

**Land at Gerway Farm, Ottery St
Mary (Otry_21)**

**East Devon District Council -
Regulation 19 Representations
January 2026**

Landra Developments Ltd

26 January 2026

LICHFIELDS

Lichfields is the pre-eminent planning and development consultancy in the UK

We've been helping create great places
for over 60 years.

lichfields.uk

© 2025 Nathaniel Lichfield & Partners Limited (trading as "Lichfields"), All Rights Reserved, is registered in England, no. 2778116.
Registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.
Formatted for double sided printing.
Plans based upon Ordnance Survey mapping with the permission of His Majesty's Stationery Office.
© Crown Copyright reserved. Licence number 10007707
69944/01/JFB/ZM
40627335v14

**Land at Gerway Farm, Ottery St
Mary (Otry_21)**

**East Devon District Council -
Regulation 19 Representations
January 2026**

Landra Developments Ltd

26 January 2026

LICHFIELDS

69944/01/JFB/ZM
40627335v14

Contents

1.0	Introduction	1
	Update on the Site	1
2.0	Compliance with Transitional Arrangements	5
3.0	District-Wide Spatial Strategy	8
	Housing Requirement	8
	Distribution over time	9
	Five Year Housing Land Supply	11
4.0	Planning For Ottery St Mary	13
5.0	Other Policy Matters	15

1.0 Introduction

1.1 These representations are submitted on behalf Landra Developments Ltd ('Landra'), who are promoting land for residential development in Ottery St Mary (OSM) on behalf of Mr M.J. Nancekivell and Mr R.P. Nancekivell ('the Landowner'). They are submitted in response to the East Devon District Council (EDDC) Local Plan Draft 2020-2042 second Regulation 19 Consultation document (the 'second Draft Plan'). The land comprises Gerway Farm ('the Site', see Plan at Figure 1.1 below) to the southwest of OSM, capable of delivering 140 homes and supporting infrastructure.

1.2 Representations were made on behalf of the Landowner to the first Regulation 19 consultation (hereafter referred to as 'Reg 19 1') in March 2025. These are appended (see Appendix 1) and remain relevant to this second round of consultation ('Reg 19 2'). Points which remain relevant have not been reiterated here; these representations instead focus on relevant amendments proposed as part of the Reg 19 2 consultation. It is therefore assumed that the reader has had full regard to the representations at Appendix 1. This is consistent with EDDC's approach as stated on the consultation portal (Commonplace):

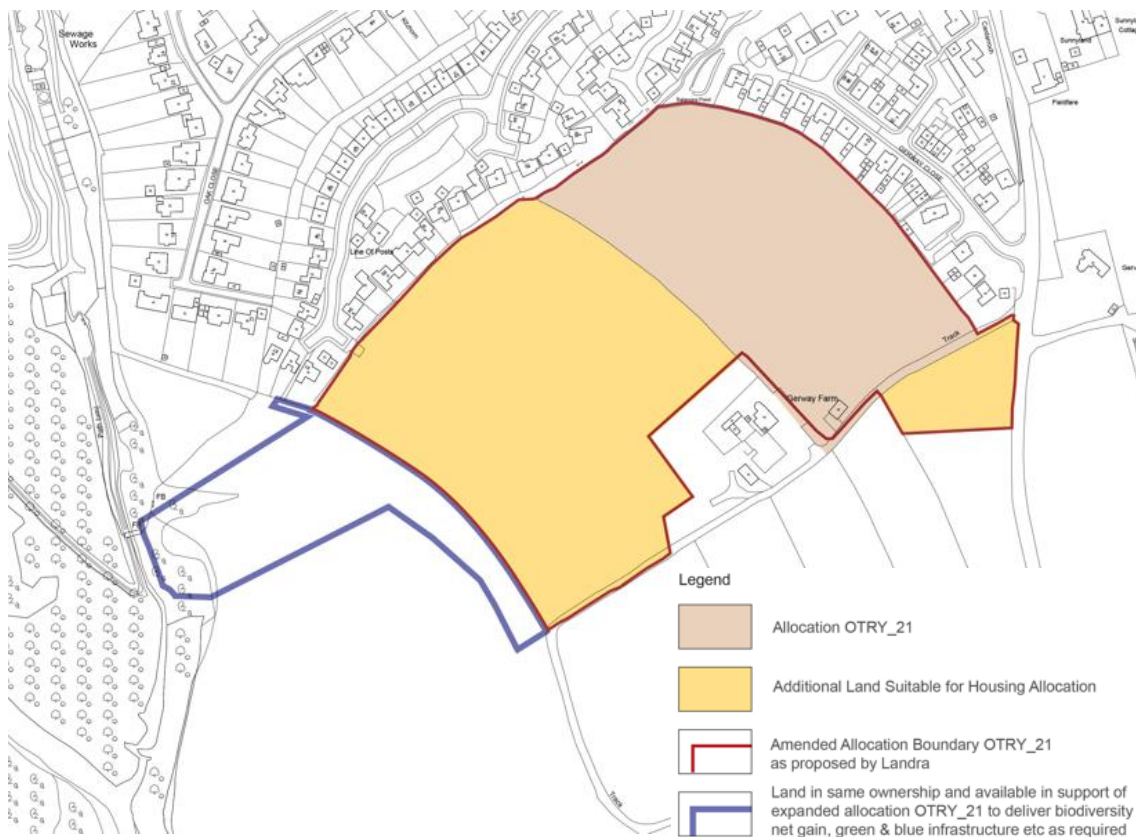
"We've made a number of amendments to the original plan following the first consultation and these changes are set out. This round specifically seeks comments on those changes... If you've previously submitted comments and they remain unchanged, there's no need to resubmit them—they will already be included in the inspector's review".

Update on the Site

1.3 The Council should note the following as an update in respect of site promotion and matters that are relevant to any consideration of deliverability:

- 1 Land to the east (brown in Figure 1.1), which is allocated for housing development (70 homes) in the Draft Plan (Policy SDO4 Otry_21) and referred to as the "eastern parcel" is unchanged.
- 2 Land to the west (yellow in Figure 1.1), which is unallocated but represents a viable and logical opportunity to deliver more houses, referred to as the "western parcel" [the eastern and western parcels combined are now subject to a live planning application for up to 140 homes – see para. 1.4 for further detail].
- 3 Additional land (outlined in blue at Figure 1.1) under the same ownership which is available for Biodiversity Net Gain and green/blue infrastructure to support the delivery of the housing allocation, referred to as the "additional land" [the extent of the 'additional land' has been reduced from that promoted as part of the Reg 19 1 consultation, to reflect the requirements of detailed technical work prepared in support of a planning application; it therefore accurately reflects the land required to support delivery of 140 homes]. Following the progression of the application, this area has been reduced relative to the site promoted at Reg 19 1.

Figure 1.1 Allocation Map



Source: The Richards Partnership. Reproduced from the Ordnance Survey Map with permission of Her Majesty’s Stationary Office © Crown Copyright Licence no 100046803.

1.4 On 2 December 2025 (post Reg 19 1), Landra submitted a planning application for the site (ref. 25/2468/MOUT) to EDDC for the following development:

“Outline application (with all matters reserved except for access from Sidmouth Road) for the demolition of a farm building and the erection of up to 140 residential dwellings (Class C3) with associated infrastructure and engineering works including landscaping, open space, surface water drainage and internal roads/footpaths/cycleways.” [see Figure 1.2 below for the Illustrative Landscape Masterplan].

Figure 1.2 Illustrative Landscape Masterplan



Source: The Richards Partnership

- 1.5 This application has been prepared in the context of a significant shortfall in EDDC’s 5-year housing land supply, an out-of-date plan, and the engagement of the presumption in favour of sustainable development and associated titled balance i.e. NPPF para. 11. However, its submission, with associated comprehensive and robust technical evidence, clearly demonstrates the suitability, availability and deliverability of the expanded allocation Otry_21 to comprise both the eastern and western parcels, delivering up to 140 homes. It is essential that sites such as this, in locations concluded to be sustainable for housing development, are allocated in the emerging Local Plan to increase housing numbers and address current flaws. We explain below that, subject to the grant of planning permission, up to 140 homes could be delivered in early-mid plan period.

1.6 In summary, these representations:

- 1 Comment that the Council's procedural approach to a second Regulation 19 Consultation is in conflict with the transitional arrangements outlined within Annex 1 of the National Planning Policy Framework 2024 (NPPF);
- 2 Explain that the Draft Plan remains flawed in its approach to its spatial housing strategy, including its housing requirement, distribution over time and supply;
- 3 Continue to support the allocation of an extended land parcel at Gerway Farm (Otry_21) as a suitable and sustainable location for growth, as evidenced by additional technical evidence to that available at Reg 19 1; and,
- 4 Comment on other changes to policies in the plan insofar as they relate to the promotion of housing development on Landra/the Landowner's site.

2.0 Compliance with Transitional Arrangements

2.1 EDDC undertook its Reg 19 1 consultation between 13 February and 31 March 2025, setting out to meet 80% of housing need as derived from the December 2024 standard method.

2.2 Consultation on the current Reg 19 2 commenced on 28 November 2025 and will close on 26 January 2026. EDDC is progressing its draft Local Plan in accordance with the transitional arrangements established at paragraph 234.(a) of Annex 1 of the National Planning Policy Framework (NPPF) (December 2024), which states:

“For the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply: a. the plan has reached Regulation 19⁸² (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need⁸³,”

2.3 Footnote 82 and 83 state:

“82 Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In this context “reached Regulation 19” refers to when Regulation 19 has been complied with (i.e. when the planning authority has made a copy of each of the proposed submission documents and a statement of the representations procedure available, and the statements required in Regulation 19(b) have been sent to consultation bodies).”

“83 Calculated using the standard method in national planning practice guidance, published on 12 December 2024.”

2.4 Further, Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2002 (‘the Regulations’) states [**bold** shows our emphasis]:

“Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must—

*(a) make a copy of **each of the proposed submission documents** and a statement of the representations procedure available in accordance with regulation 35, and*

*(b) ensure that a statement of the representations procedure and a statement of the fact that **the proposed submission documents** are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).*

2.5 The Planning Practice Guidance (PPG) (Paragraph: 86, reference ID:61-086-20250616) states:

“Some local planning authorities may undertake more than one round of Regulation 19 consultation on a plan. Where this is the case, for the purposes of implementing Annex 1 of the Framework, a plan is normally to be taken as having reached the Regulation 19 stage at the date on which the first round of Regulation 19 consultation commenced.

*However, in some limited circumstances, a plan is to be taken as having reached Regulation 19 on the date that a subsequent round of consultation commenced. These limited circumstances could include instances such as when the **content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage.**” [bold shows our emphasis]*

2.6 Landra has sought Counsel’s Opinion (Appendix 2) from Satnam Choongh of No. 5 Chambers (‘Counsel Opinion’) on whether this Reg 19 2 process meets the exceptions set out at Para 234 a of the NPPF Annex 1 such that it can progress under the NPPF’s transitional arrangements.). Counsel Opinion is that the exception is not engaged. This is because:

- 1 The submission documents (as defined by Footnote 82 to NPPF Para 234 and Regulation 19 of the Regulations) made available at Reg 19 2 are not the same as those made available at Reg 19 1;
- 2 Therefore, the submission documents did not reach Reg 19 stage on or before 12 March 2025;
- 3 Reg 19 2 and associated proposed submission documents are materially different to those at Reg 19 1;
- 4 This is evidenced by the report to Strategic Planning Committee (meeting of 25th November 2025), which confirms that the Committee was provided with a report ‘setting out a series of what are more substantive changes to the local plan’ (para. 2.1). The changes carried through to the Reg 19 2 Draft Plan include:
 - a Revisions to settlement boundaries
 - b Updated Designated Neighbourhood Areas housing need figures
 - c Changes to specific allocations, including allocation numbers
 - d Alteration to wording of many policies, including changes to policy triggers
 - e Deletion of previously allocated sites
 - f Material amendments to the ‘new community’ policy i.e. Marlcombe.
 - g Publication of updated and new documentation as outlined at Appendix 10, including submission of new Statements of Common Ground and Statement of Community Involvement which comprise core submission documents.

- 2.7 Counsel Opinion is clear. The exception set out in NPPF para. 234(a) is not engaged such that the Draft Plan should not be progressing under transitional arrangements. To do so would mean that the Draft Plan would not comply with legal and procedural requirements.
- 2.8 To remedy this, EDDC should not progress the Reg 19 2 consultation documents to Submission, but pause plan-making and prepare a revised Draft Plan that meets the full SM housing requirement (1,156 dwellings per annum). This could be achieved by a return to Reg 18 or Reg 19 consultation. Either way, re-consultation must include additional sites and a spatial strategy that clearly sets out how the full housing requirement will be met. The plan must then be submitted for examination under the 2024 NPPF (or the emerging NPPF (Dec 2025) if adopted by this time). Working on this basis, EDDC would then also have the opportunity to address comments on other policies which render the current Draft Plan unsound.
- 2.9 Should EDDC proceed to Submission on the basis of Reg 19 2, our Representations would be a matter for discussion at the Examination in Public. Based on Counsel Opinion, there is clearly a risk of non-compliance with legal and procedural requirements.
- 2.10 Without prejudice to our view that Reg 19 2 is legally flawed, Section 3 flags other detailed points that need to be addressed in order for the Draft Plan to be found sound. Should EDDC continue to progress Reg 19 2, we would expect these matters to be addressed prior to submission.

3.0 **District-Wide Spatial Strategy**

3.1 The comments outlined below focus on areas which differ/are updated from those set out in our Reg 19 1 representations at Appendix 1.

Housing Requirement

3.2 As outlined in Section 2.0, EDDC should plan for its full standard method (SM) figure. The only material change to EDDC's housing requirement since the Reg 19 1 consultation has been the update to the affordability ratios by the Office for National Statistics (ONS) in March 2025. This alters EDDC's standard method (SM) housing requirement figure from 1,188 (Feb 2025, as referenced in the Reg 19 1 Plan) to 1,156 homes per annum. EDDC continues to plan for a housing need of 950.4 homes per annum, or 20,909 homes over the plan period (stated to be 80% of 1,188 dwellings per annum).

3.3 Based on a SM housing need of 1,156 homes per annum, a 22-year housing requirement (the plan period) would equate to a minimum of 25,432 homes. Even if 2020-2025 was assumed at the adopted Local Plan level of need (950 dwellings, or five years at 4,750 dwellings), increasing to 1,156 for 2026-2042 (17 years = 19,652) this would total 24,402 dwellings over the 22 year plan period. The Draft Plan therefore falls significantly short of meeting need, planning for only 82% (or at best 86%) of need.

3.4 Even accounting for the 'supply buffer' referenced in the "*Housing Delivery Technical Report*" (Nov 2025) (HDTR) and in the supportive text (para 3.11) of Strategic Policy SP02 of the Draft Plan (projected delivery of 22,943 homes in the plan period from all sources) this still falls materially short of meeting housing need (90%).

3.5 It is therefore concluded that the Draft Plan has failed to be positively prepared, and takes an unjustified approach to its housing numbers. When EDDC concluded that it needed to make 'substantive changes' (para. 2.1 of the Report of EDDC's Strategic Planning Committee Meeting of the 25th November 2025) they should have resolved to plan for their full housing requirement.

3.6 Before progressing to examination, there is therefore a need to plan for an additional c. 4,500 homes in EDDC, and identify a land supply (through additional allocations) for a minimum of circa 2,500 homes (+ buffer).

3.7 Should EDDC proceed to submission under the terms of the transitional arrangements, there remain fundamental issues with the proposed housing numbers which must be addressed prior to examination.

- 3.8 The projected delivery outlined in the HDTR is in excess of 80% of the standard method figure (accounting for 90% of the 25,432 required dwellings); EDDC states it is therefore providing a 'surplus' of 12.8% homes. This 'surplus' / 'headroom' is an arbitrary figure which does not reflect real 'need' – it cannot therefore be considered a surplus. By planning for only 82% of up-to-date need (i.e. the new standard method), the Draft Plan immediately fails to meet 'need', and even with the 'surplus' of 2,034 dwellings it still falls well short.
- 3.9 Further, the 12.8% 'surplus' is not calculated on total need, but residual need in the plan period when accounting for completed dwellings and committed developments, i.e.:

$$\begin{aligned}
 & \text{(Total Predicted Trajectory – Completions between 1 April 2020 to 31 March 2025)} \\
 & \quad - \text{(Total Plan Requirement)} \\
 & \quad - \text{Completions between 1 April 2020 to 31 March 2025)} \\
 & \quad = \text{Surplus Dwellings}
 \end{aligned}$$

$$\begin{aligned}
 & \text{(Surplus Dwellings)} \\
 & \quad \div \text{(Total Plan Requirement)} \\
 & \quad - \text{Completions between 1 April 2020 to 31 March 2025)} \times 100 = \text{Surplus \%}
 \end{aligned}$$

- 3.10 A 'surplus' % should be calculated on the basis of the total plan requirement, as opposed to outstanding need. Relative to the full plan-period need of 20,909 homes, the 'surplus' is only 9.7%, and only 7.9% when relative to the standard method figure of 1,156 dwellings per annum. Both the approach to the calculation of the 'surplus,' and identification of the additional supply as a 'surplus,' is flawed and does not demonstrate a positive approach to plan-making.
- 3.11 Our previous position that the Draft Plan fails to be positively prepared remains; EDDC has taken an unjustified approach to its housing numbers.

Distribution over time

- 3.12 The Reg 19 2 Draft Plan continues to outline a stepped trajectory for housing development, with policy SP02 stating an annual target of 850 homes from 2020/2021 to 2031/32, increasing to 1,070 homes per year from 2032/33 to 2041/42. Our previous representations (see para 2.9 to 2.14) remain relevant i.e. this approach is unsound, as it cannot be considered acceptable that, in the first five years of the plan from adoption, it plans to fail to meet housing need, particularly at an already reduced figure (against 'real need') of 950 dwellings. Providing for 850 homes per annum is also a reduced figure relative to the current Local Plan (950 per annum) which is entirely at odds with the government's key aim for a step change in housing delivery, boosting housing supply in the UK, and increasing delivery to achieve 1.5 million homes in this parliamentary term.
- 3.13 Even if the housing need figure were to increase to the new SM as set out above, it would remain unsound to plan for a stepped trajectory that failed to meet that need in the first part of the plan period, and then sought to 'make this up' in the next stage of the plan period, backloading a significant proportion of housing delivery. This is planning to fail to meet EDDC's evidenced housing needs. This is a fundamentally flawed approach.

