this access
- 2.2.2 Development at the site is a logical location for growth in the town and is proposed as an allocation for up to 60 homes in the draft local plan (site GH/ED/27).
- 2.2.3 The site also benefits from a well advanced outline planning application (reference 24/1716/MOT) for up to 65 homes which demonstrates the site is entirely suitable and deliverable. It is expected that the application will be determined favourably in the coming weeks as a comprehensive response to all consultee comments on the scheme was provided in November 2025. Landscape, ecology, tree, highways, and affordable housing viability comments have been incorporated into the scheme where viable. Notably, this has included an enhanced landscape plan, as well as additional footpath linkages and traffic calming measures.
- 2.2.4 There is existing residential development to the north, south and the south-east of the site, a draft housing allocation site to the east, with agricultural land to the west. Strawberry Lane runs along the north and western boundary of the site. Agricultural fields and a dwelling are to the west of the site. Hedgerows border most of the site with some trees on the northern boundary and to the south.

- 2.2.5 A portion of the site to the south lies within Flood Zones 2 and 3 due to the beck along the southern boundary. There is an area of Priority Habitat Deciduous Woodland adjacent to the south-west of the site. The site lies within the SSSI Impact Zone for the East Devon Pebblebed Heaths SSSI.
- 2.2.6 There are no Listed Buildings or Scheduled Monuments on the site and the site is not in a Conservation Area, with the nearest heritage assets being the Grade II Listed Salston Lodge to the south.

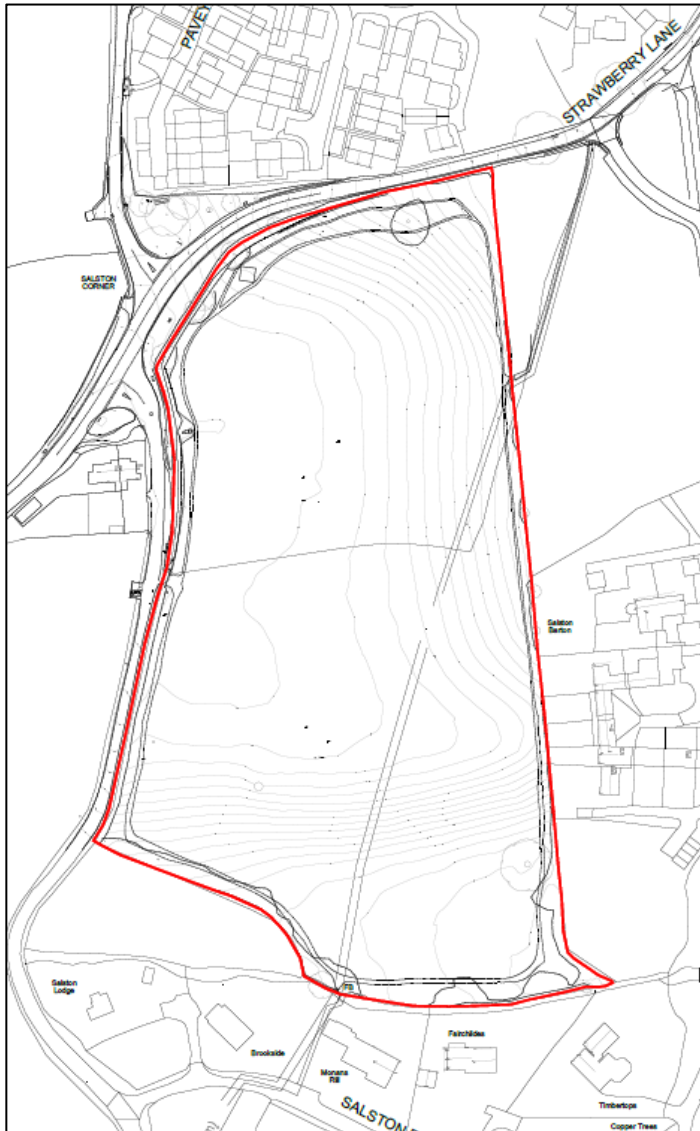


Figure 2.1 – Site GH/ED/27

2.3 Land West of Cadhay Lane

- 2.3.1 The overall land under control extends to approximately 23ha. Of this site, the two eastern most fields adjoin the settlement and extend to approximately 6.8ha. The overall site could deliver up to 400 dwellings, with the smaller area (6.8ha) being promoted for development of approximately 150 homes.
- 2.3.2 The site is identified in the emerging local plan evidence as site GH/ED/26 but is not allocated for development in the emerging plan.