- 3.14 The HDTR (Nov 25) relies on a lack of suitable small sites and anticipated delivery timescales as the basis for a stepped housing trajectory. The report references the Chichester and Royal Borough of Kensington and New Chelsea plans, which were recommended for adoption with stepped housing trajectories. Whilst those plans may have been found sound with a stepped housing trajectory, it does not follow that this is an acceptable approach without sound evidence; in EDDC's case, sufficient suitable alternatives have not been assessed to conclude this is absolutely necessary. For example, sites such as the extended allocation area at Gerway Farm (+70 homes) are available, suitable and deliverable but have not been appropriately assessed. In this case, Gerway Farm is subject to live planning applications and could deliver in the early part of the Plan period.
- 3.15 Paragraphs 2.10-2.11 of our Reg 19 1 representations (Appendix 1) refer to the anticipated housing trajectory. This has been updated from Reg 19 1 to Reg 19 2 as follows:
- 1 2025/2026: from 781 to 1,157 dwellings [increase of 376 dwellings]
 - 2 2026/2027: from 660 to 803 dwellings– falls short of even the stepped housing requirement of 850 (planning to fail) [increase of 143 dwellings]
 - 3 2027/2028: from 645 to 692 dwellings– falls short of even the stepped housing requirement of 850 (planning to fail) [increase of 47 dwellings]
 - 4 2028/2029: from 448 to 689 dwellings – falls short of even the stepped housing requirement of 850 (planning to fail) [increase of 241 dwellings]
- 3.16 The proposed trajectory now identifies a further 807 dwellings for delivery in this early plan period. Notably, the delivery for 2025/2026 has significantly increased by 48%, and the anticipated increases to years 2026-2029 are attributable to windfall sites (presumably due to the current lack of 5YHLS and consequential speculative applications). Whilst the four years now account for delivery of 88% of the Draft Plan minimum requirement (an increase of 20% relative to the first Regulation 19 consultation), this still only achieves 72% of the standard method requirement, which falls short of even the 80% transitional arrangements requirement.
- 3.17 The Draft Plan is planning to fail to meet even its reduced stepped housing requirement of 850 dwellings for the years 2026-2029; this is a fundamentally flawed approach and cannot be considered sound; the plan is not positively prepared and is in conflict with the government's aims and objectives for increasing housing delivery in the UK.
- 3.18 There is clear evidence that available / suitable / deliverable sites are coming forward for housing under the NPPF para. 11; it is therefore unsound to state there is an absence of further appropriate sites for allocation, which could deliver within this early plan period. Gerway Farm is one such example.

Five Year Housing Land Supply

- 3.19 As outlined in Section 2.0 and Appendix 2, EDDC should seek to meet 100% of its need as established by the SM. That would equate to an annual need for 1,156 dwellings + a buffer of 5%, so 6,069 dwellings over a 5-year period.
- 3.20 If EDDC continues to submission as proposed i.e. via the transitional arrangements, notwithstanding our position that this is legally flawed, the approach to establishing a five-year housing land supply (5YHLS) within the HDTR is unsound. This is on the basis that:
- 1 The trajectory in the HDTR (see below) refers to a 'rolling supply' which is misleading; it suggests that every year from 2027/28 – 2031/32 EDDC will have in excess of 5-years' supply. However, in years 1 and 2 of the plan, there is a shortfall in supply against need of 32%. There is then a sudden jump in year 3 where supply is stated to exceed need by 36%.
 - 2 The correct method for calculating the 5-year housing land supply is to calculate annual need, multiply this by 5, add the appropriate buffer and come to a 'target' for delivery. The housing supply pipeline over 5 years is then calculated to come to a total 'supply'. The total supply is then divided by the annual requirement (including buffer). The outcome is the number of years of deliverable housing land.
 - 3 Based on the figures in EDDC's HDTR (Figure 3.1 below) the total 5-year delivery target is 5,100 dwellings (annual target of 1,020). The total supply is 5,645. This equates to a housing land supply of 5.53 years.
 - 4 Notwithstanding the calculation at no.3, this is not correct given:
 - a Based on the new SM figure, the Draft Plan is planning for 82% of need so is no longer subject to the 20% buffer – this should now be 5%
 - b The housing requirement part of the 5YHLS calculation cannot be based on a stepped housing trajectory which is below need; the NPPF is clear that this should be the total housing requirement, divided by the number of years in the plan period. The requirement should therefore be based on $950.4 \times 5 \times 5\%$ which equates to 4,989.6 dwellings (or 998 per annum). Based on the supply of 5,645 this is a housing land supply of 5.66 years.
 - c There must be an adjustment to the supply position, to remove windfalls for at least the first 4 years of the plan period (and from the 5YHLS) to avoid the risk of double counting with existing commitments. This would remove 575 dwellings from the supply, and reduce the 5YHLS to 5.08 years i.e. very marginal.
 - d Once other supply assumptions, such as delivery at the larger allocations/new community are adjusted (there are a number of unrealistic assumptions in the Council's trajectory) this would take the Draft Plan below a 5YHLS on adoption. This is not a sound approach, and the plan cannot be regarded as being positively prepared .

Figure 3.1 Five Year Housing Land supply Position

	27-28	28-29	29-30	30-31	31-32
Projected permission completions	581	573	635	767	425
Allocation Sites	0	0	635	719	735
Windfall site	111	116	116	116	116
Total Projected Dwelling Completions	692	689	1386	1602	1276
Stepped housing requirement	850	850	850	850	850
20% buffer	1020	1020	1020	1020	1020
Shortfall/surplus					
Cumulative under/oversupply					
	Year 1	Year 2	Year 3	Year 4	Year 5
Rolling supply by year - no buffer	6.64	7.11	7.30	6.72	6.10
Rolling supply by year - 6 year (buffer)	5.53	5.92	6.08	5.61	5.08

Source: HDTR (Nov 2025)

- 3.21 Further, applying the full SM housing requirement of 6,069 dwellings over a 5-year period, even including the windfalls in the calculations this equates to a housing land supply of 4.65 years; removing windfalls from supply reduces this to a housing land supply of 4.18 years – or a shortfall of 1,000 homes.
- 3.22 This demonstrates the critical requirement for EDDC to allocate additional sites, particularly small/medium sites which can start to deliver within the first 5 years of the plan, to make up the shortfall in the 5YHLS. This must be addressed before the Draft Plan’s approach to housing supply can be considered sound. The expanded allocation at Gerway Farm, OSM (Otry_21) is a clear example of where this can be achieved i.e. additional homes can be delivered in the early plan period on a site which, in part, has already been found to be sustainable, suitable and deliverable for housing development. There is no clear reason to not expand the current draft allocation, particularly in the light of the housing need issues outlined above.
- 3.23 The following Section 4.0 sets out clear evidence of the site’s suitability for an extended allocation.

4.0 **Planning For Ottery St Mary**

- 4.1 The position set out in Section 3.0 of our Reg 19 1 representations (Appendix 1) remains unchanged; OSM can support further growth and Land at Gerway Farm, comprising the draft allocation Otry_21 and its expansion to include the western parcel, is a suitable and deliverable opportunity to assist in meeting EDDC's unmet need.
- 4.2 There has been a material change in the evidence to support this position, which updates Section 4.0 of our Reg 19 1 representations. The evidence is the submission of an outline planning application (LPA ref. **25/2468/MOUT**).
- 4.3 The outline application is accompanied by a comprehensive suite of technical reports which clearly demonstrate that the expanded site is suitable, deliverable and available and should be allocated for 140 homes in the emerging Local Plan. Some of these key documents are submitted as part of these representations, as updates to the initial technical documents submitted with the Reg 19 1 representations, to ensure the Inspector has the evidence easily available when examining the Local Plan. These comprise:
- 1 Landscape and Visual Impact Assessment (The Richards Partnership) (Appendix 3) – demonstrates that the site is not subject to any landscape designations and that there are no visual impacts that would preclude the development of the site with the implementation of suggested mitigation measures;
 - 2 Transport Assessment (TA) (Connect Consultants) (Appendix 4) – outlines that the site can be suitably accessed by all modes of transport without detrimental impacts to highways safety. The site is within walkable distance of OSM Town Centre and core facilities;
 - 3 Historic Environment Desk-based Assessment (HEDBA) (ISCA Archaeology) (Appendix 5) – outlines that there are no designated heritage assets within or near to the site that would experience harm as a result of the development. Further, the HEDBA outlines the potential for archaeological interest that is due to be explored via ground investigations prior to determination of the application;
 - 4 Ecological Assessment (EcoIA) (Bennu Environmental) (Appendix 6) – outlines key habitats for preservation within the site, alongside the results of species surveys that did not identify the presence of any species that would preclude the development of the site with appropriate mitigation. These surveys have also informed the design process to ensure key habitat features are retained; and
 - 5 Flood Risk and Drainage Strategy (FRA/DS) (Rodgers Leask) (Appendix 7) – outlines that the site can suitably accommodate up to 140 dwellings without increasing surface water flood risk on the site or in other locations. Infiltration basins are proposed to accommodate surface water run-off, and foul drainage capacity and an appropriate connection has been identified.

- 4.4 These documents clearly demonstrate that the expanded site is suitable for housing. The parameter plans and Design & Access Statement, along with all technical documents, illustrate a well-conceived scheme which responds positively to the site's context, achieves ecological enhancement and creates an appropriate landscape setting. Overall, housing can be delivered on the current draft allocation (eastern parcel) plus the western parcel, and it is possible to provide extensive landscaping and deliver 140 homes. Beyond this, further to the west, a well-connected network of publicly accessible green infrastructure can be delivered, with ecological enhancement. All technical policy issues can be satisfactorily addressed, as summarised in the Planning Statement (Appendix 8).
- 4.5 Further, no comments have been received to date from statutory consultees that cannot be addressed through reasonable mitigation measures. Devon County Council has also confirmed there is capacity in OSM's education infrastructure to accommodate 140 homes.
- 4.6 In summary, the evidence set out in the current planning application further supports the amendment proposed at Reg 19 1 to the allocation boundary, expanding this to comprise the eastern and western parcels (see red line plan at Appendix 9).
- 4.7 With regard to the policy wording itself, we welcome the update to policy SDO4 with regards to Otry_21 and the requirement for further Flood Risk Assessment. In addition to amendments to the allocation boundary as detailed above, we request that Policy SDO4 is further amended as below (**bold** as additions and strikethrough as deletions):

*~~This Land at Gerway Farm, off Sidmouth Road, is proposed for 70 houses~~ **is proposed for circa 140 houses and associated infrastructure.** Archaeological assessment is required prior to development. Measures to ensure that safe cycle and pedestrian access to nearby facilities can be achieved will be required.*

5.0 **Other Policy Matters**

- 5.1 Policy ARO2 has been updated in Reg 19 2 to alter the 'policy tests' against which planning applications must be assessed with regards to Water Quality. The revised policy requires developers to fully accommodate water quality impacts of a development. It is the responsibility of the foul undertaker to ensure that the capacity agreed with developers is not at the detriment of its operational limits and resulting water quality.
- 5.2 This policy should be updated to appropriately reflect this responsibility i.e. the water company must undertake its duty to accommodate development where acceptable and continue a mandatory schedule of upgrades to support ongoing water quality.
- 5.3 Beyond this, the comments in our Reg 19 1 representations (Appendix 1) regarding Policy ARO2 remain relevant.
- 5.4 No other policies commented on at Reg 19 1 have been amended to a degree where this materially changes the position we set out previously, namely in relation to:
- 1 Draft Policy HNO1;
 - 2 Draft Policy HNO2;
 - 3 Draft Policy HNO3;
 - 4 Draft Policy HNO5;
 - 5 Chapter 11;
 - 6 Chapter 15;
 - 7 Strategic Policy PBO5; and,
 - 8 Strategic Policy PBO6.
- 5.5 We request that EDDC and the Local Plan Inspector reviews our Appendix 1 representations with regards to these policies.

Appendix 1 Reg 19 1 Representations

**Land at Gerway Farm, Ottery St
Mary (Otry_21)**

**East Devon District Council –
Regulation 19 Representations**

Mr M.J. Nancekivell and Mr R.P. Nancekivell

31 March 2025

LICHFIELDS

Lichfields is the pre-eminent planning and development consultancy in the UK

**We've been helping create great places
for over 60 years.**

lichfields.uk

© 2024 Nathaniel Lichfield & Partners Limited (trading as "Lichfields"), All Rights Reserved, is registered in England, no. 2778116.
Registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.
Formatted for double sided printing.
Plans based upon Ordnance Survey mapping with the permission of His Majesty's Stationery Office.
© Crown Copyright reserved. Licence number 10007707
69944/01/NT/ZM
33603619v9

Land at Gerway Farm, Ottery St Mary (Otry_21)

East Devon District Council – Regulation 19 Representations

Mr M.J. Nancekivell and Mr R.P. Nancekivell

31 March 2025

LICHFIELDS

69944/01/NT/ZM
33603619v9

Contents

1.0	Introduction	1
2.0	District-Wide Spatial Strategy	3
	Housing Requirement (Policy SP02)	3
	Distribution Over Time	4
	Five Year Housing Land Supply	6
	Supply Breakdown and Geographic Delivery	7
	Spatial Strategy (Policy SP01)	8
	Other Spatial Policies	8
	Summary of Approach to Spatial Strategy and Housing Need	9
3.0	Planning for Ottery Saint Mary	10
	Strategic Policy SD04 - Ottery St Mary and its development allocations	10
	Land at Gerway Farm – Draft Allocation Otry_21	10
	Land at Gerway Farm – The Expanded Allocation	10
4.0	Suitability of the Promotion Site for Allocation	14
	Landscape and Visual Impact	14
	Transport and Access	15
	Heritage and Archaeology	16
	Ecology	16
	Flooding and drainage	17
	Summary and suggested policy wording	18
5.0	Other Policy Matters	19
	Policy HN01: Housing to address needs	19
	Policy HN02: Affordable Housing	19
	Policy HN03: Housing to meet the needs of older people	19
	Policy HN05: Self-build and custom build housing.	20
	Policy AR02: Water efficiency	20
	Chapter 11: Sustainable transport and Communications	20
	Chapter 15: Our outstanding historic environment	20

Strategic Policy PBO5: Biodiversity Net Gain	21
Strategic Policy PBO6: Local Nature Recovery Strategy and Nature Recovery Network	21
Supported Policies	22

Appendices

Appendix 1 Vision Document

Appendix 2 Highways and Transport Technical Note

Appendix 3 Ecological Assessment

Appendix 4 Technical Note – Flooding, Water Efficiency, Green & Blue Infrastructure

Appendix 1 HSE Confirmation

Appendix 6 Proposed Allocation Boundary

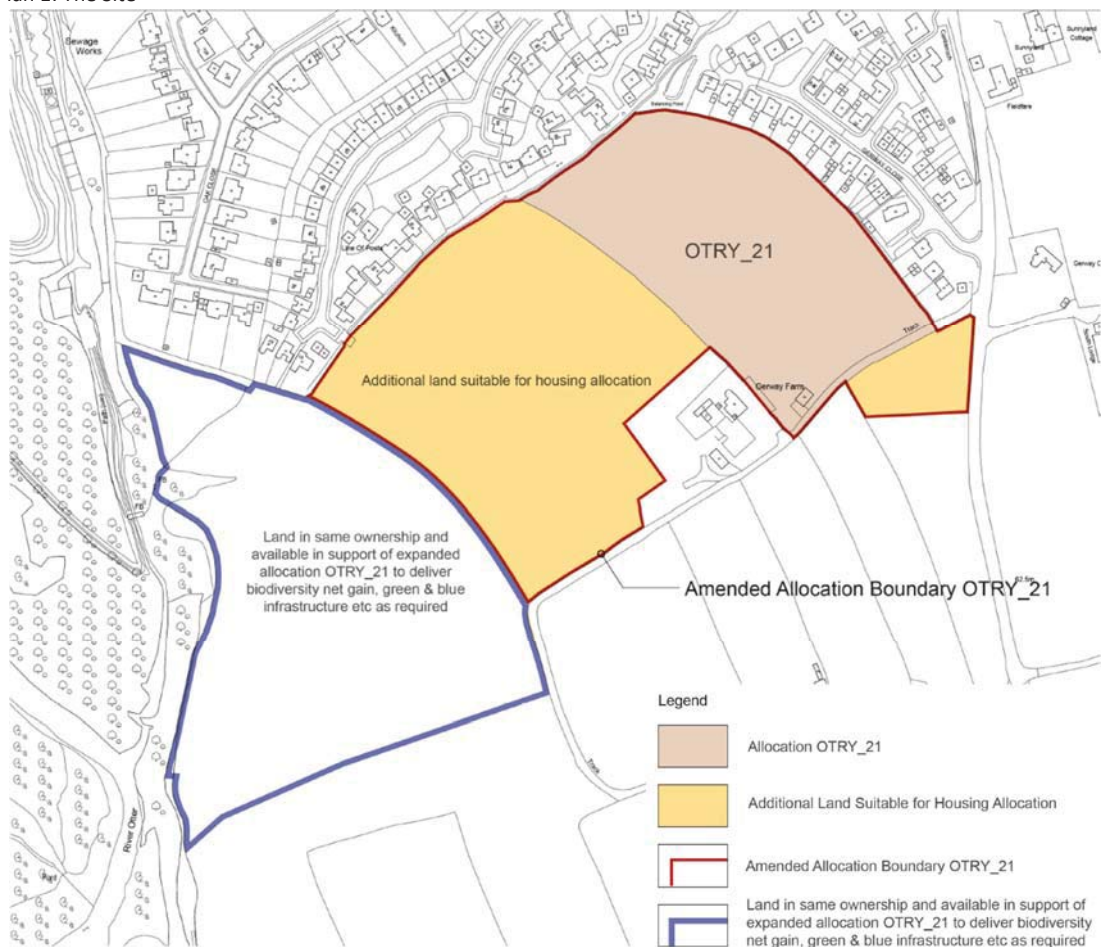
1.0 Introduction

1.1 These representations are submitted on behalf of Mr M.J. Nancekivell and Mr R.P. Nancekivell (‘the Landowner’) in response to the East Devon District Council’s (EDDC) Local Plan Draft 2020-2042 Regulation 19 Consultation Document (the ‘Draft Plan’). They relate to the Landowner’s interest in Ottery Saint Mary (OSM) at Gerway Farm (the Site, Plan 1), to the southwest of OSM, capable of delivering 150 homes.