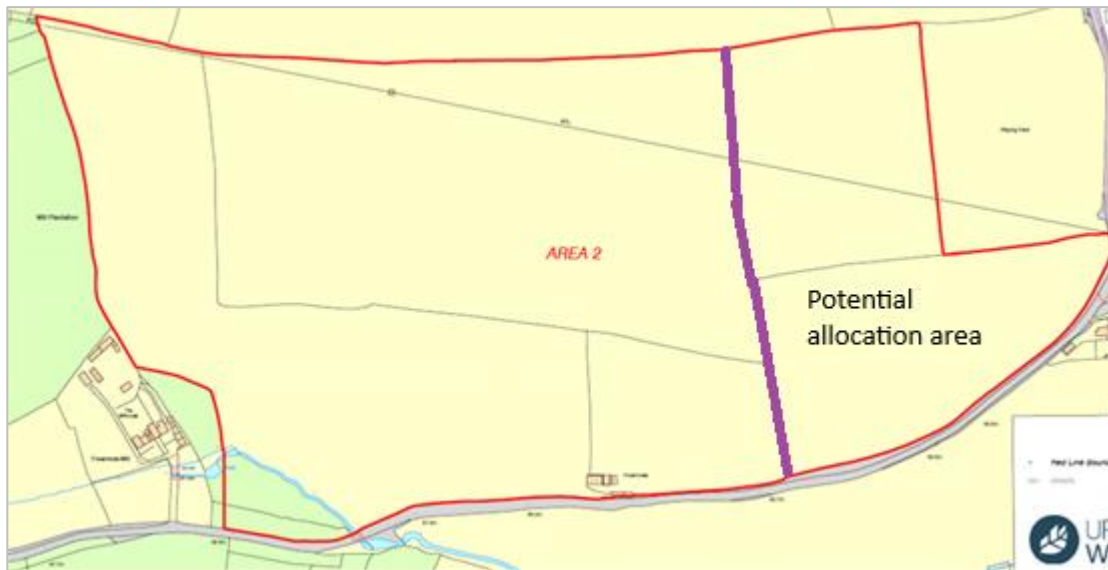


Figure 2.2 – Cadhay Lane site and proposed allocation area

- 2.3.3 The site adjoins the settlement boundary and is in a sustainable location with access to local services and facilities within walking distance, as accepted in the council's assessment of the site through the emerging local plan site selection process.
- 2.3.4 In terms of neighbouring uses, Strawberry Lane is to the south, and there are further agricultural fields to the west. There is a playing field to the east of the site. The King's Reach housing development is located to the east of the playing fields and adjacent the south east corner of the site. There is a draft housing allocation immediately to the north (LP_Otry_01b) and a further allocation beyond that (LP_Otry_09), and the Strawberry Lane draft allocation to the south east (site GH/ED/27).
- 2.3.5 The site is wholly located in Flood Zone 1 and there are no heritage, environmental or landscape designations covering or in close proximity. There is limited tree coverage.
- 2.3.6 There are no Public Rights of Way Crossing the site. Access into the site could be via a new junction to the south-east and further improvements to Cadhay Lane / Strawberry Lane would facilitate housing on site and provide wider benefits.

Cadhay Lane - the proposed allocation

- 2.3.7 In terms of detailed design and technical matters, the layout can:
- Work with the existing site constraints.
 - Include strategic and structural planting, such as the western and southern boundary to minimise potential landscape impact.
 - Incorporate areas of publicly accessible green space.
 - Provide sustainable drainage features.
 - Provide walking and cycling routes both to/from Ottery St Mary and around the western edge of the settlement (linking to adjacent allocations).
- 2.3.8 Additionally, the following matters can be accommodated in the layout and development:

- Landscaping and planting which offers additional biodiversity benefits.
- Ecological features can also be provided within the site and/or on adjoining land.
- The site is within the least constrained area around the town in landscape terms.
- Vehicular access can be provided, without severe effects on the local highway network. Indeed, highway improvements associated with development of this site would benefit the wider area, providing an improved link between Barrack Road and Strawberry Lane.

2.3.9 Therefore, the site layout can respond to the site characteristics and there are no significant constraints that would prevent the development from being delivered.

Cadhay Lane - Previous plan representations

2.3.10 The site has been consistently promoted through previous Local Plan consultations, including most recently the first Regulation 19 consultation (early 2025) stage, and the site is identified as site GH/ED/26 in the emerging plan. In the emerging plan Site Assessment, it is stated that the site has not been allocated as the:

Site is a significant greenfield site which would extend into open countryside. It has high ecological and heritage sensitivities and development would be visible from a considerable distance.

2.3.11 These representations will consider the site allocation and explain that a smaller allocation would be proportionate to the site and the settlement and would neatly round off this area of the town when considering other proposed allocations.

3 National Planning Policy Framework

3.1 NPPF position

- 3.1.1 A revised National Planning Policy Framework ('NPPF') came into effect in December 2024 alongside a revised Standard Method for calculation housing needs. The revision strengthened the presumption in favour of sustainable development and emphasises the importance of housing delivery. Annex 1 of the NPPF deals with transitional arrangements for existing draft local plans, meaning the previous NPPF remains relevant for this local plan.
- 3.1.2 NPPF Annex 1 paragraph 234(a) sets the transitional arrangements for existing draft Local Plans which have reached at least Regulation 19 stage consultation before 12th March 2025 and are submitted for Examination by 12th June 2026 or 31st December 2026, and the draft plan meets at least 80% of local housing need . Where Annex 1 is met, the previous NPPF (December 2023) and associated housing requirements will be used for the purposes of assessing the plan. This transitional arrangement seemingly applies to the East Devon Local Plan as the Council consulted on the first Regulation 19 document before the deadline, and the representations are made on this basis However, should the Inspector find the transitional arrangements do not apply the December 2024 version of the NPPF and associated housing requirements apply.
- 3.1.3 As a result of the updated Standard Method the annual housing requirement for East Devon has increased from 893 to 1,146 dwellings, which has implications for the immediate five year housing land supply as well as the longer term position set through the emerging local plan. If the NPPF Annex 1 transitional arrangements did not apply

3.2 Preparation of Local Plans

- 3.2.1 The National Planning Policy Framework at Paragraph 34 states that policies in local plans should be reviewed to assess whether they need updating at least once every five years. Paragraph 36 outlines that Local Plans must be prepared in accordance with legal and procedural requirements. They are also examined to assess whether they are sound. Plans are 'sound' if they are:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 3.2.2 NPPF paragraph 62 is clear that local plans should meet local housing needs, stating:

To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national

planning practice guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

3.2.3 In identifying land for new homes, the NPPF is clear that:

Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

a) specific, deliverable sites for five years following the intended date of adoption; and

b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period (Paragraph 72)

3.2.4 Paragraph 78 states that:

Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

a) 5% to ensure choice and competition in the market for land; or

b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or

c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

3.2.5 In terms the deliverability of sites, the NPPF sets out in the glossary:

To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

3.2.6 The emerging Local Plan must be prepared in accordance with the NPPF.

3.2.7 Planning Practice Guidance, as supported by Government announcements regarding planning for housing need, is then clear the standard method should be used to assess housing needs. In the specific circumstances an alternative approach could be justified, however the key consideration is whether the alternative figure provides the basis for a plan that is positively prepared (PPG Paragraph: 015 Reference ID: 2a-015-20241212).