1.2 The site comprises:

- 1 Land to the east, which is allocated for housing development (70 homes) in the Draft Plan (Policy SDo4 Otry_21) and referred to as the “eastern parcel”.
- 2 Land to the west, which is unallocated but represents a viable and logical opportunity to delivery more houses (about 150 units across both land parcels), referred to as the “western parcel”.
- 3 Additional land under the same ownership which is available for Biodiversity Net Gain and green/blue infrastructure to support the delivery of the housing allocation, referred to as the “additional land”.

Plan 1: The Site



Source: The Richards Partnership. Reproduced from the Ordnance Survey Map with permission of Her Majesty’s Stationery Office (c) Crown Copyright Licence no 100046803.

1.3 The purpose of these representations is to:

- 1 Explain that the Council's assessment of housing need is flawed such that more sites need to be allocated.
- 2 Support land to the south of Ottery St Mary as a suitable and sustainable location for growth, as acknowledged by the draft allocation.
- 3 Promote land to the west of the site as an extension to the draft allocation.
- 4 Demonstrate the suitability and deliverability of the wider site for comprehensive development to deliver around 150 homes.
- 5 Comment on other policies in the plan insofar as they relate to the promotion of housing development on our Landowner's site.

2.0 District-Wide Spatial Strategy

Housing Requirement (Policy SP02)

2.1 The adopted East Devon Local Plan (2013-2031) identified an annual housing need of 950 dwellings per annum; 17,100 dwellings over the plan period. The 2023 housing delivery test established that 118% of housing need had been delivered in East Devon (need for 2,482 dwellings vs delivery of 2,940). Table 1 below shows that the number of homes required was exceeded by those delivered in years 2020/21, 2021/22 and 2022/23. The most recent two years in particular (2021-2023) clearly demonstrate that East Devon is capable of delivering at rates beyond those set in the Local Plan and this has been a successful Plan strategy.

Table 1 East Devon Housing Delivery Test 2023 Measurement

Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test: 2023 measurement
2020-21	2021-22	2022-23		2020-21	2021-22	2022-23		
618	918	946	2482	904	1039	996	2940	118%

Source: Source: Ministry of Housing, Communities and Local Government, published 12 December 2024

2.2 East Devon has progressed its Draft Plan to Regulation 19 to accord with the ‘transitional arrangements’ set out in the December 2024 NPPF. Para. 234a states that, if “...the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need” then the plan will be examined under the relevant previous version of the Framework i.e. the 2023 NPPF. Page 5 of the Draft Plan confirms this: “this plan, and policies within it, are drafted to accord with the December 2023 National Planning Policy Framework and all references in the plan are to this document, unless specifically stated otherwise”.

2.3 This is critical to considering East Devon’s housing need. In summary:

- 1 The new standard method sets an annual local housing need for East Devon of 1,188 dwellings per annum. Projecting this over a 22 year Plan period (2020-2042) generates a minimum housing need of 26,136 dwellings. Even if the period 2020-2024 was assumed at the adopted Local Plan level of need (950 dwellings, or 4 years at 3,800 dwellings), increasing to 1,188 for 2025-2042 (18 years so 21,384), this would total 25,184 dwellings over the 22 year Plan period.
- 2 The 2023 version of the standard method generated a local housing need for East Devon of 893 dwellings per annum, or 19,646 dwellings over the Plan period.
- 3 East Devon commissioned ORS to prepare a Local Housing Needs Assessment in September 2022 which confirmed the “...*minimum Local Housing Need figure across*

East Devon is 918 dwellings per annum” (para. 6.2). At that time a 20-year Plan was anticipated, but based on the 22 year Draft Plan, this totals 20,196 dwellings.

2.4 The 2023 standard method and the locally assessed housing figures (i.e. no.2 and 3 above) equate to less than 80% (75 - 77%) of the new standard method figure and therefore fail the NPPF’s ‘transitional arrangements’. Instead, the Draft Plan will simply deliver 80% of the new standard method which “...generates the annual average housing level of 950.4 new homes, a 22-year plan requirement of 20,909” (para. 3.11). On this basis, ‘Strategic Policy SP02: Levels of future housing development’ states “...housing provision will be made for at least 20,909 dwellings (net) to be delivered in the plan area between 1 April 2020 to 31 March 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”.

2.5 Whilst the ‘transitional arrangements’ exist to enable Plans to progress where they have got to Regulation 19 by 12 March 2025, this is where they have been prepared in accordance with the previous Framework i.e. the 2023 NPPF, and meet ‘at least’ 80% of local housing need. Para. 234a was not intended as a tool to simply ‘cut the numbers’ that would otherwise be required and plan for -20% of up-to-date need. Further, the 80% is a minimum, not a target to plan for.

2.6 The ‘justification’ text for policy SP02 states:

- 1 “Projected delivery from all sources, from a monitoring base position of 1 April 2024...provide for 22,614 homes.
- 2 Of these 3,514 have been built which if deducted from gross projections leaves a net delivery of 19,100 and a net need, with the same subtraction, of 17,395.
- 3 Deducting the net need from net delivery generates a ‘surplus’ of 1,705, this... gives a healthy headroom surplus of 9.8% that will account for any possible non-delivery”.

2.7 This ‘surplus’ / ‘headroom’ is an arbitrary figure which does not reflect real ‘need’ – it cannot therefore be considered a surplus. By planning for precisely 80% of up-to-date need (i.e. the new standard method), the Draft Plan immediately fails to meet ‘need’, and even with the ‘surplus’ of 1,705 dwellings it still falls well short.

2.8 It is therefore concluded that the Draft Plan has failed to be positively prepared, and takes an unjustified approach to its housing numbers. When East Devon concluded that its local housing need as assessed under the previous Framework, and/or by ORS in 2022, was less than 80% of the new standard method, it should have resolved to prepare a Local Plan to meet up-to-date need, planning for the full new standard method requirement i.e. 1,188 dwellings per annum, and a minimum of 26,136 dwellings over the plan period. Seeking to get to Regulation 19 by the 12th March 2025 deadline with an unsound plan, simply to secure agreement to delivery of 20% less than identified housing need, should be firmly rebutted.

Distribution Over Time

2.9 The Plan’s soundness is further undermined by the approach in Policy SP02 to a ‘stepped housing trajectory’ where delivery targets only 850 homes per annum from 2020/21 to 2031/32, increasing to 1,070 homes per year from 2032/33 to 2041/42. The first 11 years of

the Plan (and 5 years from adoption i.e. the five year housing land supply) fall well short of meeting minimum need, whether under the new or old standard method, or indeed the need assessed by ORS in 2022. This is a fundamentally unsound approach and raises various significant issues.

- 2.10 Firstly, the proposal for a stepped trajectory ‘backloads’ a significant proportion of housing delivery. In years 1-4 post adoption (where it assumes 850 units a year from 2026/27-2031/32) this totals only 4,250 dwellings (89% of the Draft Plan minimum requirements, and only 72% of the new standard method). Even more concerning is how this is further compounded by the housing trajectory at Appendix 1 to the Draft Plan, which identifies delivery of:
- 1 2025/26: 781 dwellings
 - 2 2026/27: 660 dwellings
 - 3 2027/28: 645 dwellings
 - 4 2028/29: 448 dwellings
- 2.11 Applying the above, in the next 4 years delivery would be only 67% of the Draft Plan minimum requirement, or 53% of the new standard method. In 2028/29, delivery wouldn’t even reach 50% of the minimum Draft Plan requirement, or 40% of the new standard method. This is profoundly unsound.
- 2.12 Delivery is then stated to jump dramatically to 1,078-1,494 dwellings in 2029/30-2038/39, before dropping down again to 646-911 in the final 3 years of the Plan (the reason for the latter is unclear, particularly given this is when one would assume the new settlement is at its peak delivery). This shows a huge overreliance on large strategic sites coming online in years c.10-20 i.e. 5 years post adoption, at the expense of meeting immediate housing need; there is also significantly more risk and uncertainty in delivery of these large sites, as accepted in the Draft Plan; para. 3.12 states “*in recognition of the complexities inherent in delivering major development sites, particularly the proposed new community provision of new homes will come forward under a stepped trajectory...*”. This is not a sound reason for a stepped trajectory.
- 2.13 Planning for delivery to fall well short of recent trends and identified need is a flawed and unsound approach and will have significant economic and social implications for East Devon. This is not taking a positive approach to plan-making.
- 2.14 EDDC must therefore revisit its overall housing numbers and how these feed into the delivery trajectory, with amendments to Strategic Policy SPO2 and Appendix 1. This will also have implications for Strategic Policy SPO3 (currently unsound as drafted, as additional numbers must be planned for in the Designated Neighbourhood Areas) and then Chapter 5, as a number of new/expanded site allocations will be required; EDDC must allocate land to increase its supply for the 5 years of the Plan post adoption i.e. unconstrained and deliverable small/medium sized sites, such as those under the control of the Landowner in Ottery St Mary, as well as – fundamentally – planning for its true housing need over the full plan period.

Five Year Housing Land Supply

- 2.15 The Draft Plan must identify a 5 year housing land supply (5YHLS) from the intended date of adoption; this is a requirement of the NPPF. Critically for East Devon, para. 78c of the NPPF will immediately apply as the Local Plan is not due for adoption until late 2026/early '27. By planning for an annual average housing need of 950 new homes, which is precisely 80% of new standard method figures (arguably below 80% as a need for 950.4 should be rounded up to 951), the 20% buffer will be required.
- 2.16 The Draft Plan must address this now. Beyond increasing its allocated housing land/associated trajectory for 2026/27 – 2031-32 to address actual housing need, it must add a 20% buffer to this. The implications are significant. Applying a housing need figure of 950 dwellings per annum + 20% equates to 1,140 per annum, or 5,700 dwellings over 5 years; a total increase of 1,450 dwellings. When considering this in the context of the current 850 dwelling stepped trajectory, the increase to what is currently being planned for becomes even more significant.
- 2.17 The Draft Plan is supported by a “*Technical Assessment of Housing Delivery*” (Feb 2025). This states at Section 5 that the 20% buffer has been applied and from adoption the Plan will have a 6.22 year supply. Appendix 5 is flawed (see copy at Table 2 below); it is based on an annual housing need of 850 dwellings, with the buffer increasing this to 1,020 (5,080 total). Based on a Local Plan annual housing target of 950 dwellings (not 850) this must be increased to 1,140 dwellings, or 5,700 over 5 years.

Table 2: Rolling Five Year Housing Supply Calculations

Appendix 5: Rolling five year housing supply calculations

	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36
Projected permission completions	526	413	711	589	438	503	420	409	405
Allocation sites	0	0	640	719	736	871	736	679	793
Windfall site	119	35	120	120	120	120	120	120	120
Total projected dwelling completions	645	448	1471	1428	1294	1494	1276	1208	1318
Housing target	850	850	850	850	850	1070	1070	1070	1070
20% buffer	1020	1020	1020	1020	1020	1284	1284	1284	1284
	Adoption	Year 2	Year 3	Year 4	Year 5				
Rolling supply by year - no buffer	6.22	6.86	7.42	6.82	6.42				
Rolling supply by year – 20% buffer	5.18	5.72	6.18	5.68	5.35				

Source: East Devon Technical Assessment of Housing Delivery (Feb 2025)

- 2.18 It is clear from this trajectory that the land supply in the first two years will fall well short – in year 1 supply is just 57% of need, and in year 2 only 39%. The significant jump from year 2 (448 dwellings) to year 3 (1,471 dwellings) is not justified. Whilst it is agreed that some of the allocations set out in the Draft Plan will deliver within the first 5 year period, it is highly unlikely this will reflect Appendix 4 of the Technical Assessment of Housing Delivery paper which shows almost all the Draft Plan’s allocations suddenly delivering units in years 2029/30 (having delivered none beforehand).
- 2.19 Based on Lichfields Start to Finish research, delivery would come from some of the small site allocations, yet the Council’s projections have the 10,000 unit new settlement delivering 144 units from year 2029/30, increasing to 216 units from 2031/32. This is unsound. Large sites of 2,000 units plus take on average 5.1 years for the planning approval period, plus 1.6 years from planning to delivery; that is almost 7 years. This settlement is

not yet subject to a planning application and is unlikely to be until the Plan is at Examination/adopted (2026/27). Even this would be ambitious given the Council is at vision/early consultation stage; planning submission post Plan adoption appears more likely. In its first delivery year, units/numbers are generally low given supporting infrastructure required to service the first parcel. The first year is likely to start at 50-100 dwellings and ramp up to 200 per annum over 1-2 years, depending on the number of housebuilder outlets.

2.20 This new settlement is therefore highly unlikely to deliver units in the first 5 years of the Plan period, and it is not feasible for it to have delivered 144 units on site within 3 years; it should be a ‘Y’ for ‘challenging’ at Appendix 4 and pushed back to at least 32/33. This immediately removes 504 units from the 5YHLS and calls into question the assumptions made on other allocations. It also raises significant concern regarding the Draft Plan’s assumption that 3,300 dwellings will be delivered at this new settlement by 2042, which has wider implications for the plan’s wider land supply.

2.21 The approach to 5YHLS and NPPF para. 78 is therefore flawed, as are the general assumptions around delivery at the new settlement. Additional small/medium site allocations must be made in the Draft Plan to demonstrate a 5YHLS with appropriate buffer, and wider land supply must be reviewed to avoid overreliance on the new settlement delivering 3,300 units by 2042.

Supply Breakdown and Geographic Delivery

2.22 The evidence base document “*Housing Need, Supply and Requirement Interim Topic Paper*” (November 2022) refers to a land supply of approximately 20,441 dwellings for the years 2020-2040, which is less than the Draft Plan’s identified (albeit under cooked) need of 20,909. It is noted that this does not accommodate 2040-2042. Table 1 of the paper identifies supply to include:

- 1 Completions and existing commitments: 6,295 dwellings
- 2 Cranbrook DPD Expansion Area Allocations: 4,170 dwellings
- 3 New Town allocation: 2,500 dwellings
- 4 Other allocations: 5,141 dwellings
- 5 Windfall allowance: 2,335 dwellings

2.23 Without interrogating the numbers, there are some fundamental issues with this approach:

- 1 Over 50% of need being planned for in the Draft Plan is already completed/an existing commitment, or forms part of the Cranbrook expanded community;
- 2 Cranbrook and the new town address 33% of need (and including completed/committed development, 63% of need). This shows a significant reliance moving forwards on the large and complex strategic sites;
- 3 Beyond this, only 25% of need is to be met from new/other allocations. This is less than double that from windfalls and should be increased, to first address the distribution of supply (geographically and trajectory), secondly provide headroom (see 5 below) and thirdly spread risk of non-delivery;

- 4 'Other allocations' accounted for 5,141 dwellings in the 2022 paper, when the Plan period was 2 years shorter; it does not appear that 'other allocations' have been increased/extended despite the plan period being extended, albeit without an update to the "Housing Need, Supply and Requirement Interim Topic Paper" this cannot be clearly understood; and,
- 5 The 2022 Paper acknowledges it is "...not enough simply to identify sufficient housing for forecast supply, including new site allocations, to match the housing requirement. The local plan should also manage the risks relating to the uncertainties of future housing delivery. The Council cannot guarantee delivery so it is realistic to acknowledge that some approved or planned sites may not come forward. An effective way to manage uncertainty is to reduce this risk by allowing for supply 'headroom'." Whilst this approach is commended, and the Draft Plan notes some headroom (c. 1,700 units), the assumptions it has made to inform this e.g. for the new town are not sound and will affect that headroom materially.

Spatial Strategy (Policy SP01)

- 2.24 Notwithstanding the above significant issues with housing numbers, the general spatial strategy set out at Strategic Policy SP01 is supported in so far as development is directed to the West End (Cranbrook / new community), the Principal Centre of Exmouth and then the Main Centres, which include Ottery St Mary.
- 2.25 The Landowner is supportive of the recognition that Ottery St Mary can take 'significant development' to serve its own need as well as that of the wider area, given it is a settlement "*...with strategic and local facilities that serve both their immediate area and surrounding communities, offering a balanced mix of jobs, services, and growth potential*" (Draft Plan para. 3.4).
- 2.26 In this context, the focus should remain on these settlements to accommodate the additional housing numbers required over the Plan period, looking to the Principal and Main Centres first for additional and/or expanded allocations to accommodate need, before looking at the Local Centres and Service Villages. Ottery St Mary is a highly sustainable settlement and we support it as a geographic focus for significant development.

Other Spatial Policies

- 2.27 Strategic Policy SP06: Development Beyond Settlement Boundaries states: "In locations outside of the defined settlement boundaries development will not be permitted unless it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development".
- 2.28 This policy is unsound and unjustified. It in effect stops **any** development from taking place outside of the settlement boundaries. This could include house extensions, agricultural development, additions/enhancement to business or industrial parks, highways works etc. This is fundamentally flawed and would have hugely negative impacts on East Devon's economy and wider social and environmental sustainability. We assume this refers to new dwellings outside of the settlement boundaries, with the exception of allocations, but this must be clarified and the policy updated. Further, as well as reference to Local or Neighbourhood Plan policy, reference should be made to the NPPF as there are exceptions

through e.g. para. 84 (isolated homes in countryside) or para. 82 (rural exception sites); the Local Plan must not preclude this.

Summary of Approach to Spatial Strategy and Housing Need

- 2.29 Whilst the spatial approach to housing delivery across the settlements in East Devon is supported, including the recognition that Ottery St Mary is a Main Centre and should support significant development over the Plan period, the approach taken to assessing and then planning to meet housing need, both in distribution and trajectory, is unsound because:
- 1 EDDC is proposing to reduce its rate of housing delivery below that achieved over recent years;
 - 2 The approach to the NPPF's 'transitional arrangements' is flawed and EDDC cannot simply plan for 80% of its up-to-date housing need – the Draft Plan must be revisited to plan for its full need i.e. 1,188 dwellings per annum, over the plan period;
 - 3 The approach to a phased housing trajectory does not comply with national policy. Planned delivery must meet or exceed the annual housing need figure; EDDC cannot plan to underdeliver for the first 11 years of its Plan and then make up for this in the latter years – this has significant implications for social and economic growth and will have resultant impacts on, for example, affordable housing and the wider housing crisis;
 - 4 The Draft Plan does not deliver a 5YHLS with requisite buffer (20%) and will therefore immediately fail NPPF para. 78(c);
 - 5 There is an overreliance on the large/complex sites, particularly the new settlement. This also includes a flawed approach to its assumed delivery rates (too soon in plan period, with implications for 5YHLS, and overestimated total delivery across the plan period).
- 2.30 In conclusion, the Draft Plan is (i) not planning for sufficient housing across the full plan period and (ii) is therefore not positively prepared.
- 2.31 It must be amended to plan for its full up-to-date housing need, with additional housing allocations identified, particularly to deliver earlier in the plan period and feed into 5YHLS.

3.0 **Planning for Ottery Saint Mary**

Strategic Policy SDO4 - Ottery St Mary and its development allocations

3.1 The Ottery St Mary Site Selection Report (February 2025) (SSR) identifies 15 sites for potential residential and commercial development in Ottery St Mary. The selection of sites for allocation within the SSR is completed in accordance with the published Site Selection Methodology. The SSR, and Draft Plan policy SDO4, allocate:

- 1 Barrack Farm (Otry_01b): 70 dwellings, 1.25ha employment land;
- 2 Thorne Farm (Otry_09): 90 dwellings, educational facility;
- 3 Salston Barton (Otry_10): 20 dwellings;
- 4 Bylands (Otry_15): 8 dwellings;
- 5 Strawberry Lane (GH/ED/27): 60 dwellings; and,
- 6 Gerway Farm (Otry_21): 70 dwellings.

3.2 The Landowner is fully in support of the approach to allocate development in and around Ottery St Mary, a sustainable location. In response to the housing need assessment provided in Section 2.0 of this Statement and the settlement hierarchy established in policy SPO1 of the draft Plan, Ottery St Mary can accommodate further growth in line with its Main Centre Status, assisting with delivery of the additional housing needed by EDDC.

Land at Gerway Farm – Draft Allocation Otry_21

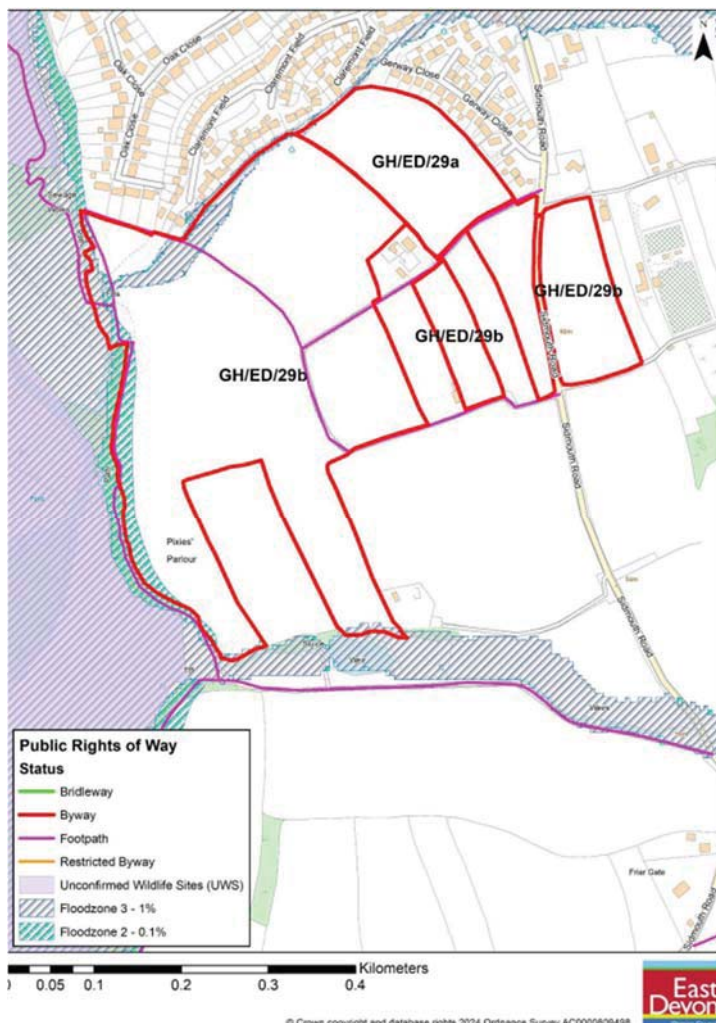
3.3 Part of the land under the Landowner’s control is allocated (Otry_21, see Plan 1 above) “for 70 homes” under draft Policy SDO4. Our Landowner supports this policy subject to:

- 1 Capacity for all allocations should be consistently referred to as ‘around’ or ‘about’ (aligned with some of the other draft allocations) rather than fixing this at a set number, to build in the necessary flexibility and reflective of the fact that detailed design has not yet been undertaken; and
- 2 The allocation should be expanded to include the land immediately to the west (see Plan 1 for expanded allocation area) to deliver a total of ‘around 150 units’. This is covered under Section 4.0 to follow.

Land at Gerway Farm – The Expanded Allocation

3.4 The Ottery St Mary SSR considered the Landowner’s interests under two separate site references – see GH/ED/29a and GH/ED/29b at Plan 2 below.

Plan 2: GH/ED/29 Site



Source: Ottery St Mary Site Selection Report

- 3.5 The Council’s assessment of GH/ED/29a (then draft allocated) and GH/ED/29b is the same for “infrastructure”, “landscape”, “historic environment”, “ecology”, “accessibility” and “contribution to spatial strategy”. On this basis, and given that GH/ED/29a was found to be suitable for allocation, it would be consistent and logical to also allocate the expanded area proposed at Plan 1.
- 3.6 The Council has concluded in the SSR that GH/ED/29b should not be allocated because:
- 1 *It forms an unacceptable extension into open countryside:* Given the excessively large extent of GH/ED/29b assessed in the SSR, this appears to be a reasonable conclusion.
 - 2 *It has inadequate access arrangements:* Given the single point of access, and assuming the development of 200 units, this appears to be a reasonable conclusion.
 - 3 *It is an unacceptable large scale:* If this point is linked to the extent of the red line and the ability to access 200 units off a single access, this would appear to be a reasonable assumption. However, there is no evidence that the scale of development would be unacceptable against other indicators, including ‘infrastructure’ and ‘accessibility’.

Critically, if a smaller area had been assessed – such as the land subject to this representation – a different conclusion would arise.

- 4 The Council also identifies further reasons for not allocating GH/ED/29b but these fall away for the smaller area subject to these representations. For example, parts of the site are constrained but these are not insurmountable issues for the site extent now proposed for allocation. The SSR constraints can be addressed as:
 - a The site is irregularly shaped and comprises grade 2 and 3 agricultural land: Whilst this is applicable to wider GH/ED/29b (i.e. the land to the south is largely Grade 2), the proposed expanded allocation area shown at Plan 1 is largely grade 3 agricultural land with some small areas of grade 2 agricultural land in the southern area of the land parcel. It is also important to confirm that the allocation extent in the Draft Plan (GH/ED/29a) contains a similar proportion of Grade 2 vs Grade 3 land, demonstrating this was accepted by EDDC.
 - b Part of the site is within floodzones 2 and 3: None of our Landowner's site is in flood Zone 3. A small part is within flood zone 2 (associated with low lying land) and we explain in Section 4.0 that any risks can be mitigated through reprofiling and a suitable drainage system.
 - c Potential access to Claremont Field would need to cross a band of floodplain: This does not apply to the promotion site because development can be accessed without requiring a new vehicular access to Claremont Fields; access can be taken from Sidmouth Road. The existing Public Right of Way will be retained and as per above any flood risk can be managed.
 - d A small area of surface water flood risk crosses the site: A small area of surface water flood risk is within GH/ED/29a. Remaining surface water flood risk broadly follows the fluvial Flood Zones 2 and 3 that runs north-east to north-west across the northernmost part of the site, which can be managed as per above.
 - e The HSE major hazard pipeline runs through the southern edge of the site and the consultation zone extends to cover approximately 4.2ha of the site (approx. 0.35ha of which is also floodplain). We have received confirmation from HSE that there are no implications for the expanded allocation site (Appendix 5).
 - f Electricity wires cross the site and would need to be undergrounded: Electricity lines cross our Landowner's ownership and can be re-routed or undergrounded at the application stage. This 'constraint' would not preclude residential development.
 - g It is very sensitive in heritage terms: We assume this is a reference to historic field enclosure pattern to the south of our Landowner's ownership. As per draft allocation Otry_21, further evaluation will be needed but we explain below that geophysical surveys currently suggest no archaeological interests that would require preservation in situ.
 - h It is visible in long range views: We understand that the Council might be concerned about the impact of development across the whole of GH/ED/29b. However, Otry_21 was found to be acceptable in landscape terms and the principles would apply to the expanded allocation area. We comment further on landscape and visual impacts at Section 4.0 below.

- 3.7 In assessing GH/ED/29b, the Council misdirected itself by not looking at this area at a finer grain. The constraints – and apparent weaknesses - are not equally applicable across the whole site. Notably, the constraints do not affect the expanded allocation area to the same degree and the site promoted in these representations is more akin to the assessment of Otry_21 and can therefore be allocated.

4.0 Suitability of the Promotion Site for Allocation

- 4.1 The Landowner is proposing that Otry_21 is extended as shown on the framework plan below to form ‘Amended Allocation Otry_21’, delivering a total of about 150 houses. This is hereafter referred to as ‘the site’.

Plan 3 Framework Plan for Extended Allocation



Source: The Richards Partnership

- 4.2 The site is suitable for housing. The Vision Document (Appendix 1) explains that a well-conceived scheme can be delivered which responds positively to the site’s context, achieves ecological enhancement and creates an appropriate landscape setting. Overall, housing can be delivered on the current draft allocation (eastern parcel) and the western parcel. It would be possible to provide extensive landscaping. Beyond this, further to the west, a significant area of land could be utilised to achieve a well-connected network of publicly accessible green and blue infrastructure.

Landscape and Visual Impact

- 4.3 The Vision Document explains that:
- 1 Only limited parts of the site will be visible in views from the footpath network to the south. From most views, the site will be seen on the context of existing built development.
 - 2 View from Sidmouth Road to the south would be occasional glimpses. The site is well screened by high hedgerow and roadside banks.
 - 3 Views from publicly accessible locations in the wider landscape are well contained, screened by hedgerows/woodland block or viewed against the backdrop of existing development.

- 4.4 Extensive landscaping could be accommodated on site. Existing trees and hedges can be retained, managing the impact of development in the local context.
- 4.5 The site is located approximately 1.5km from the East Devon National Landscape. From its boundary, the town is seen in distant views. The changes at the site, viewed from the edge of the Natural Landscape would ‘read’ in the context of existing development. As a result, we would expect the special qualities that contribute to the landscape and scenic beauty of this part of the Natural Landscape to be conserved and that its setting would not be materially altered by this development.

Transport and Access

- 4.6 Connect Consultants has prepared a Highways and Transport Technical Note (Appendix 2). It explains that the site:
- 1 Is suitable for development because a range of facilities and services are readily accessible by walking, cycling, and public transport, meeting the requirements of draft Local Plan Strategic Policy TR01 (walking, wheeling, cycling, and public transport).
 - 2 There is capacity in the highway network to accommodate about 150 houses with no unacceptable impact on the local road network.
 - 3 Vehicular access can be achieved from Sidmouth Road. An initial design of a simple T-junction is achievable and suitable for about 150 homes.
 - 4 A safe segregated pedestrian route can be created from the site along the western side of Sidmouth Road to connect to the existing pedestrian footway at Gerway Close, from where there is a continuous pedestrian route into Ottery St Mary.
 - 5 Pedestrian routes within the site can accommodate the existing Public Rights of Way and link through to Claremont Field.
- 4.7 Detailed requirements for a travel plan/transport statements/transport assessments (draft Strategic Policy TR03) and regarding car/cycle parking and charging points can be addressed at the detailed design stage (draft Strategic Policy TR04: Parking standards - Residential).
- 4.8 The site is within the Aerodrome Safeguarding outline area, but residential development will not exceed three storeys, nor will it have high structures, and it will therefore not likely interfere with radio signals or create bird strike hazards.
- 4.9 In assessing Otry_21 and GH/ED/29b, the Council notes in the SSR that:
- “Sidmouth Road at this point is a reasonably wide C-class road, potentially capable of accommodating additional development and associated movements in itself. However, the road narrows significantly towards Sidmouth to the south and access into and through Ottery is constrained by narrow roads and a single route through the town centre. Further investigation may be required to determine if more significant highways improvements (bypass/distributor road) might be necessary. Development of the site has the potential to impact on Junction 29 of the M5, which suffers from congestion at peak periods.”*

4.10 The Transport Technical Note explains that analysis has been undertaken (using DataShine Commute) to establish the likely trip distribution for about 150 houses. It confirms that traffic effects during the weekday AM and PM peak hours are likely to be in the region of:

- 1 An additional 64 vehicles in the AM peak and 59 in the PM peak are likely to travel on Sidmouth Road north of the Site, which will disperse within the road network in Ottery St Mary. This equates to an average of approximately one additional vehicle per minute, which is not likely to result in an unacceptable impact.
- 2 Only 10-13 additional vehicles are shown to travel on Sidmouth Road south of the Site during the AM and PM peak hours. Again, this is not likely to result in an unacceptable impact.

4.11 The Transport Technical Note concludes that satisfactory access can be achieved. The promotion site is deliverable from a transport and movement perspective.

Heritage and Archaeology

4.12 There are no heritage issues above or below ground that would preclude the site being allocated. Of note;

- 1 A desk-based heritage assessment and geophysical survey of site GH/ED/29 (including the promotion site) were undertaken by the Council in 2023. They provide evidence of archaeological potential and suggest that the promotion site may have been part of the open field system associated with the town in the later medieval period. The field pattern survives in part to the south of the promotion site, but otherwise has been eroded through the removal of hedgerows to create larger fields for modern farming.
- 2 The geophysical survey recorded sub-surface remains of the former field boundaries within the promotion site. There is potential to restore some of the lost boundaries as part of the proposed green infrastructure, presenting a heritage benefit.
- 3 There are no indications that any of archaeological features would be of the higher level of significance that would warrant preservation in situ.

4.13 In summary, as per the existing Otry_21, no heritage constraints have been identified that would prevent development on the promotion site.

Ecology

4.14 The SSR explains that Otry_21 and GH/ED/29 would result in a predicted “*minor adverse effect...(not significant)*” on Ecology. The same conclusion applies to the expanded allocation i.e. the site.

4.15 The Ecology Appraisal (EA) (Appendix 3) confirms that the site is not affected by;

- i any habitat designations; and
- ii has limited ecological value.

4.16 It does provide suitable habitat for a range of species including protected species such as badgers and dormouse. Habitats of higher ecological value are trees, hedges, and the riparian corridor associated with the River Otter.

- 4.17 The initial Framework Plan shows that mitigation can be designed into the development, including the retention of trees and hedgerows, additional planting and the management of a significant area of green space to the west of the site for biodiversity gain. The need for further mitigation can be addressed at the planning application stage.
- 4.18 A protected belt of trees is identified along the western boundary of the wider site to be used for green space, and further protected trees in the northwestern point of the wider site, and many mature and veteran trees are noted within the SSR.
- 4.19 The site is located within the East Devon Pebblebed Heaths SAC HRA mitigation zone. There is an adopted strategic mitigation solution, The South-East Devon European Sites Mitigation Strategy, involving financial contributions, with which the Otry_21 and the promotion land can also comply (EA para 3.6).
- 4.20 There are no issues that would preclude housing development on the site. At least 10% Biodiversity Net Gain (BNG) in accordance with statutory requirements can be achieved given scale and control of the site. Emerging policies can be satisfied;
- 1 Strategic Policy PBO1, protecting internationally and nationally important wildlife sites.
 - 2 Policy PBO3 of the Draft Plan, irreplaceable habitat and habitat features, such as hedgerows, will be maintained.
 - 3 Strategic Policy PBO4, which sets out mitigation measures with respect to the Pebblebed Heaths Habitats Site would be adhered to in line with the South-East Devon European Sites Mitigation Strategy.
 - 4 Policy PBO7, which outlines design expectations for ecological enhancement and biodiversity in addition to BNG.
 - 5 Policy PBO8, which relates to the accommodation of trees, hedges and woodland in built development.
 - 6 Policy PBO9, which outlines the approach to monitoring new planting schemes.

Flooding and drainage

- 4.21 The Technical Note on Flooding, Water Efficiency, Green & Blue Infrastructure (Appendix 4) explains that:
- 1 A small area of land to the north of the site is within flood zone 2 and 3. The Vision Document shows that about 150 houses can be developed on the site without any incursion into the flood zone.
 - 2 There are pockets of land around the site boundary that are at risk from surface water flooding, but this is reflective of low-lying land and can be addressed through reprofiling and the introduction of suitable drainage systems.
 - 3 Additional mitigation if needed, can be addressed by ensuring appropriate finished floor levels which can be fixed at the planning application stage.
 - 4 Sustainable Drainage Systems will be utilised to control surface water runoff and ensure ecological benefits. The Vision Document shows scope for provision to the west of the site.

- 5 Water efficiency can be addressed at the detailed design stage and can be achieved through the installation of reduced water fittings and water butts as needed.

4.22 There are no flood risk or drainage matters that would preclude development of the site for about 150 houses and any proposal would accord with the requirements of draft Strategic Policy AR01 regarding Flooding.

Summary and suggested policy wording

4.23 The site is a deliverable and sustainable opportunity to help meet East Devon’s housing in the early-mid Plan period.

4.24 The evidence above identifies;

- 1 The site is necessary to provide the additional housing numbers required for East Devon and could deliver about 150 new homes in total;
- 2 There will be no detrimental impact on the highways infrastructure;
- 3 The National Landscape is unaffected;
- 4 The site is well connected the town centre for pedestrians and cyclists; and,
- 5 Other technical policy issues relating to heritage, ecology and flood risk can be addressed at the planning application stage.