4 Representations to the Draft Plan – Strategic and Technical Policies

4.1 Housing Supply and Delivery

Strategic Policy SP02

- 4.1.1 Policy SP02 sets a housing provision for at least 20,909 dwellings (net) by 2042. The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1,070 homes per year from 2032/33 to 2041/42. This policy approach is said to consider the recently revised Standard Method figure and transitional arrangements in the NPPF.
- 4.1.2 The policy supporting text recognises the challenges of delivering against the significant housing need and particularly where a significant portion of the plan is reliant on major sites and a new settlement (see policy WS01 regarding the new settlement). There are inherent complexities in delivering major development sites, particularly the proposed new community, and therefore the plan proposes a stepped trajectory.
- 4.1.3 Projected delivery from all sources has outlined that there will be a delivery of 22,943 homes, of which 4,204 have been built. This means a net delivery of 18,739 dwellings. It is also worked out, discounting those already built, that there is a net need of 16,705 dwellings (subtracting from the requirement of 20,909 dwellings) across the 22 year plan period to be delivered through windfalls and allocations. This gives a surplus of 2,034 dwellings to act as a headroom surplus of 12.18%, which is just above the council’s stated aspiration for a minimum 10% headroom within the plan
- 4.1.4 The report also sets out the rolling five year housing supply calculations, including 20% buffer in line with the NPPF. On this basis, the Council will have a 6.64 year supply and therefore at least a five year supply in the first five years of the plan. However, as demonstrated by the trajectory at Draft Local Plan Appendix 1, delivery in the later years is marginal and some years fall short of the requirement, including years at the end of the plan. The trajectory in the later years of the plan has further reduced compared with the first Regulation 19 consultation trajectory.

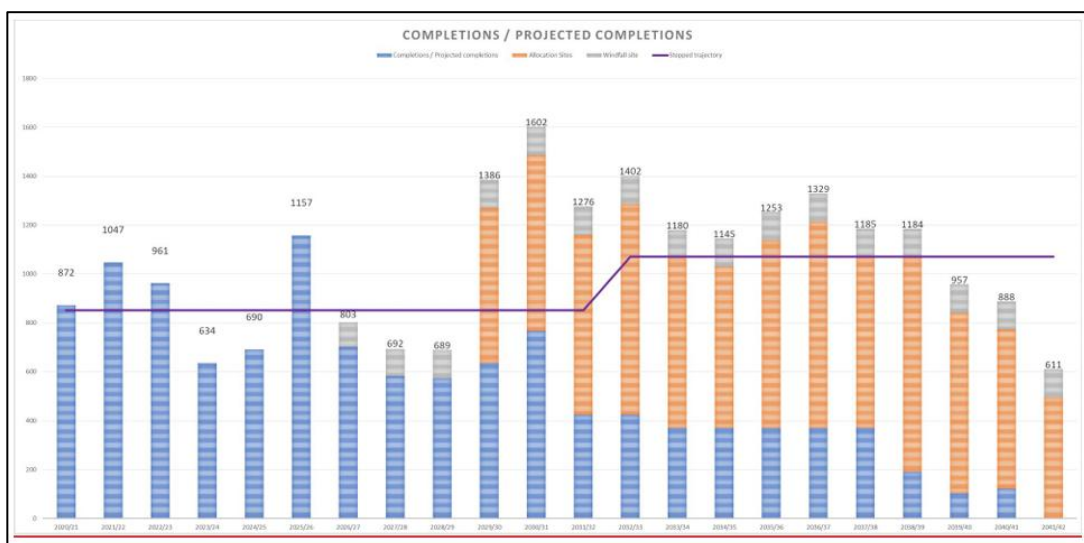


Figure 4.1 – Local Plan housing trajectory

- 4.1.5 Fundamentally, East Devon must deliver its housing requirement on the allocated sites included within the plan to meet its requirements. Even though there is a 'headroom' of 12.18%, this is across the 22 year plan period and only provides a 92.5 dwelling buffer per year. Further, of the 2,034 dwelling buffer, 1,837 (102 dwellings in 26/27, 111 dwellings in 27/28 and then 116 dwellings per annum for 14 years) are not allocated and would need to come forward as windfall development.
- 4.1.6 This approach is unsound as if a headroom is to be provided all additional homes should be allocated to ensure delivery. However, at present, there is no evidence the headroom will fully be delivered. Therefore, whilst the principle of a headroom is welcomed, the plan should identify sufficient sites to fully deliver this headroom. The council should re-assess the sites submitted in the call for sites so these additional dwellings can be allocated. Failure to do so would mean the housing forecast is not 'sufficiently flexible'. Site (GH/ED/26), or part of it, for example, is a suitable location for a proportion of 'headroom' dwellings. This site will be discussed in more detail in section 6.
- 4.1.7 If dwellings are completed early on in the plan period, East Devon could struggle to meet its higher target later in the plan period. In fact, at the moment, in the trajectory, the requirement is being significantly under-met from 2039 onwards, with delivery from 2033 onwards being slightly marginal and much more reliant on windfall sites coming forward.
- 4.1.8 The Council accepts there is currently only a 3.5 year housing land supply and so it is imperative that sites are allocated and brought forward in the Local Plan. The housing delivery technical report sets out the housing trajectory for the plan and the sources of housing supply. Allocations make up for 40.9% (9,373 dwellings) of the housing supply to be delivered as set out in the Housing Delivery Technical Report (November 2025), with the planned new settlement at Marcombe being a significant contributor to supply from allocations over the plan period
- 4.1.9 Larger sites and new settlements are inherently challenging to deliver. Recent research shows how large schemes have elongated delivery timescales such that on sites of 2,000 dwellings or more it can take nearly 8 years from the validation of the first planning application to delivery of the first dwelling on site for schemes of 2,000 or more dwellings. However, the emerging plan assumes earlier delivery, which places a significant risk on overall delivery of housing across the plan period.
- 4.1.10 Therefore, whilst the policy intentions are noted there is an inherent **soundness risk** with the proposed stepped trajectory related to the acute housing land supply issues in East Devon and the risk that larger sites within the trajectory will be delayed.
- 4.1.11 There are concerns with deliverability in the timescales given that the planning for the new settlement is in its early stages. Given the stepped approach to housing delivery, there is a greater emphasis on housing delivery between 2031 and 2042 and so if delivery stalls due to delivery of a large scale scheme, East Devon could fall behind the target by a number of dwellings.
- 4.1.12 As such, there is an accepted and very acute short-term housing land supply challenge (with a current supply position of 3.5 years), a further shorter term supply challenge in the early years of the plan (hence the stepped trajectory) and a further longer term supply challenge should larger sites and the new settlement not progress as expected. Therefore, the logical solution is for the council to identify smaller deliverable sites in addition to the current draft allocations to provide greater flexibility.

4.2 Development Distribution and Settlement Hierarchy

Strategic Policy SP01

- 4.2.1 This policy outlines the settlement hierarchy and overall approach for focussing development. Development will be directed towards the most sustainable locations, and Ottery St Mary is included

as a Tier 2 settlement on the hierarchy and is designated as a Main Centre. It is stated that the Council will promote significant development in Main Centres to serve their own needs and that of the wider surrounding area.

- 4.2.2 The policy where it directs development to sustainable locations is considered **sound**. And the approach of focussing development to Ottery is **sound**. However, there are concerns with the lack of growth directed to Ottery as additional growth beyond that identified can be sustainably and appropriately accommodated on sites already known to the council.

Strategic Policy SP03

- 4.2.3 This policy relates to housing requirement by designated neighbourhood area. The total minimum housing requirement for Ottery St Mary is 493 dwellings over the plan period. It should be noted that Axminster, a settlement on the same level of the settlement hierarchy as Ottery St Mary, has a minimum requirement of 1,391 dwellings.

- 4.2.4 Whilst the identification of Ottery as a Main Centre is supported and sound, the overall level of development identified for Ottery is unsound for reasons set out below as Ottery can accommodate additional development.

Strategic Policy SP05

- 4.2.5 These policies relate to development within and beyond settlement boundaries. The settlement boundary for Ottery St Mary is below:



Figure 4.2 - Ottery St Mary plan

Strategic Policy SP06

- 4.2.6 This relates to development beyond settlement boundaries. It is stated that development outside of settlement boundaries will not be permitted unless it is in accordance with a specific Local or Neighbourhood Plan policy.
- 4.2.7 This policy is unsound as it does not apply a flexible approach to housing delivery, for example the policy must follow the NPPF approach and enable development when or where there is a specific need (such as to meet housing land supply requirements)

Additional comments on strategic matters

- 4.2.8 KCS welcomes Ottery St Mary being identified as a Main Centre. However, compared to other settlements at this level in the hierarchy, there is a lack of growth in Ottery.
- 4.2.9 Ottery St Mary is as sustainable as other Main Centres (such as Axminster) and it has the capacity to provide for similar levels of allocations. Currently under Strategic Policy SP03, Axminster provides for nearly three times as many allocated dwellings as Ottery St Mary. Therefore, there is an opportunity for the delivery of further residential allocations to fully utilise the sustainable location of Ottery St Mary and to provide for 'headroom' allocations to ensure that the housing requirement is met. Bolstering housing supply in the plan to secure the requirement 'headroom' would ensure that the plan was positively prepared.
- 4.2.10 In reference to the proposed settlement boundary, we concur with the inclusion of allocation GH/ED/27 within the boundary. However, the inclusion of the eastern fields of site GH/ED/26 within the settlement boundary would effectively round-off the settlement and provide a stronger defensible boundary. It would also ensure that those areas close to facilities are allocated for development.
- 4.2.11 Regarding the policy relating to development outside of settlement boundaries, this is unsound due to its lack of flexibility. It does not consider the scenario if a five year housing land supply cannot be demonstrated. The plan does not consider windfall market housing schemes adjacent to settlement boundaries. Another policy deems that rural exception affordable schemes coming forward on the edge of settlements are acceptable. However, these are only small scale and generally consist of just affordable housing and would not be able to meet general housing requirements if a five year housing land supply cannot be demonstrated.

4.3 Green Wedge

Policy OL05 – Green Wedges

- 4.3.1 Policy OL05 relates to green wedges and their protection. The policy states:

Within green wedges, as defined on the Policies Map, development will not be permitted if it would add to existing sporadic or isolated development, damage the individual character or identity of a settlement, or could lead to or encourage settlement coalescence, whether physical, visual, or intrinsic. This policy applies across the whole plan area including the Cranbrook Plan area

(our emphasis)

- 4.3.2 The proposed Green Wedge between West Hill and Ottery St Mary is shown on the policy map, with an extract provided at Figure 4.3 (below).



Figure 4.3 – Local Plan Proposed Green Wedge

4.3.3 Our previous representations, particularly to the Regulation 19 consultation (2025) highlighted the Green Wedge policy and boundary at Ottery St Mary are **unsound** and not based on robust evidence. The council reviewed options for green wedges and the need for such designations in particular locations but has then disregarded that evidence when it comes to the plan policies.

Chronology

4.3.4 The adopted East Devon Local Plan does not include a green wedge between Ottery St Mary and West Hill, although green wedges are proposed elsewhere in the district. Therefore, it is evident from the adopted plan the council considered the overall approach to green wedges and soundly concluded a green wedge between Ottery St Mary and West Hill. The matter then moved on within the Neighbourhood Plan for the area.