4.25 We propose that the boundary of allocation Otry_21 is as per the plan at Appendix 6 and that the wording of Strategic Policy SD04: Gerway Farm is amended as below (**bold** as additions and ~~strike through~~ as deletions):

*This Land at Gerway Farm, off Sidmouth Road, is proposed for **about 150 houses and associated infrastructure** ~~70 houses~~. Archaeological assessment is required prior to development. ~~Further~~ **Flood risk assessment and measures to ensure that safe cycle and pedestrian access to nearby facilities can be achieved will be required.**”*

5.0 **Other Policy Matters**

Policy HNO1: Housing to address needs

5.1 Draft Policy HNO1 requires development sites to provide a balanced and mixed housing provision in line with the September 2022 East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment (September 2022), successor documents, or subsequent superseding documents, or local housing need evidence assessments.

5.2 The Landowner welcomes the flexibility afforded to the reference documents that demonstrate local housing needs, to ensure the policy remains relevant for the duration of the plan.

Policy HNO2: Affordable Housing

5.3 Draft Policy HNO2 outlines affordable housing requirements against the settlement hierarchy for developments of 6 dwellings or more in designated rural areas and 10 or more in non-designated rural areas. Allocated development is subject to a 30% affordable housing provision, whereas unallocated development is to be subject to 35% affordable housing provision.

5.4 The Viability Assessment demonstrates a considered approach to viability, assessing both 30% affordable housing and 35% affordable housing with respect to allocations and typologies represented in value area 3 (VA3).

5.5 The Landowner considers that the requirement for provision of 30% affordable housing on allocated sites is justified and viable. This Policy is supported.

Policy HNO3: Housing to meet the needs of older people

5.6 Draft Policy HNO3 requires:

“All general housing proposals, subject to commercially viability, will be required to deliver specialist housing for older people as follows:

A: Schemes for 50 to 199 dwellings should include at least 10% of dwellings on-site as specialist older person dwellings (Use Class C3);

B: Schemes for 200 or more dwellings should include at least 10% as on-site as specialist older person dwellings as either C3 dwellings and/or C2 equivalents.”

5.7 The NPPF explains that within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes housing for older people.

5.8 In this case, no justification has been provided as to how the threshold or requirement has determined. Moreover, some sites may not be suitable for housing for older people and on other sites this type of housing will not be viable. The policy is also unclear as to how “specialist older person dwellings” is defined (beyond Use Class). On this basis, the policy is not considered to be sound as it is not effective or justified or consistent with national policy.

Policy HN05: Self-build and custom build housing.

- 5.9 Draft Policy HN05 states that on sites of 20 or more dwellings, 5% should be made available as serviced plots for self and custom build. Whilst the NPPF sets out that Council's should make provision for self-build and custom build housing (para. 73), the 20-dwelling threshold and 5% requirement is not justified and there is no evidence to explain what this is based on. Whilst the proportion of self-build and custom housing is considered by the Council to be viable within the Viability Appraisal, no justification is provided within the Viability Appraisal or Sustainability Appraisal as to why these thresholds have been set.
- 5.10 Moreover, the policy applies district-wide (with the exception of the Built-up Area Boundaries defined in the Cranbrook Plan), and does not allow for any flexibility to respond to local circumstances. The Landowner objects to this policy.

Policy AR02: Water efficiency

- 5.11 Strategic Policy AR02 requires the 'optional' standard of 110 litres per person per day from Part G of the Building Regulations as the baseline figure to be applied to all development, as opposed to the baseline requirement of 125 litres per day, also within Part G of the Building Regulations.
- 5.12 The policy is not justified. The Draft Plan references a Water Cycle Study which provides evidence to justify the stricter requirements. This is not available in the evidence base. We request that this be provided so that appropriate assessment of the 'sound-ness' of Policy AR02 can be undertaken. Should this not be justified through the Water Cycle Study, we propose the omission of this policy as the requirements are already established within the Building Regulations, in line with the sentiment of paragraphs 13 and 25 of the *Government response to the proposed plan-making reforms: consultation on implementation (27 February 2025)* HSE, which seeks to avoid 'unnecessary duplication' with national policy. The landowner objects to this policy.

Chapter 11: Sustainable transport and Communications

- 5.13 Draft Policy TR03 outlines EDDCs approach to Travel Plans, Transport Statements and Transport Assessments.
- 5.14 Draft Policy TR04 identifies the requirement for 1.7 car parking spaces per dwelling and 1 cycle space per bedroom in all residential development.
- 5.15 The Landowner supports the above policies and expects that development of the promotion site for around 150 dwellings will comply with all the requirements of the above.

Chapter 15: Our outstanding historic environment

- 5.16 The Landowner supports the preservation of archaeological and heritage assets.
- 5.17 Strategic Policy HE01 outlines requirements for preserving the historic environment.

5.18 This is out of keeping with National Policy, and therefore is not considered sound. The identification of heritage assets “through the planning application process” is considered to be in conflict with the Planning Practice Guidance, which suggests that in most cases Non-Designated Heritage Assets should be identified and published by the LPA and only in rare cases, normally associated with archaeological discoveries, should they be identified through the Planning Application Process.

5.19 To ensure the policy is in keeping with PPG it should be amended (**bold** additions):

*“Non-designated heritage assets, where identified through local or neighbourhood plan-making, the Local List119, Conservation Area Appraisal or review or through the planning application process (**in exceptional circumstances**), will be recognised as heritage assets in accordance with national guidance and any local criteria. Development proposals that directly or indirectly affect the significance of a non-designated heritage asset will be determined with regard to the scale of any harm or loss and the significance of the asset.”*

We are broadly in support of Policy HEO4, however it is noted that the statement “development must protect the site and setting of Scheduled Monuments, designated or undesignated archaeological remains, including ancient routeways and milestones,” is unclear on the degree to which undesignated archaeological remains are to be protected, and infers that all archaeological remains, whether designated or not, are to be protected in all circumstances which is contrary to National Policy. Given the sentiment behind the statement is repeated in the subsequent policy wording, which provides more clarity on how non-designated archaeological remains are to be considered, we propose that the first sentence of the policy be omitted to ensure soundness.

Strategic Policy PBO5: Biodiversity Net Gain

5.20 The Landowner supports the objective to protect and enhance the natural environment and support an increase in biodiversity, but objects to draft Policy PBO5.

5.21 Strategic Policy PBO5 requires a minimum of 20% biodiversity net gain is expected to be demonstrated for major development proposals. The National legislative framework requires the provision of 10% biodiversity net gain. Policy PBO5 is not sound, and has no justification for the increased requirement of 20% biodiversity net gain as opposed to 10%.

5.22 This policy is not found to be sound due to lack of justification and lack of positive preparation through lack of consideration of suitable alternatives. We propose that Policy PBO5 be amended to accord with the national legislative requirement for delivery of 10% BNG for major development.

Strategic Policy PBO6: Local Nature Recovery Strategy and Nature Recovery Network

5.23 Strategic Policy PBO6 of the Draft Plan addresses the Local Nature Recovery Strategy and Nature Recovery Network.

5.24 The accompanying EA notes that the limitation of provision of off-site biodiversity provision only within the overall NRN could limit opportunities to deliver otherwise important ecology and biodiversity gains in alternative locations.

5.25 The proposed allocation provides opportunities to protect and enhance habitats in the area, particularly the riparian corridor of the River Otter, and therefore complements Strategic Policy PBo6.

Supported Policies

5.26 Our Landowner supports the inclusion of the below policies:

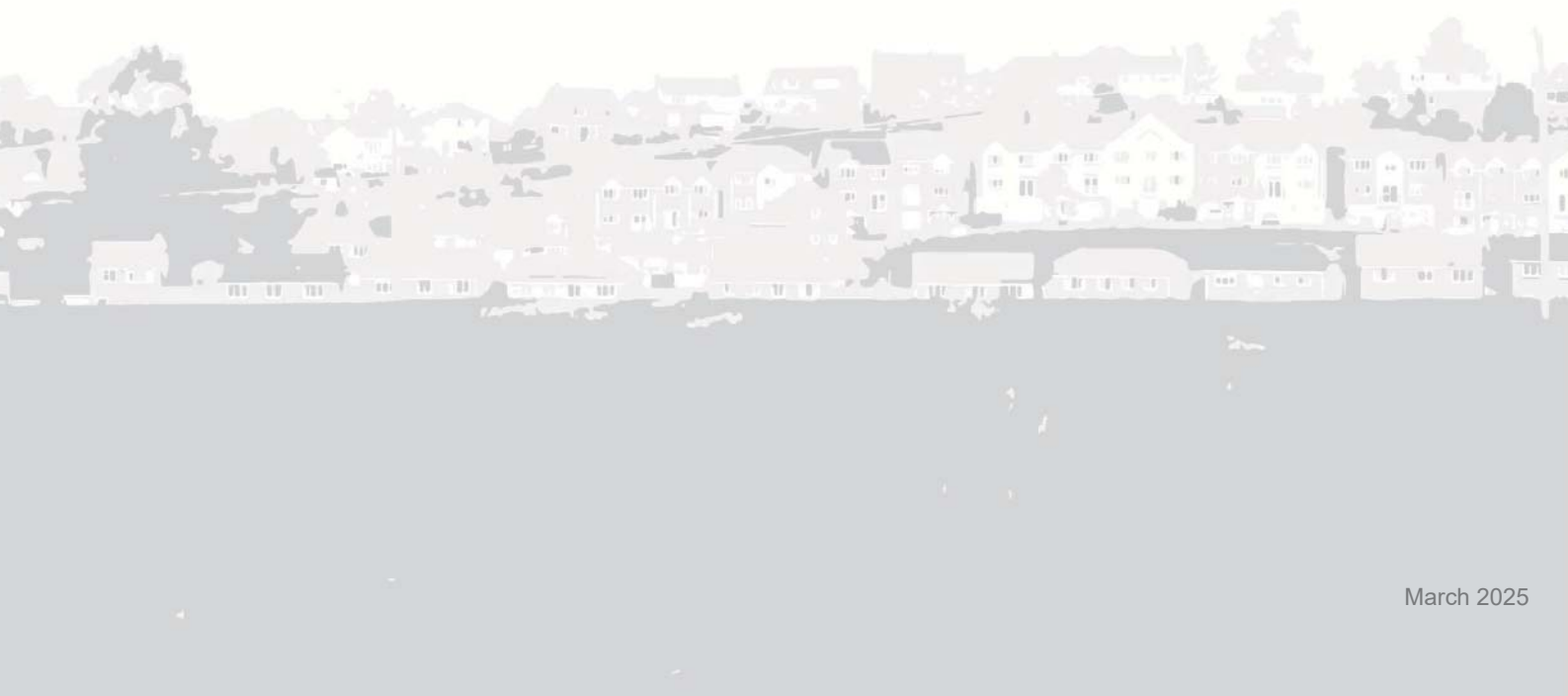
- 1 Strategic Policy PBo1: Protection of internationally important and nationally important wildlife sites.
- 2 Policy PBo3: Protection of irreplaceable habitats and important features.
- 3 Strategic Policy PBo4: Habitats Regulations Assessment.
- 4 Policy PBo7: Ecological enhancement and biodiversity in the built environment.
- 5 Policy PBo8: Tree, hedges and woodland on development sites.
- 6 Policy PBo9: Monitoring requirements for new planting schemes.
- 7 Policy AR01: Flooding.

Appendix 1 Vision Document

Land at Gerway Farm, Ottery St Mary, East Devon

A Vision Document

Submission to the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft - February 2025



March 2025

Land at Gerway Farm, Ottery St Mary, East Devon			Document Ref: 24-54-PL-CR01	
Revisions				
Revision	Date	Description	Prepared	Approved
0	12/03/2025	Document created	JBG	PJR

Maps within this report are reproduced from the Ordnance Survey Map with permission of His Majesty's Stationery Office (c) Crown Copyright License No. AC0000805347



Contents

Section 1

Introduction

Section 2

Understanding the Site and its Wider Context

Section 3

Site Analysis

Section 4

Design Concept

Section 5

Summary

Introduction

The Vision

The introduction of a new, high quality residential development at the southern edge of Ottery St Mary, which would respond positively to the intrinsic qualities of the site and surrounding area and provide a new, sustainable community within an attractive environment.

Objectives

The objective of this Vision Document is to promote the Land at Gerway Farm, Ottery St Mary, East Devon for new residential development as part of its representations to the Emerging East Devon Local Plan 2020-2042 Regulation 19 Publication Draft - February 2025.

The easternmost field on the site benefits from a draft allocation (Otry_21) for 70 houses in the Emerging East Devon Local Plan. This Vision Document will demonstrate how, with the incorporation of the fields to the west, the site can deliver an additional c.80 much needed homes within a generous landscaped framework.

This Vision Document has been prepared on behalf of Mr M J Nancekivell and Mr R P Nancekivell, by The Richards Partnership, with contributions from the project's consultant team.

The Vision Document sets out the policy context and provides an overview of the opportunities and constraints associated with the site as well as an analysis of the wider context. The analysis of these technical considerations have informed the Framework Plan which illustrates how the site provides an opportunity to deliver a new, high quality community at Ottery St Mary.

The Land at Gerway Farm is within a single ownership and the owners are in a position to bring the whole site forward for the provision of these homes.

For this project an experienced consultant team has been assembled, comprising:

Planning -	Lichfields
Urban Design and Landscape -	The Richards Partnership
Highways -	Connect Consultants
Flood Risk and Drainage -	RLRE Consulting Engineers
Utilities -	Travis Baker
Ecology -	Bennu Environmental Ltd
Heritage and Archaeology -	Duncan Coe Heritage

Introduction to the Site

The site is located on undulating land on the north-facing slopes of a small east/west valley at the southern edge of Ottery St Mary, approximately 500m south of the town centre. It falls from an elevation of circa. 58m Above Ordnance Datum (AOD) along its southern boundary close to Gerway Farm to an elevation of circa. 40m AOD close to its western boundary where a small ditch discharges into the River Otter. The land to the north is occupied by modern housing which rises up the opposite side of the valley. Beyond the north-eastern boundary is a more recent introduction in the form of Gerway Close. All of these developments have gardens that back onto the site. Albeit, as a result of the elevated nature of the development many properties overlook the landscape to the south.

The site has been managed as arable in recent years, which appears to have resulted in the removal of several sections of hedgerow. As a result there is not a great deal of vegetation on site away from the peripheral areas.

The site is crossed by a number of Public Rights of Way (PRoW), as well as informal tracks, all of which appear to be well used. It is also crossed by a number of power lines.

A track serving Gerway Farm forms part of the site's southern boundary and is also a PRoW. This links with Sidmouth Road, the primary road linking the town with Sidmouth and the south coast, some 8km distant.

Ottery St Mary lies approximately 2.5km to the south of the A303, one of the primary arterial links between London and the South-West. Exeter is approximately 17km to the west, with Honiton approximately 8km to the north-east and Sidmouth approximately 8km to the south.

The site amounts to an area of approximately 10.64Ha (26.29 acres).



Introduction

Emerging East Devon Local Plan

A significant part of the eastern parcel of the site is the subject of an emerging allocation in the East Devon Local Plan 2020-2042 Regulation 19 Publication Draft - February 2025.

The Local Plan identifies Ottery St Mary as a 'Tier 2 Settlement and, as such, an appropriate location for future growth and development'. Within Strategic Policy SD04: Ottery St Mary and its development allocations, the land is identified as Gerway Farm (Otry_21) and notes:

This land at Gerway Farm, off Sidmouth Road, is proposed for 70 houses. Archaeological assessment is required prior to development. Further flood risk assessment and measures to ensure that safe cycle and pedestrian access to nearby facilities can be achieved will be required.

This site offers a highly sustainable location to help meet Ottery St Mary's housing needs.

However, there is an opportunity to extend this area westwards and provide up to 150 new homes on the wider site within the early/mid part of the plan period.

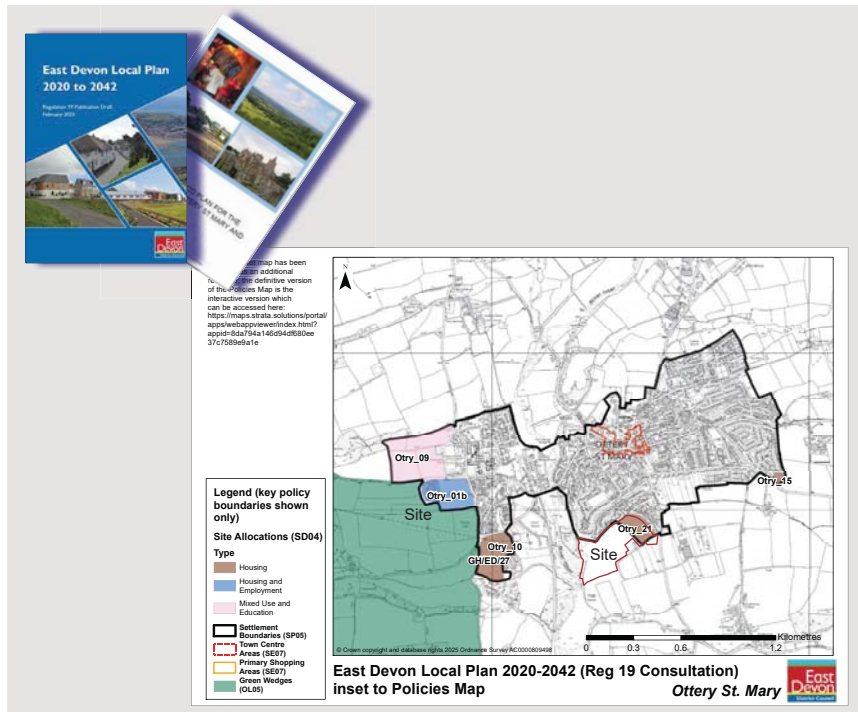
The Neighbourhood Plan for the Parishes of Ottery St Mary and West Hill (2017-2031) contains a Vision Statement for the parish. This notes:

The Vision for the Neighbourhood Plan is to protect and enhance the special qualities of the Parishes of Ottery St Mary and West Hill and to provide a sustainable future for their economy, environment and communities.