4.3.5 Green Wedges were then reviewed by the council as part of the previous Regulation 18 consultation and following a robust evidential based approach officers advised on the potential extent of Green Wedges across the local plan area in a Green Wedge assessment document (February 2024). The Green Wedge assessment document concludes of the Ottery St Mary / West Hill Green Wedge that:

Part of this area, as defined on the map above, performs strongly against the majority of Green Wedge criteria and so this area should be designated. The area meets the purposes of protecting the local identities and distinctive characters of Ottery St Mary and West Hill and preventing coalescence.

The designation does not extend beyond the area needed to achieve the purposes of the Green Wedge.

4.3.6 The February 2024 report recommended the below Green Wedge boundary edged in red:

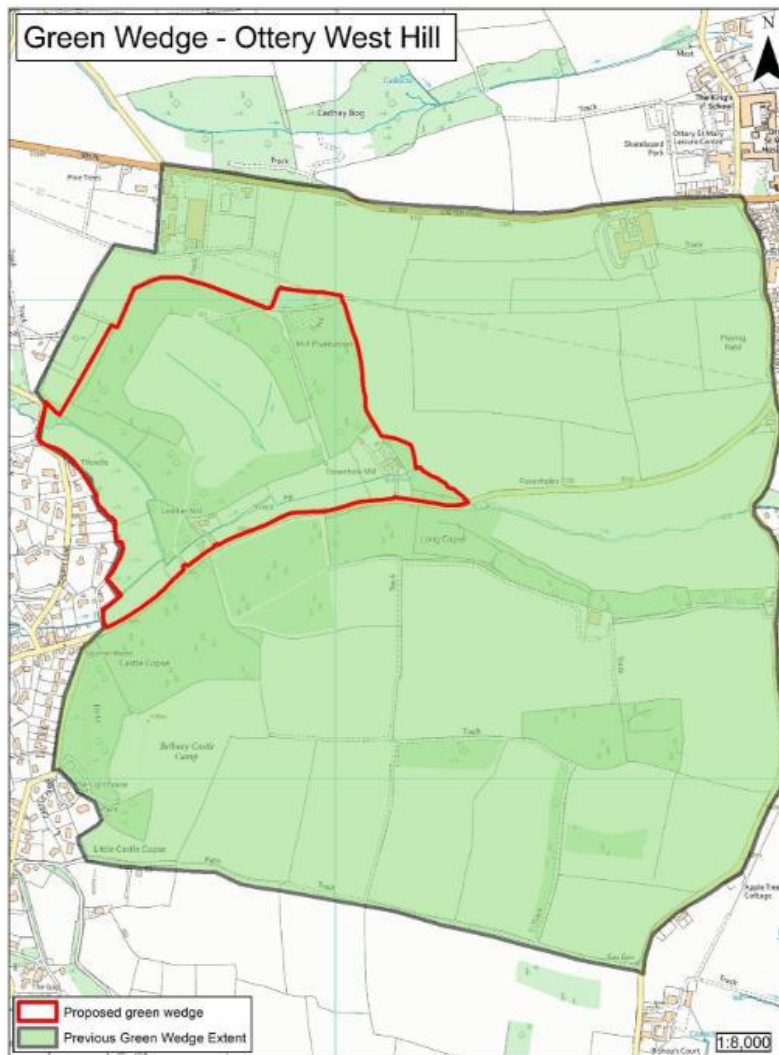


Figure 4.4 – Local Plan evidence base (Green Wedges) - Recommended Green Wedge

- 4.3.7 However, the Regulation 19 plan proposes a Green Wedge which includes all land between Ottery St Mary and West Hill, apart from the allocation to the north-east of the Green Wedge (Otry_01b). This change in approach is contrary to all published evidence and is unsound. There have been no in detailed assessments or new evidence provided with the Regulation 19 consultation documents in relation to the designation of Green Wedges.
- 4.3.8 The Sustainability Appraisal supporting the second Regulation 19 document takes a broad and district wide approach to keep the current Green Wedges with only minor adjustments excluding areas of development allocation. However, a finer grained approach should be taken in the assessment and designation of Green Wedges.
- 4.3.9 The broad approach taken is despite the robust evidence base, methodology and assessment seen in reports to the Strategic Planning Committee in 2024 recommending that the Ottery/ West Hill Green Wedge should be reduced in size. Therefore, the Council's approach to the designation of Green Wedges in the emerging plan is unsound as it is not justified or positively prepared and not based on the evidence carefully prepared by the Council. Very limited evidence was provided to identify green wedges which are entirely contrary to the February 2024 recommendation.
- 4.3.10 The council's evidence is clear that much of the Green Wedge assessment area, and particularly the area to the east where it adjoins the Ottery St Mary settlement boundary, does not function as a Green

Wedge and specifically should not be included within the Green Wedge designation. It is unclear why the council has departed from this approach.

- 4.3.11 It is evident the proposed green wedge between Ottery and West Hill is not necessary. The absence of a green wedge would not lead to sporadic or isolated development, development to the west of Ottery St Mary would not damage the individual character or identity of a settlement, nor would it lead to or encourage settlement coalescence (which are the stated aims of the green wedge policy).

4.4 Technical Matters

Policy PB05 – Biodiversity Net Gain

- 4.4.1 This policy notes that major proposals will need to deliver a BNG of at least 20%. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full.
- 4.4.2 The mandatory requirement for Biodiversity Net Gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), means that developers must deliver a BNG of 10%.
- 4.4.3 The submitted plan wide viability document (January 2025) references the Government's impact assessment (published with the consultation on the amendments to the Environment Act), which suggests that this will increase costs to developers by 19%. The November 2025 addendum to the viability document outlines that there were representations submitted in the first consultation stating that there would be issues with a higher BNG delivery and viability. However, there is no further evidence or assessment presented in this addendum and it is simply stated that the delivery of 20% BNG on all sites has already been considered in terms of viability.
- 4.4.4 This higher requirement would undoubtedly increase costs for developers and reduce viability, and this has significant implications for housing delivery as almost all larger allocations in the plan are on greenfield land which has inherently higher ecological value than brownfield land. An increased BNG burden is a direct risk to deliver of sites.
- 4.4.5 The Sustainability Appraisal for the Local Plan, when assessing policy PB05, concludes that there could be a negative effect on housing delivery if the 20% BNG was implemented. The council expect to deliver 1,837 windfall dwellings and 9,373 dwellings on allocated sites to meet housing requirements, and this 20% BNG may mean sites are not viable to deliver. Furthermore, it is unclear whether the proposed site allocation areas and yields have been calculated with the higher BNG requirement in mind. This again places further pressure on these allocations and overall delivery.
- 4.4.6 Therefore, Policy PB05 is **unsound** and the BNG requirement should be 10%.

Policy HN05 – Custom build

- 4.4.7 This policy requires that at least 5% of dwellings on sites of 20 dwellings or more are serviced custom and self-build plots. However, there are inherent challenges with providing self-build plots on smaller sites given resourcing and cost which could undermine deliverability of sites. As is stated in Paragraph 73 of the NPPF, small sites play an important role in contributing to housing supply as they can be built out quickly and so any deliverability issues here could stall housing delivery.
- 4.4.8 Therefore, self-build and custom build dwellings are better placed on larger sites. Policy HN05 is **unsound**.

5 Land at Strawberry Lane (site GH/ED/27)

- 5.1.1 This site has been promoted to the emerging Local Plan for East Devon since the initial Issues and Options Consultation in early 2021. Since then, a number of further consultations have taken place and the Council's evidence base has been progressed.
- 5.1.2 Policy SD04 outlines housing allocations in Ottery St Mary and Land south of Strawberry Lane is included under reference GH/ED/27. The site allocation policy states:
- This land lies south of Strawberry Lane and is proposed for 60 houses. Archaeological assessment will be required prior to development commencing. This allocation will need to be supported by further FRA work, details of special measures to be taken to protect ancient trees and measures to ensure that safe cycle and pedestrian access to nearby facilities and Ottery St Mary town centre can be achieved. Part of the site is at risk of flooding and a Level 2 SFRA has been undertaken, the results of which should be incorporated into the development. A sequential test has been undertaken as part of the local plan. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes.*
- 5.1.3 As stated previously, KCS **supports** the sound allocation of this land. The emerging plan is entirely sound in allocating the site.
- 5.1.4 All technical matters have been investigated and found that appropriate mitigation to any possible adverse effects can be addressed through the planning process. There is a current planning application (24/1716/MOUT) for outline consent for up to 65 dwellings, and almost all technical matters related to the development have been resolved and/or are close to resolution. There are significant benefits associated with the proposals including affordable dwelling provision and the incorporation of pedestrian recreational routes.
- 5.1.5 The planning application also considers the criteria set out in the allocation policy. Therefore, the application has been supported by Flood Risk Assessment work and measures to mitigate against this such as only locating built development in Flood Zone 1. There has also been archaeology trial trenching carried out at the site and a geophysical survey submitted in support. Further, connectivity for pedestrians and cyclists has been a consideration in the design of the scheme with the existing PROW being retained but slightly diverted and an extra connection to the north of the site added. Further, it should be noted that no trees are to be removed for development.
- 5.1.6 Significant off-site highways improvement works are not required to bring this site forward. Highways modelling undertaken as part of the planning application demonstrated that the number of vehicle movements forecast to be generated by development at the site is low and can be accommodated.
- 5.1.7 There are sustainable access options for pedestrians/ wheelers both along Strawberry Lane and through existing developments, which link the site to the town centre and other nearby services. Furthermore, traffic calming measures can also be incorporated adjacent to the scheme alongside a new footpath link added from Strawberry Lane to the Kings Reach development.
- 5.1.8 The site can therefore make a meaningful contribution of the council's five year housing land supply position both immediately and within the local plan five year supply. Therefore delivery of this site is critical to the overall deliver of housing in East Devon and is fundamental to the soundness of the plan.
- 5.1.9 The site is deliverable as set out in the below table, and should continue to be supported.

Criteria	Site Specific
Achievable	The site is under option to KCS Development Ltd and the timetable for delivery of homes on site is within 1-5 years, subject to planning.
Suitable	There are no technical issues with the site that cannot be mitigated against. Furthermore, the site is located in a sustainable area with access to a number of amenities and public transport links.
Available	There are no ransom strips or legal issues and/ or covenants affecting development at the site.