The countryside of the Neighbourhood Plan Area is its crowning glory and will be protected for future generations.

The individual character and integrity of the town, villages and smaller settlements of the Parishes within this valued landscape will be supported and enhanced. Appropriately sited new development to support the communities and economy of the Parishes will be of a high quality, locally distinctive and well designed to make positive contributions to their surroundings.

We believe the wider site offers an opportunity to provide a well-integrated, high quality new community which will help to meet the town's housing needs.





Understanding the Site and its Wider Context

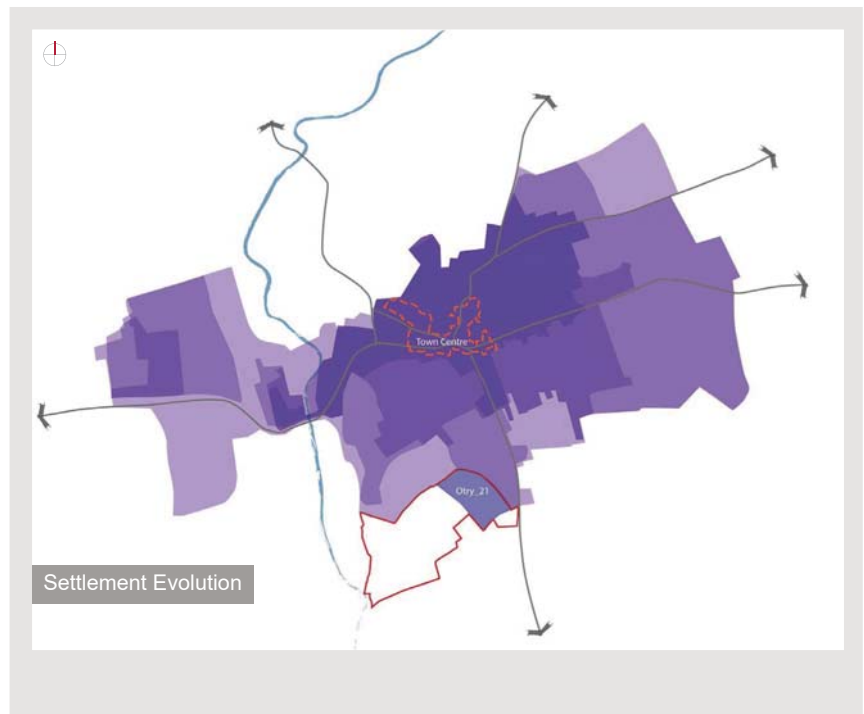
Settlement Evolution

The historic heart of Ottery St Mary is located on rising ground about 400m to the east of the River Otter, which flows southwards towards the coast some 9km distant.

Maps from the late Nineteenth Century show a densely packed settlement focussed around Saint Mary's Church and immediately to the south, with buildings extending eastwards along Mill Street towards the river crossing and westward along Sand Hill Street and Yonder Street. The town experienced minimal growth prior to the Second World War. However, by the late 1950s/early 1960s growth had begun to extend out from this central area. This settlement growth has continued into the Twenty-First Century and today the town extends circa 1.5km eastwards from the River Otter.

Historically there has been a school on the western side of the river, however in more recent years both commercial and residential development has begun to grow up on the western slopes.

The site at Gerway Farm would offer a logical and sustainable extension to the town helping to meet its housing needs.



Local Services and Access

The town centre is located approximately 550m from the centre of the site and as such is within reasonable walking distance of a range of everyday services and facilities. There are opportunities to connect to the existing pedestrian network both via Gerway Close and Claremont Field and thus towards the town centre.

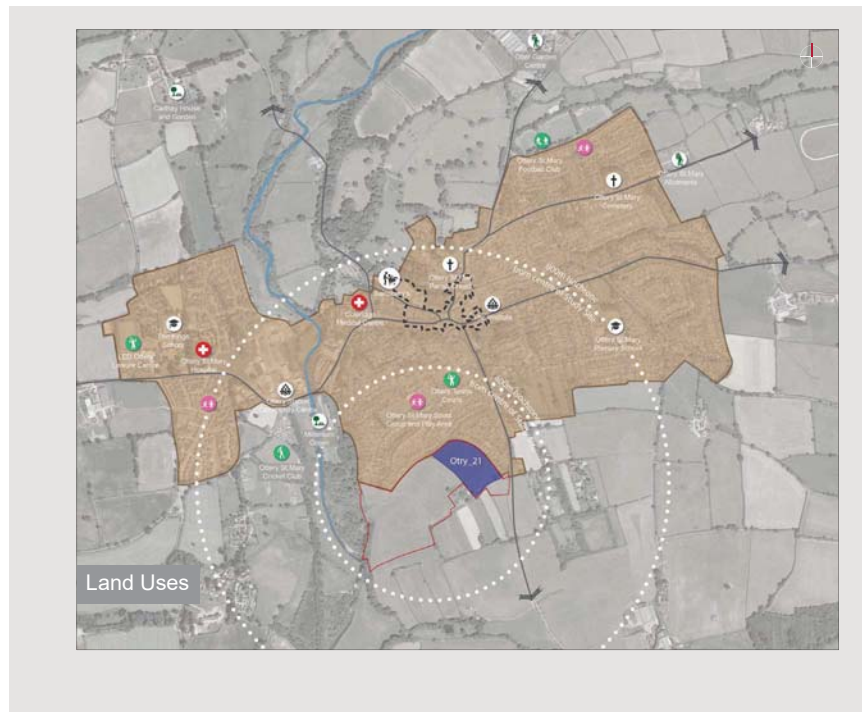
Ottery St Mary has a vibrant town centre with a number of independent shops and cafes, which appear to be well used. In addition, the town benefits from a supermarket, medical centre, community hospital, a secondary school, primary school and nursery and early years provision. All of which would be easily accessed using the existing pedestrian network.

As noted in the Transport Statement a wider range of facilities and the surrounding villages are also accessible within reasonable cycling distance.

The town benefits from bus services to Exeter, Honiton, Axminster and Sidmouth. The nearest stop to the site is on Winters Lane to the north, with additional stops within the town centre.

The nearest railway station in Feniton which is 5.6km away, approximately a 20 minute cycle or a 10 minute drive.

In light of the numerous local facilities and connections to the local pedestrian and cycle network, the site is well-located with opportunities for future residents to make sustainable journeys to and from the site meaning that development of the site would accord with Strategic Policy TR01: Prioritising walking, wheeling cycling and public transport.



Understanding the Site and its Wider Context

Landscape and Visual Appraisal

Preliminary Landscape and Visual Appraisal work has been carried out and has fed into the emerging proposals. This work will be further refined and a full Landscape and Visual Impact Assessment would form part of a future planning application.

The site is not the subject of any landscape designations, albeit there is a visual relationship with East Hill some 1.9km to the east which falls within the East Devon National Landscape. The Neighbourhood Plan has also emphasised the importance placed on the local landscape.

The Site

The site is located adjacent to the urban edge on undulating land which rises up from the southern edge of the town towards an area of plateau adjacent to Gerway Farm alongside is southern boundary. Some 620m of both its northern and eastern boundaries are contained by existing urban form.

The land to the west is contained by the River Otter corridor which is well-wooded and contains views both to the river and further to the west. The southern boundary which adjoins the wider countryside is either undelineated or formed by hedgerows.

The site is currently managed as arable farmland.

Character of the Wider Area

The wider landscape is farmed as a mixture of pasture and arable. A study of historic maps shows that during the Nineteenth Century much of this land was farmed as nurseries and divided into long narrow fields by hedgerows, a pattern which dates back to medieval times. Over the course of the Twentieth Century many of these hedgerows have been removed, although it is still possible to discern some of the older field patterns.

East Hill is formed by a striking long, straight hillside/ridge running north-east to south-west which overlooks the countryside to the west, including the town.

The site and the surrounding area are the subject of a number of different landscape character assessments. The most detailed of these is the East Devon and Blackdown Hills Landscape Character Assessment

(March 2019), a document which has been drawn upon in the Emerging East Devon Local Plan 2020-2042 Site Selection Report Ottery St Mary (February 2025).

Within this document, the greater part of the site (excluding the far western edge which forms part of the river corridor) is identified as **Landscape Character Type 3E: Lowland Plains**. The description of the area includes the following:

This LCT ...comprises the gently sloping/ undulating land which surrounds the valley floors. This is a medium-large scale settled landscape, with villages and farms displaying a variety of building materials, ages and styles. These include the coastal villages of the Exe Estuary, inland villages and occasional estate farms. Much of the LCT remains rural but parts are influenced by new development at Cranbrook and Exeter Airport, and along transport routes. Fertile red soils are a characteristic and are particularly noticeable where arable land use is dominant. There are surviving pockets of traditional orchards, and areas of pasture, paddocks and small woodlands. Fields are generally surrounded by wide hedgerows, often with mature hedgerow oaks, although some hedgerow loss has occurred. Surrounding higher land provides the visual backdrop, and offers views over the Lowland Plains.

When referencing 'What Makes this Landscape Special' the report lists:

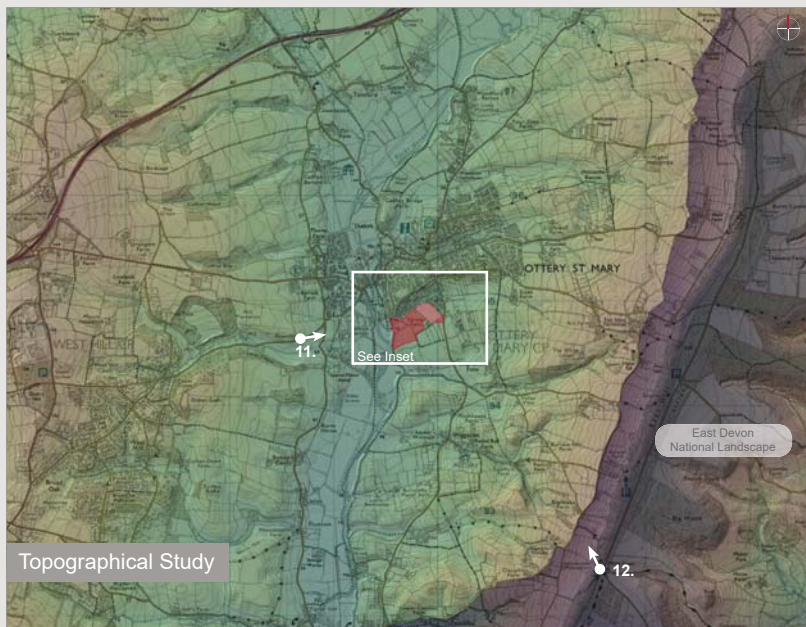
- *Historic small parks and gardens, containing a high proportion of mature and veteran trees.*
- *The range of settlements and building styles, from sleepy coastal villages to Cranbrook new town.*
- *Its unassuming but still attractive rural feel, particularly away from larger settlements and roads.*
- *Its strong visual relationship with surrounding higher landscapes – the Lowland Plains LCT is often seen from above, and is also visually influenced by surrounding LCTs.*

In the context of this report the Ottery St Mary Site Selection Report notes that the site is of Medium Value and goes on to describe it as '**An ordinary landscape which is appreciated by the community, but has little or no wider recognition of its value**'.

This appraisal broadly accords with these conclusions. The site does not display the typical characteristics that are judged to make this landscape character type special. There are few trees of note and many of the historic hedgerows have been removed.

The site, while agricultural in nature, experiences a number of urban influences, primarily from the housing around its boundaries, particularly those on Claremont Field which has been orientated to overlook the landscape to the south. Inevitably the residents of this area will place a higher degree of value on the landscape than others.

Given the above, it is judged that the wider site, extending west from the draft allocation (Otr 21), has the capacity to accommodate new residential development along with generous amounts of landscaping which would help to provide a robust and considered urban/countryside edge.



Understanding the Site and its Wider Context

Visual Appraisal

The site and the surrounding area were visited in February 2025 when the hedgerows had been cut back and the trees were out of leaf. In the summer months views across the landscape would be notably more contained, particularly from the lanes which are generally bounded by high hedgerows which, once grown, will preclude many views out.

The clearest views of the site are, unsurprisingly, from the footpaths that cross, it and while these would be retained within areas of open space, the view available to those using these PRoW would inevitably change.

While the houses on Gerway Close back on to the site, as do the southernmost ones on Claremont Fields, a large number of the properties on Claremont Field have been orientated towards the site and the wider landscape to the south. Views 7 and 8 help to illustrate the typical views from within the southern edge of the town, from which people are afforded long views over the existing houses to the wider countryside including the site.

For those approaching the site from the footpath network to the south, the site is seen in the context of the existing town which rises up to form the skyline. View 9 is located on PRoW Ottery St Mary Footpath 30 as it exits the wooded bank alongside the river and views open up across the fields. As a result of the site's topography, only limited parts of the site are visible from this location.



For those approaching by road from the south views are generally well contained by the high hedgerows and roadside banks, with occasional glimpses to the urban edge signalling the approach of the town. These views would be notably more contained in the summer months when the roadside hedges have matured.

View 10 illustrates the view from Sidmouth Road as it approaches the southern edge of Ottery St Mary. The site itself is not easily discernible and much is hidden as a result of the falling topography, but the town is coming clearly into view rising up the hillside to form the skyline.

Views from publicly accessible areas in the wider landscape were surprisingly well contained, predominantly as a result of the numerous nature hedgerows and blocks of woodland. Views 11 and 12 represent two of the clearest available.

Viewpoint 11 is located on West Hill Road and represents a glimpse view available towards the site to motorists approaching from the west; a view that will be notably more contained in summer.

Viewpoint 12 is located at the small car park at White Cross on East Hill and illustrates the wide panorama visible from this location, where it is just possible to discern the site in the distance in the foreground of the town.



Understanding the Site and its Wider Context

Flood Risk and Drainage

Environment Agency (EA) flood mapping identifies that a portion of the site to the north-west, immediately alongside Claremont Field is within Flood Zones 2 and 3.

According to the UK Government Check Your Long Term Flood Risk service, there are small isolated pockets of land within the site boundary that are indicated to be at risk from a yearly chance of flooding from surface water, including in the 2040 to 2060 period. This negligible risk is associated with low lying land. Reproiling of existing topography and the introduction of a drainage system to serve the proposed development will eliminate this risk.

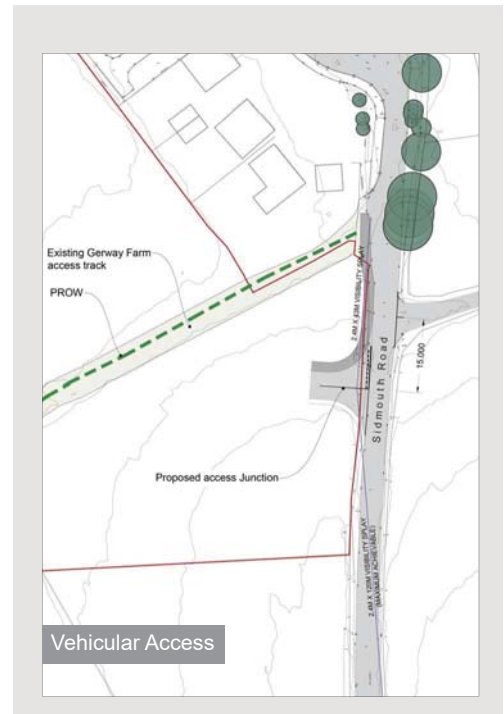
The primary approach to resisting the impact that new development could have on future floods is to put the most vulnerable aspects of development, such as housing, highways and other essential infrastructure to the lowest risk parts of the site, and allocating low vulnerability uses, such as amenity space or agriculture in areas at higher risk.

The area of the site within Flood Zones 2 and 3 is associated with a natural valley that falls towards the River Otter to the west of the site. Existing site topography that aligns with the valley ranges steeply from 40m to 50m AOD. The topography continues to rise from its northern boundary and becomes flatter. Levels along the southern boundary reach up to 60m AOD. With such an extensive level range the natural site topography provides resilience to the possible impact of future climate change that might lead to flood levels rising.

As a secondary flood resilience measure, finished floor levels can be elevated above the minimum of whichever is higher of the following:

- Average ground level
- Adjacent road level
- Estimated river flood level

A Flood Risk Assessment to support a future planning application is expected to demonstrate that by maintaining current ground levels within the high risk flood zone areas, and not placing any vulnerable aspects of development within it, including access and egress, new development will be safe for its lifetime.



Access

Vehicular access would be provided from the site's eastern boundary from Sidmouth Road.

Sidmouth Road is a single carriageway road. To the north of the proposed access point the road is the subject of a 30mph speed limit which extends into Ottery St Mary, to the south the speed limit is 60 mph.

Initial analysis and assessment has demonstrated that a new site access junction on Sidmouth road is achievable, accommodating pedestrian movements and the anticipated vehicle movements, providing appropriate visibility and capacity. The site will comply with the proposed Emerging East Devon Local Plan - Strategic Policy TR03: Travel plans, transport statements and transport assessments.

Historic Environment/Heritage

Ottery St Mary has expanded considerably in the later Twentieth Century, and the site lies adjacent to Twentieth/Twenty-First Century housing to the north and west.

A full desk-based heritage assessment was undertaken for the site in 2023¹, which considered the potential implications of development on the archaeological resource and the wider historic environment, including a full heritage settings assessment. A geophysical survey of the site was also undertaken in 2023², providing further evidence for the archaeological potential.

East Devon District Council have published their own assessment of the development potential of the site which includes commentary on the possible heritage impacts³. However, it is noted that the site discussed in that report (GH/ED/29) is for a site covering 19.32ha and includes land to the south of that being considered in this assessment.

Archaeologically there is evidence in the wider landscape for prehistoric activity, with Neolithic, Bronze Age and Iron Age finds and features being recorded. A number of undated sites are recorded from aerial photography that appear in form to date to the prehistoric period. The Romano-British period is less well represented, but some activity of this period was found during construction of a gas pipeline c.180m to the south.

The geophysical survey has located two enclosure features, one that

may be associated with a larger enclosure, of a form that suggests they may be of later prehistoric or Romano-British date. There are no internal features recorded so their interpretation remains tentative. Some linear features are also present that probably pre-date the medieval field system. Further archaeological field evaluation of these features will be required.

The settlement of Ottery St Mary has its origins in the early medieval period and flourished through the later medieval period. The site appears to have been part of the open field system associated with the town in the later medieval period. The layout of thin strips was preserved in part in the layout of the later medieval and post medieval field pattern, suggesting an early date for the 'enclosure' of this landscape. The field pattern survives in part, to the south of the site, but has been eroded from the later Nineteenth Century through the middle of the Twentieth Century with the removal of hedgerows to create larger fields more suitable to modern farming techniques. The geophysical survey has recorded the sub-surface remains of the former field boundaries.

There are a number of Listed Buildings within Ottery St Mary, mainly contained within the town's designated Conservation Area. There are no Scheduled Monuments, Registered Parks and Gardens or Registered Battlefields in the area. The Listed Buildings and Conservation Area are separated from the Site by Twentieth Century housing developments, and it is unlikely that there would be any intervisibility between them and the new housing proposed. At this stage there is nothing to suggest that the significance of any of the designated heritage assets would be impacted should residential development proceed on the site in the form and scale envisaged.

Further archaeological investigation is required to provide more detail of the features recorded in the geophysical survey, but there are no indications at this stage that any of the features are of the higher level of significance that would warrant preservation in situ.

The field system on the proposed development area has been largely lost through the later Nineteenth and Twentieth Centuries. Those hedgerows that do survive would be preserved within the development. Further the opportunity exists to restore some of the lost fields in the western parcel, an area that will be used for green/recreational purposes, presenting a heritage benefit.

No potential impacts through a change to their setting on designated or locally important non-designated heritage assets have been identified. The proposal area benefits from detailed desk-based assessment and geophysical survey. Whilst further archaeological fieldwork is required to provide more detail on the features located on the geophysical survey, at the current time no heritage constraints have been identified that would prevent development on the site.

Ecology

The site does not form part of any site designated for its nature conservation value, nor does any such designated site exist in the immediate vicinity of the site.

Broadly, the site comprises grassland under agricultural management, hedgerows, ruderal vegetation and a ditch (in the north) which is understood to be seasonally wet (dry for significant parts of the year).

The site is dominated by improved (modified) grassland which has limited ecological value. The hedgerows and trees are of greatest ecological value in the context of the site.

To the west of the site lies the River Otter and its riparian corridor which is dominated by a mix of woodland, scrub and grassland. The river and associated riparian corridor are considered to be a sensitive ecological receptor.

A future planning application would be supported by a range of detailed ecological surveys and assessments. However, it is clear that the significant area available for ecological mitigation and enhancement, means that appropriate and proportionate ecological mitigation measures for faunal species can be effectively delivered within the site.

BNG requirements, as defined through statute and planning policy would be fully met by development proposals associated with the site. The size of the area available for ecological enhancement at the site (and the typology of baseline habitats) offers the opportunity to deliver significant enhancement over baseline conditions.



¹ AC Archaeology 2023 'Land at Gerway Farm, Ottery St Mary, Devon (Centred on NGR SY 0983 9474): Historic Environment Assessment' - Report No: ACD2689/1/0
² Edwards, M. and Trick, S., 2023. 'Land at Gerway Farm, Ottery St Mary, Devon. An archaeological magnetometer survey'. Substrate report ref. 20202114-1
³ East Devon District Council February 2025 'East Devon Local Plan 2020-2042: Site Selection report - Ottery St Mary'

Site Analysis

Opportunities

- Provision of new, high quality open market and affordable homes;
- Location within walking distance of town centre and everyday amenities and facilities;
- Capitalise on existing pedestrian linkages to the town and wider PRoW network;
- Opportunity to provide new, accessible areas of open space;
- Opportunity to enhance and manage areas of open space through planting and the incorporation of sustainable drainage features for biodiversity;
- Opportunity to reinstate historic hedgerows and bring forward heritage benefits;
- Opportunity to reinforce Green Infrastructure network; and
- Opportunity to improve the urban/countryside interface with a more considered landscaped southern boundary.

Constraints

- Existing trees and hedgerows to be protected and incorporated into the proposals;
- Existing PRoW to be retained and incorporated into open space within the scheme;
- Flood risk zone in north-western part of site where development will need to be avoided;
- Areas of steeply sloping ground where retaining structures may need to be incorporated into the design;
- Electricity cables which would need to be re-routed and/or undergrounded; and
- Residential amenity of neighbouring properties.

Legend



Urban Visual Threshold



Topographical Visual Threshold



Electricity Wires



PRoW



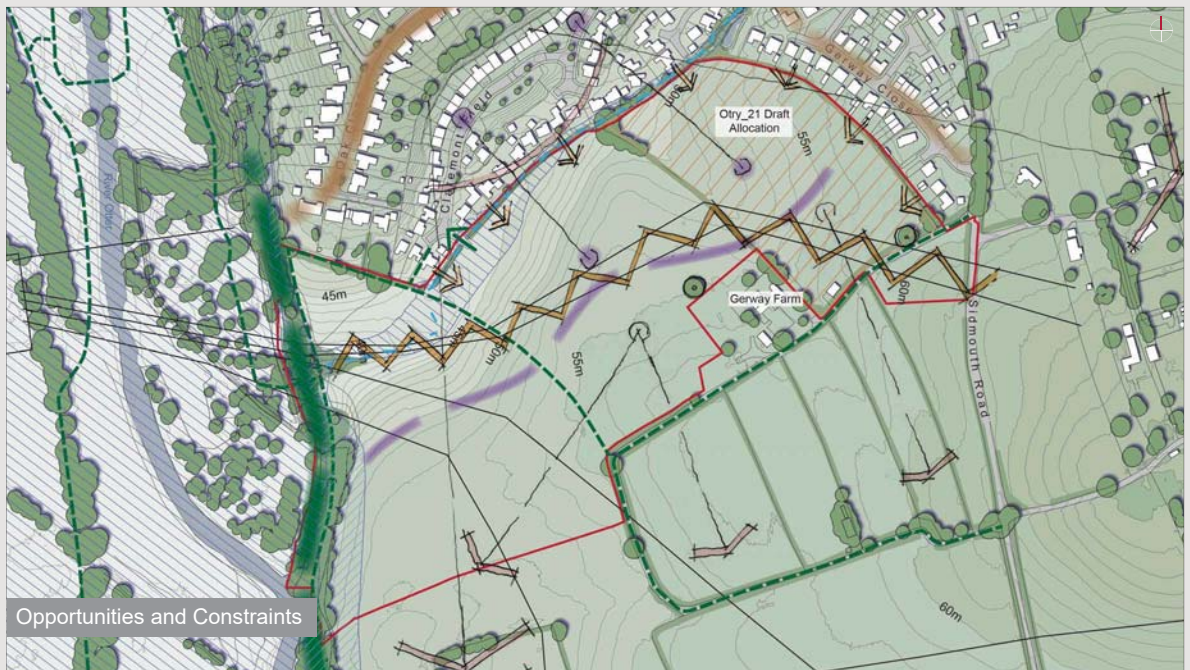
Flood Zone



Publicly Available Long Views



Privately Available Near Views



Design Concept

The design concept has evolved from the consultant team's findings and recommendations. The extent of development and the resulting Framework Plan are underpinned by a series of design principles and considerations. These principles and considerations are shown in the following diagrams:



1 Existing Features

The site falls in elevation from its southern boundary towards the existing urban edge where it meets a small ditch which flows westwards towards the River Otter. For a short stretch at the western end of the site the ditch is culverted.

The site's northern and eastern boundaries are contained by built form. Houses back onto the site and there is no considered urban/countryside interface.

Historic field patterns have been degraded over the course of the last century as a result of notable lengths of hedgerow removal. As a result, beyond the hedgerow to the north of Gerway Farm there is little in the way of vegetation away from the site's peripheries. There are only a small number of trees of note.

The site is crossed by a number of overhead power lines (11 and 33 kV), as well as several, well-used PRoW.

2 Green Infrastructure

The Framework Plan has evolved to place built form in the eastern part of the site, comprising the draft allocation and the adjacent field, and a large area of open space adjacent to the River Otter at the western side of the site.

The proposal would see the incorporation of an integrated sustainable drainage system (SuDS) comprising a series of open attenuation basins which would be designed and managed to encourage biodiversity. The existing ditch, which is dry for large parts of the year, would be retained within a buffer of open space which would include additional native planting.

Street tree planting would be incorporated throughout the development providing both green infrastructure linkages and helping to soften and assimilate the proposals into their wider surroundings over the long term.

The western part of the site would be managed as an accessible area of open space which would retain the existing PRoW and incorporate additional routes.

New hedgerows would be planted along the southern boundary, partially reinstating the historic field pattern as well as providing linkages for flora and fauna.

The wider area would incorporate blocks of native planting and grassland and would be managed to encourage biodiversity.

There is an opportunity to deliver significant enhancement over baseline conditions.



3 Access and Circulation

Vehicular access would be via a new dedicated junction off Sidmouth Road, with a primary loop serving the central area of the site. Secondary roads and private shared drives would provide access to the housing outside the primary loop.

There are a number of PRoW on the site, all of which would be retained within areas of public open space. These provide connections to both the town to the north and the wider footpath network to the south. The current PRoW network provides a connection onto Claremont Field at the north-western end of the site. In addition a footpath/cycleway connection would be provided at the existing hammerhead.



4 Development

The preceding design considerations have been brought together to guide the disposition of dwellings, open space, buffer planting, SuDS, circulation and green infrastructure.

The development cells show how the site might be configured to provide an attractive residential development set within a framework of green infrastructure with a generous amount of open space.

Buildings would be configured to provide natural surveillance over open space areas and along the access network, as well as at the entrance the site which would form part of a new introduction to the town.

Design Concept

Framework Plan

The Framework Plan has been developed to demonstrate the deliverability of a new residential community at Ottery St Mary. The layout has evolved as a result of inputs from the wider consultant team with regards to the opportunities and constraints presented by the site.

Emerging East Devon Local Plan 2020-2042 - Strategic Policy DS02: Housing density and efficient use of land notes:

Proposals for residential development should optimise the density of the site in a manner that conserves or enhances the character of the area and makes efficient use of land.

The proposed development would provide c.150 new homes (at a density of circa 35 dph) set within a generous area of open space. Provision will be made for affordable, accessible/adaptable housing and the potential for self-build/custom built housing.

Development would be accessed via a new, dedicated junction off Sidmouth Road. Housing would be located in the two easternmost fields of the site, adjacent to the existing urban edge, with a large area of open space retained at the western end of the site.

Emerging East Devon Local Plan 2020-2042 - Strategic Policy DS01: Design and local distinctiveness notes:

The layout and design of building curtilages, roads, parking, pavings, open space, site furniture footpaths and boundary treatments should make a positive contribution to the street scene / public realm and the integration of the development with its surroundings and setting. Recycling and waste storage facilities should be in locations well related to collection points. Particular care will need to be given to boundary treatments that abut public or communal areas in order to avoid adverse impacts.

The Framework Plan has been developed with these aspirations in mind and further, detailed work, would of course be undertaken in due course.

Wherever possible housing would be orientated to present an active frontage and overlook open space. This would include the site entrance where housing would face southwards, presenting an attractive introduction to the development and along the western, northern and southern elements of the development where housing would overlook open space.

Emerging East Devon Local Plan 2020-2042 -Strategic Policy DS04: Green and blue Infrastructure notes:

Development in East Devon will deliver high quality multi-functional Green and Blue Infrastructure in accordance with Natural England's Green Infrastructure Framework.

The proposed new housing would incorporate a comprehensive landscape strategy including sustainable urban drainage, new/reinforced wildlife habitats, native planting and a large accessible area of open space.

The removal of hedgerows would be kept to a minimum and only undertaken where it would be required to facilitate connections and access.

A sustainable drainage system would be incorporated into the scheme, with organically designed basins which would be planted to encourage bio-diversity.

Tree planting would be incorporated within the streetscape as well as around the site's peripheries and the large area of open space to the west.

In addition to informal open space, more formal sport and play facilities will be incorporated as appropriate to accord with Emerging Local Plan 2020-2042 Strategic Policy OS01: Access to open space and recreation facilities and OS02: Sport, recreation and open space provision in association with development.

The Framework Plan opposite illustrates how the Land at Gerway Farm, incorporating both the draft allocation site (Otry_21) and the adjacent land to the west, could be developed to provide a new, sustainable community at the southern edge of Ottery St Mary and thus help meet the town's housing needs.

When developing the scheme the consultant team have been mindful the site's opportunities and constraints as well as existing and emerging Local Plan policies. As a result we have developed a proposal which we believe successfully responds to the site and its surroundings.



Summary

This Vision Document has been prepared on behalf of Mr M J Nancekivell and Mr R P Nancekivell to promote the Land at Gerway Farm, Ottery St Mary for a new residential development of c.150 dwellings.

The eastern part of the site is covered by an area that already benefits from a draft allocation for 70 dwellings (Otry_21) in the Emerging East Devon Local Plan 2020-2042 Regulation 19 Publication Draft - February 2025.

In addition to this land Mr M J Nancekivell and Mrs R P Nancekivell also own the fields to the west of this site, extending to the banks of the River Otter. Given that the land is in one ownership, development could realistically be brought forward in the early-mid part of the plan period.

This Vision Document has been developed with the benefit of technical and design input from an experienced team who have demonstrated that the site presents a sustainable and deliverable opportunity to provide much needed homes in the town.

The Framework Plan provided has evolved as a result of the consultant team's analysis of the site's opportunities and constraints.

The development has been configured to site the housing within an enhanced network of green infrastructure comprising generous swathes of open space and structure planting which would provide a robust and considered urban/countryside interface as well as an attractive setting for the development itself.

A sustainable drainage system would be designed as organic shaped basins with planted edges that would be managed for ecological benefit.

New planting would be incorporated within the streetscape as well as around the site's peripheries and the wider area of open space to the west.

New vehicular access would be provided off Sidmouth Road. Pedestrian and cycle connections would also be provided via Claremont Field into the town and south to the wider footpath network.

The development of the Land at Gerway Farm, Ottery St Mary would provide a range of attractive, good quality homes. The development would be sensitively designed, responding positively to the intrinsic qualities of the site, the town and the wider landscape.



Project: Land at Gerway Farm, Ottery St Mary, East Devon
Date: March 2025
Client: Mr M J Nancekivell and Mr R P Nancekivell



Appendix 2 Highways and Transport Technical Note

MR M.J. NANCEKIVELL AND MR R.P. NANCEKIVELL
OTTERY ST MARY – LAND AT GERWAY FARM
TECHNICAL NOTE 1 – HIGHWAYS AND TRANSPORT
26TH MARCH 2025

1.0 Introduction

- 1.1 Connect Consultants Limited is a firm of transport planning and highway design consultants that have been instructed by Mr M.J. Nancekivell and Mr R.P. Nancekivell in relation to land at Gerway Farm, Ottery St Mary (hereinafter referred to as 'the Site').
- 1.2 This technical note has been written to accompany representations to East Devon District Council in response to the East Devon Local Plan (EDLP) 2020 to 2042 Regulation 19 Publication Draft February 2025. Part of the Site (to the east) is proposed as a draft allocation for 70 houses
- 1.3 This Technical Note considers the feasibility in highways and transport terms of a residential development of around 150 dwellings on the Site at Gerway Farm and demonstrates that the surrounding area can support development on the Site, and that suitable access is available.
- 1.4 It considers the Site in the context of the relevant transport policies in the publication draft ELDP, and is structured as follows: section 2 outlines the site's transport context; section 3 considers the transport reports necessary to support a future planning application at the Site and provides some initial traffic analysis and assessment; section 4 considers the residential parking standards; section 5 discusses the aerodrome safeguarding area; and section 6 offers a summary and conclusion.

2.0 Site Transport Context

- 2.1 This section of the report considers the local strategic policies and analyses the accessibility of the Site in terms of walking, cycling, buses, and trains. It specifically examines how these modes of transport provide access to key employment hubs and essential amenities.

EDLP Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport

"Walking, wheeling, cycling and public transport should be the natural first choice for short local journeys, or as part of a longer journey. Walking and cycling routes must be prioritised in new development (specifically including where land is allocated for development) – such routes should be coherent, direct, safe, comfortable, and attractive. Where appropriate, cycle paths should be segregated from pedestrians to reduce the potential for conflict (for example, where high usage levels are anticipated). Proposals for walking and cycling routes should be aligned with the Local Transport Plan and, where relevant, the Clyst Valley & New Communities and Countywide Local Cycling and Walking Infrastructure Plans.

New development (specifically including where land is allocated for development) should facilitate access to high quality public transport through its location, layout, and, where necessary, contributions to public transport services and/or facilities (for example, bus services, bus stops, bus priority measures, rail infrastructure). In particular, development should be aligned with Devon County Council's Bus Services Improvement Plan.

Where appropriate, development should provide, or otherwise make contributions to, an easy interchange between active and shared transport modes through the delivery of mobility hubs. Development which would result in the loss or reduce the convenience or attractiveness of an existing or proposed footpath, cycleway or bridleway, will not be permitted unless an acceptable alternative route is provided. This policy applies across the whole plan area including the Cranbrook Plan area."

- 2.2 The justification for the policy refers to the CIHT document 'Planning for Walking' (April 2015), as follows:

"Studies suggest that most people prefer to walk if their destination is within 1.6 km (1 mile), typically 800m (0.5 miles). Factors such as topography, surveillance, directness, and attractiveness also influence walking choices. While it is unrealistic to require all new developments in rural East Devon to be within 800m of key services and facilities, this is feasible in larger settlements and developments."

- 2.3 We acknowledge and support the principles of this policy, the section below shows how the Site is in a good location to encourage sustainable transport use for journeys by foot, bike, bus, and train.