Table 5.1 – Deliverability criteria

6 Land west of Cadhay Lane (site GH/ED/26)

6.1 Site Summary and allocation benefits

- 6.1.1 The site is a suitable, appropriate, and sustainable location for residential development. It is concluded a smaller site than that considered by the council could be reasonably allocated.
- 6.1.2 The local plan evidence is predicated on the entire site being allocated for development. However, the evidence fails to recognise that a smaller area of the site is being promoted that being the eastern part of the site where it adjoins Cadhay Lane and the playing field such that the site boundary mirrors the proposed allocation to the north. It should also be noted that the draft allocation site to the north is further from local services and arguably less sustainably location than site GH/ED/26.
- 6.1.3 All potential technical matters can be addressed through typical scheme design. Furthermore, Ottery St Mary is a wholly suitable and sustainable location for further housing growth. Its sustainability is evidenced by its designation as an Area Centre in the adopted and emerging Local Plan.
- 6.1.4 It is noted the site is within a revised proposed draft 'Green Wedge', as proposed elsewhere in the current Regulation 19 consultation. Further analysis of this is provided in section 4 of this document, however, in summary, the revised Green Wedge is unsound and is neither logical nor supported by sufficient evidence.
- 6.1.5 A **partial allocation** of the site for residential development would be supported, which would include the two fields in the eastern part of the site (as identified in previous representations and summarised below). This would deliver a number of significant benefits, including:
- Development would provide a strong defensible boundary to the edge of Ottery St Mary,
 - It would include high quality landscaping and public realm works in-keeping with the edge of settlement location,
 - The landscaping and planting offer additional benefits in terms of biodiversity net gain.
 - Ecological features can be provided within the site and/or on adjoining land.
 - The site is within the least constrained area around the town in landscape terms as shown in the submitted comparison document.
 - Vehicular access can be provided, without severe effects on the local highway network. The provision of highway improvements through a north / south link road through the allocation site would be a benefit for the local area.
 - Further residential allocation in Ottery St Mary will aid the vitalisation of the town centre and be in line with the settlement hierarchy,
 - The opportunity exists to connect into good bus, bicycle, and pedestrian links to key local services, facilities and employment sites, and
 - This site can help meet housing requirement in the first five years of the plan period,
 - It would deliver notable affordable housing in an area of need.

- 6.1.6 The site is an entirely sustainable, logical, and deliverable site which can meet local housing needs in the short to medium term.
- 6.1.7 Ottery St Mary has the capacity to deliver a similar amount of growth as Axminster due to its sustainability as a Main/Area Centre. Delivery of further allocations would bolster housing supply and create more certainty around the delivery of the 'headroom' supply. Further, the site is also comparatively equal or better, sustainable, deliverable, and suitable in comparison with other sites put forward for allocation in Ottery St Mary. In line with the NPPF, the site is deliverable as set out in the below table

Criteria	Site Specific
Achievable	The site is under option to KCS Development Ltd and the timetable for delivery of homes on site is within 1-5 years, subject to planning.
Suitable	There are no technical issues with the site that cannot be mitigated against. Furthermore, the site is located in a sustainable area with access to a number of amenities and public transport links.
Available	There are no ransom strips or legal issues and/ or covenants affecting development at the site.

Table 6.1 – Deliverability criteria

6.2 Council assessment of the site

- 6.2.1 The western edge of Ottery St Mary is accepted (in the draft plan and Sustainability Appraisal) as the least constrained and therefore most suitable area for growth in the town. In reality, GH/ED/26 is a logical extension to the settlement in a location where other sites have been identified as being acceptable in planning terms.
- 6.2.2 The council's site assessment for GH/ED/26 concludes that the site
- 'is rejected as it does not abut the town and wholly extends into open countryside. There are heritage, ecology and visual impact concerns. The site is part of an area identified in the adopted neighbourhood plan where development should be restricted to prevent settlement coalescence*
- 6.2.3 Previous representations promoted both a larger and smaller allocation of GH/ED/26 as being appropriate in the additional sites consultation of 2024, alongside the restating of this in our submission to the first Regulation 19 consultation.
- 6.2.4 It is relevant to note that site Otry_01 (to the north of the Cadhay Lane site) was promoted as a single large site and yet the Council assessed and allocated only part of that site (Otry_01b) due to concerns with allocating the site as a whole. By comparison, the entirety of GH/ED/26 was assessed and there was no consideration of the benefits of partial allocation (namely the two fields to the east).
- 6.2.5 As full extent of the Cadhay Lane site continues to be assessed and considered by the council the conclusions reached in the SA and site specific assessment are not accurate and the site should score significantly better in the assessment. This is outlined below:

Theme	Current score and reasoning	Suggested score and reasoning given reduced site area
Biodiversity	+ / - as there are small pockets of woodland or copses adjacent to site and boundary trees.	0 as there is still a small area of woodland to the north of the site. There are also some boundary trees. However, the smaller site is no longer

		adjacent to the large band of woodland to the west of the site.
Landscape	-/- likely to have a significant impact on the local landscape due to the rural character of the site and its visibility in short and long range views, with a medium-high landscape sensitivity.	- reduced impacts due to smaller scale of the site.
Historic Built Environment	-/- as the site adjoins a Grade II listed mill to the west.	0 as the smaller site is not adjacent to or in close proximity to heritage assets
Climate Change Carbon Emissions	+ as it is located to the west of the town within 400m of the secondary school, hospital and leisure centre. It is noted that the western section of the site feels remote and this is a factor in rejecting this site for allocation.	+ the site is sustainable and the western section is now not included and so this is no longer a reason for rejection of site allocation here.
Climate Change Adaption	0 as the site has small parts within Flood Zones 2 and 3.	+ as the reduced site area now no longer has areas of Flood Zone 2 or 3.
Land Resources	- ? as the site comprises of Grade 3 agricultural Land.	- ? as the site comprises of Grade 3 agricultural Land.
Water Resources	- ? not mentioned explicitly in the narrative and explanation for sites.	0 as the site is not located within an SPZ.
Homes	+ + as the site has the capacity to deliver over 100 dwellings.	+ + as the site could still deliver over 100 dwellings.
Health and Wellbeing	+ as the site is within 500m of open space or play area/ open space can be accommodated onsite.	+ the site is within 500m of open space or play area and space can be provided on site.
Access to Services	+ the site is in close proximity to services.	+ the site is within close proximity to services.
Jobs and Employment	+ + as the site is large enough to accommodate an employment use.	+ as the site is within 800 metres of a employment site.
Town Centres	+ as site within 1600m of the town centre.	+ as site within 1600m of the town centre.
Connectivity and Transport	+ the site is within 1,600m of a regular (hourly or better) bus service from the town centre.	+ the site is within 1,600m of a regular (hourly or better) bus service from the town centre.

Table 6.2 – Site assessment

- 6.2.6 The above updated scoring matrix, taking the smaller site area into account, shows the site scores well against the key assessment criteria. The only outright negative score relates to landscape, and the same score is given to all sites in the SA and site assessment. By comparison to the council's assessment, the smaller site improves on at least three previously negative themes. Firstly on biodiversity, as there are only boundary trees and no adjacent woodland. Secondly in relation to the historic environment, given that the smaller site is now not in close proximity to heritage assets. Third, in relation to climate change adaption the smaller site is not within Flood Zones 2 or 3.
- 6.2.7 The council's latest site assessment also states that the remoteness of the western part of the site was a reason for the rejection of a site allocation. Given that the smaller part allocation of the site only covers the eastern fields, this reason for not allocating the site should be removed.
- 6.2.8 An updated site assessment for the smaller parcel addresses the previous negative scores and would not adversely effect the gap between Ottery St Mary and West Hill. A smaller site would not lead to coalescence and it would not overly encroach into the countryside given the proposed boundaries of draft allocations to the north.

6.2.9 Ottery St Mary has the capacity to accommodate more dwellings to make provision more in line with other settlements on the same level of the hierarchy. The western area of Ottery is the least constrained and so the site is a logical allocation.

6.2.10 Despite the clear benefits of **part allocating GH/ED/26** and the significant further detail provided in the previous Draft Plan representations the site has not been considered for allocation. The Council should have properly reassessed the site with this information and **part allocation** in mind.

6.3 Assessment Against Other Sites

6.3.1 It should be noted that two other sites have been allocated on the western side of Ottery St Mary, beyond the current built development line. These are allocations Otry_09 and Otry_01b.

6.3.2 The Cadhay Lane site either performs as well as or better than other draft sites (excluding the employment score for Otry_01b as this proposes a mix of uses including employment). The allocation of land to the west of Cadhay Lane would better round off the settlement limits of Ottery. The below table shows the smaller site score performance of GH/ED/26 against Otry_09 and Otry_01b.

Theme	GH/ED/26	Otry_09	Otry_01b
Biodiversity	0	+ / - -	+ / -
Landscape	-	-	-
Historic Built Environment	0	0	- ?
Climate Change Carbon Emissions	+	+	+
Climate Change Adaption	+	0	+
Land Resources	- ?	- ?	- ?
Water Resources	0	-	-
Homes	++	+	+
Health and Wellbeing	+	+	+
Access to Services	+	+ / -	+
Jobs and Employment	+	+	++
Town Centres	+	+	+
Connectivity and Transport	+	+	+

Table 6.3 – Assessment summary compared to other allocations

6.3.3 It is relevant to note that site Otry_01 was promoted as a single large site and yet the Council assessed and allocated only part of that site (Otry_01b). By comparison, the entirety of GH/ED/26 was assessed and there was no consideration of the benefits of partial allocation (namely the two fields to the east). Therefore, some of the approaches to analysis in the evidence base are unsound in line with Paragraph 36 of the NPPF.

6.3.4 Part allocation of site GH/ED/26 is entirely logical and in line with current adjacent allocations. Residential development here would bolster the housing land supply and provide certainty for the delivery of the ‘headroom’ dwellings required.

7 Conclusions

- 7.1.1 This submission is made on behalf of KCS Developments, who have land interests in Ottery St Mary. It is submitted in response to the second Regulation 19 Publication Draft consultation.
- 7.1.2 There is a short and longer term acute housing land supply deficiency in East Devon. The Council can currently demonstrate, at best, a 3.5 year housing land supply and the emerging local plan is reliant on a 'stepped trajectory' to achieve a 5 year supply on adoption. Even then the stepped trajectory is based on ambitious delivery of major sites and a new settlement, and the plan does not allocate sufficient sites to meet needs or the required 'headroom' of supply. The natural conclusion is the plan must allocate additional land for development.
- 7.1.3 Ottery St Mary has the capacity to deliver a similar amount of growth to other settlements at the same level in the proposed settlement hierarchy (such as Axminster) due to its sustainability. However, Axminster has nearly three times as many allocated dwellings as Ottery St Mary. Logically, Ottery St Mary can accommodate additional growth.
- 7.1.4 These representations, in line with previous Draft Plan representations, support allocation of Land South of Strawberry Lane under reference GH/ED/27 for residential development. The continued allocation of the site is sound and is supported.
- 7.1.5 In line with previous Draft Plan representations land west of Cadhay Lane (site GH/ED/26) is deliverable, is located adjacent a sustainable settlement, and has no insurmountable technical constraints. However, despite the council recognising that further housing sites are required, the site is not proposed for allocation. An updated site assessment, for a smaller part allocation of GH/ED/26, concludes that the site generally performs better than or the same as other allocations on the western side of Ottery St Mary. In fact, the western side of the town is the least unconstrained and residential development of GH/ED/26 would effectively round-off the settlement boundary. A part allocation of GH/ED/26 is both logical and sound.
- 7.1.6 The emerging plan proposes a Green Wedge between Ottery St Mary and West Hill under Policy OL05. However, the area of the Green Wedge is not founded on any reasonable basis and indeed the evidence is clear that only a much smaller Green Wedge is necessary. The Green Wedge is unsound.
- 7.1.7 Policy PB05 requires a 20% Biodiversity Net Gain is not based on any evidence, and is unsound. The policy target should be reduced to 10% in line with the Environment Act.
- 7.1.8 Policy HN05 requiring 5% of dwellings to be self/custom build on sites of 20 or more dwellings should be altered to be on larger sites of 100 dwellings or more given the inherent challenges of delivering these dwellings on smaller sites.
- 7.1.9 Overall, the strategic approach of locating development in Ottery St Mary is supported as is the allocation of site GH/ED/27. However, other elements of the plan are unsound and additional housing sites are required.