Pedestrian Access

- 2.4 The Department for Transport's (DfT) document titled 'Manual for Streets' dated 2007 provides guidance in relation to walk distances. Section 4.4 gives the following advice:-

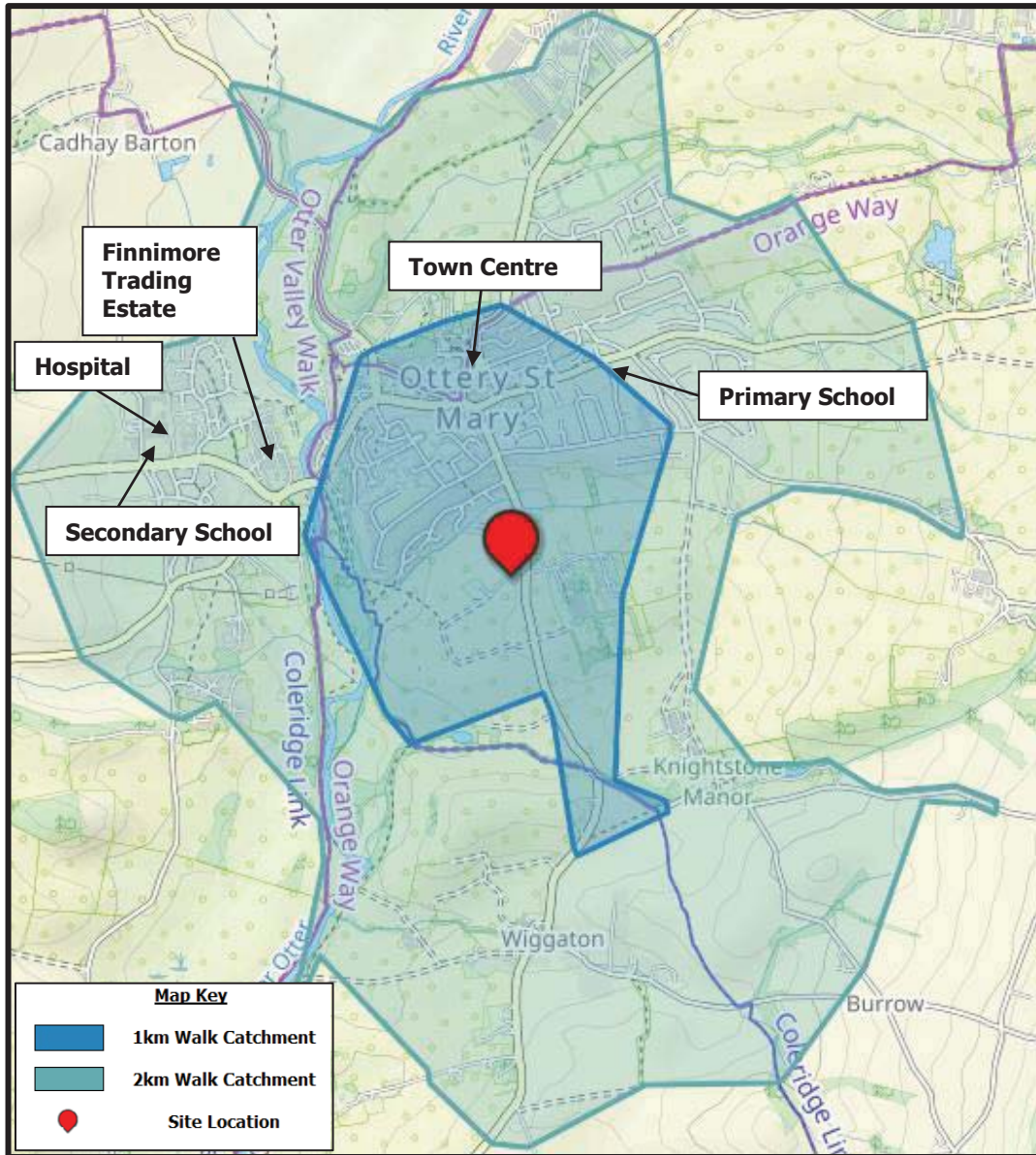
"Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot".

- 2.5 The CIHT document 'Planning for Walking' (April 2015) reiterates the advice presented in 'Manual for Streets', Section 6.4 of 'Planning for Walking' states the following:

"Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design."

- 2.6 Furthermore, 'Planning for Walking' indicates that approximately 80% of journeys shorter than 1 mile (1.6km) are made wholly on foot.
- 2.7 Table 3.2 of The Institute of Highways and Transportation (IHT) guidance document titled 'Providing for Journeys on Foot' identifies a maximum walk distance of 2.0km for commuter, school and sightseeing walk trips, 800m for town centre walk trips and 1.2km for trips elsewhere.
- 2.8 The actual distance that people will be prepared to walk will vary depending on the trip purpose and other factors such as the presence of road crossings, terrain, and the attractiveness of the environment. For retail trips, the likely maximum walk distance is 800m due to the fact that shoppers will be carrying bags on their return journey, while for work-based / commuting trips, people are likely to be prepared to walk further.
- 2.9 Indicative walking catchments of the Site are shown at Figure 2.1 below. These have been shown as 1km and 2km isochrones.
- 2.10 The walk catchments above indicate that there are a range of facilities within a 1km walk of the Site which includes the town centre, as well as employment destinations within the 2km walk catchment, including Ottery St Mary hospital, Finnimore Trading Estate, and several schools.
- 2.11 A pedestrian route exists between the Site and the town centre, via footways through Gerway Close and the footway on Sidmouth Road which continues into the town centre. Uncontrolled pedestrian crossing facilities with tactile paving are provided across the Claremont Field junction and at the Winter's Lane crossroads.
- 2.12 A public footpath at the western end of the Site provides a pedestrian route into Claremont Field with onward pedestrian footways to Sidmouth Road and the town centre.
- 2.13 There are also public rights of way through the Otter Valley immediately west of the Site, which connect to the western parts of Ottery St Mary including the hospital, secondary school, trading estate, and the town centre.

Figure 2.1 – Indicative 1km and 2km Walking Catchments



Source: OpenRouteService.

Access by Cycling

- 2.14 The 2023 National Travel Survey table NTS0303 identifies average journey lengths by cycle in England of c.4.8km. The CIHT document titled 'Planning for Cycling' (October 2014) indicates that 80% of cycling trips are up to five miles (8km) and 40% are less than two miles (3.2km). This suggests that cycling can offer an alternative to car travel particularly for trips of less than 8km.
- 2.15 Indicative cycle catchments are shown at Figure 2.2 below, being a 5km catchment (representing the 4.8km NTS average cycling distance) and an 8km catchment (being the distance of 80% of cycle trips).

Figure 2.2 – Cycle Catchment Area



Source: OpenRouteService.

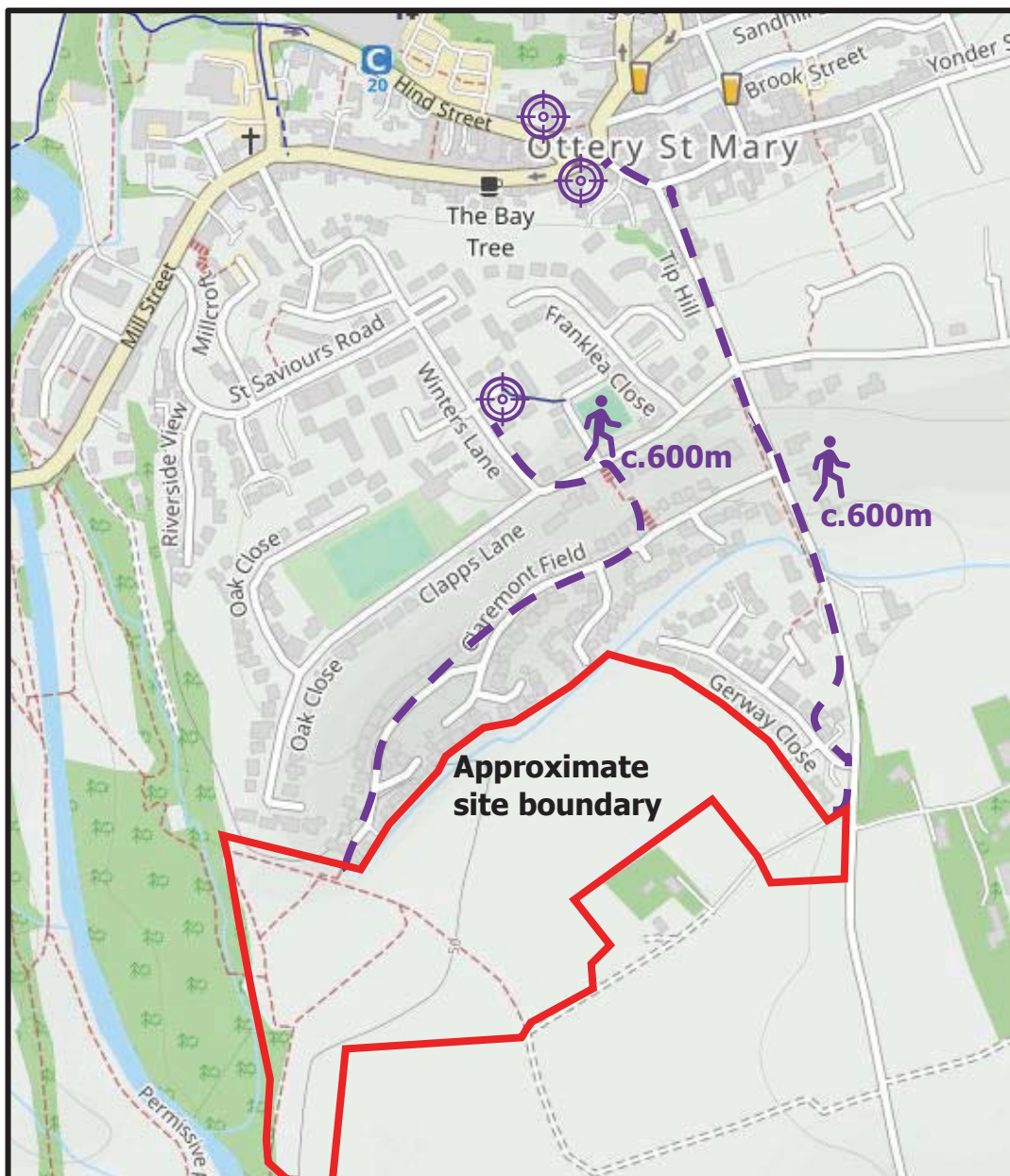
- 2.16 The 5km cycle catchment includes all of Ottery St Mary, and the villages of Alfington, Tipton St John, and West Hill.
- 2.17 The 8km cycle catchment includes the villages of Buckerell, Fenny Bridges, Gittisham, Sidbury, the parts of Sidmouth and Colaton Raleigh, Newton Poppleford, Aylesbeare, Marsh Green, Whimple including the train station, and Feniton also including the train station.
- 2.18 There are therefore a number of destinations within cycling distance of the Site.
- 2.19 Considering that the roads local to the Site are urban in character, and that the local topography is generally gentle, there are realistic and viable opportunities for future residents of the Site to make trips by cycling.

Access by Bus

- 2.20 The publication 'Planning for Public Transport in Developments' produced by the Institution of Highways and Transportation (IHT) specifies that new developments should be located within 400m of the nearest bus stop.

- 2.21 The nearest bus stop to the Site is located on Winters Lane, with two further stops on Broad Street in the town centre. Both the northbound and southbound stops have flag-and poles with timetables.
- 2.22 The bus stops and the likely walking routes to/from the Site are shown at Figure 2.3 below.

Figure 2.3 – Bus stop locations



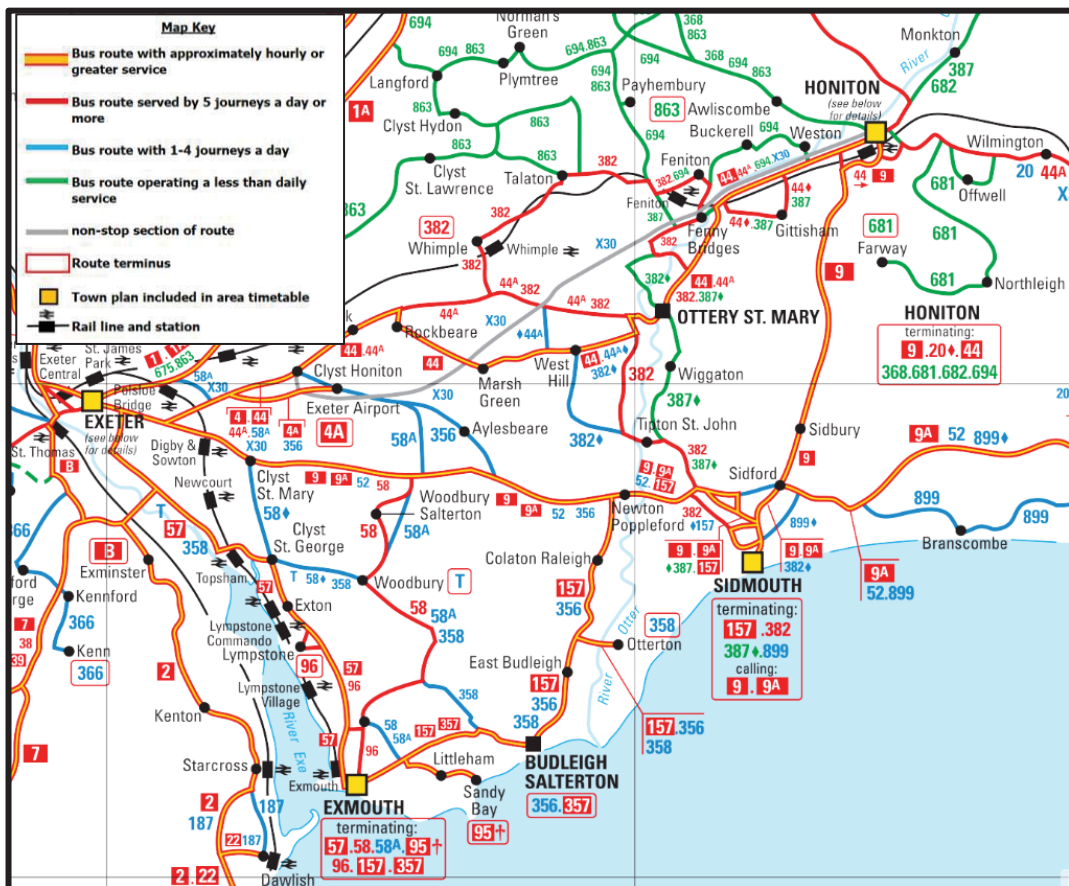
Source: Google. N.B All Distances, Locations and Areas approximate.

- 2.23 Table 2.1 below summarises the routes that serve the above bus stops, showing that there are regular and frequent buses between the Site and the local area.

Table 2.1 – Bus Service Details

Service	Bus Stop	Route	Approximate Peak Frequency / Period		
			Monday - Friday	Saturday	Sunday
44	Broad Street	Honiton – Exeter City Centre	Once per hour	Once per hour	None
44A	Broad Street	Axminster – Exeter City Centre	Every 1.5 hours	Every 1.5 hours	Two per day
381	Broad Street	Ottery Town Service Circular	4 on Mondays 7 on Thursdays	None	None
381	Winters Lane	Ottery Town Service Circular	3 on Mondays 7 on Thursdays	None	None
382	Broad Street	Whimble – Sidmouth	Every 2 hours	Every 2 hours	None

2.24 The bus routes serving Ottery St Mary are shown in Figure 2.4 below.



Source: Devon County Council BSIP, 2024, 16.

2.25 It is important to note that 45% of parishes in Devon have bus services that are less frequent than daily, or in some cases, no service at all. In contrast, only 25% of Devon's parishes benefit from a bus service that operates on an hourly or more frequent basis (Devon County Council BSIP, 2024, 25). Ottery St Mary is among the top 25% of Devon's parishes in terms of bus service frequency. Additionally, as part of Devon's bus network planning and improvements to bus services they aim to improve service frequencies from the main surrounding towns to Exeter, one of which is Ottery St Mary (Devon County Council BSIP, 2024, 69). This includes the following:

- *In the first phase to a minimum frequency of 20 minutes.*
- *In the second phase to a minimum frequency of 15 minutes.*
- *Introduce early journeys at 0500 to cater for work journeys.*
- *Later last buses at midnight to cater for shift workers and those working late.*
- *Improve Sunday buses to operate hourly.*
- *Improve Park & Ride Services in Exeter.*

2.26 Having regard to the proximity of the bus stops, the frequency of buses and the areas that the existing local buses serve and the targeted increased frequency of buses to and from Exeter (44/44A), the Site is accessible by public transport.

Access by Rail

2.27 The nearest train station to Ottery St Mary is Feniton which is 5.5km away, approximately a 20-minute cycle or a 10-minute drive.

2.28 Feniton Station has services to London Waterloo and Exeter Saint Davids.

2.29 It is therefore feasible that some longer journeys to/from the proposed development can be made by train, with the connection between the station and the site being made by bike, taxi, bus, or car-share.

Access to Facilities

2.30 This section considers the Site's accessibility to key services and facilities, in comparison to the national averages.

2.31 The Department for Transport (DfT) publish annual estimates of travel times from where people live to key local services including primary schools, secondary schools, GPs, hospitals, food stores, town centres and employment centres. These are known as the Journey Time Statistics (JTS) series, the latest set were recorded in 2019 (published in November 2021).

2.32 The statistics are published at national, regional, local authority and small area (Lower Super Output Area) level, for the eight key local services presented above, and for the following three modes of transport; public transport / walking, cycle and car.

2.33 The 2019 JTS "cycle time" has been converted to 'average distance' using the assumption that the average cycle speed is 16 km/h (the most common cycle speed input to the program used when calculating the JTS).

2.34 The average accessibility distance has been calculated by multiplying the average minimum cycle time (in minutes) presented at Table JTS0101 by 16 (km) and dividing by 60 (1 hour) to give the average distance.

Access to Employment

2.35 The national average accessibility distance to the nearest employment centre (one which provides 100-499 jobs) is 2.3 km.

2.36 The key employment destinations close to the Site are Ottery St Mary town centre and Fynnimore Trading Estate. This is closer than the national average accessibility distance; therefore, future residents of the proposed development will benefit from being closer to their nearest employment centre than the average resident of England.

Access to Education

2.37 The statutory maximum walking distance for primary school pupils to their school is two miles (3.2km); for secondary school pupils, the statutory distance is three miles (4.8km).

2.38 Data from the National Travel Survey¹ (NTS) shows that the proportion of primary pupils who walk to school decreases sharply as trip lengths exceed one mile (1.6km). This is shown in Table 2.2 which is a summary of NTS Table 0614, "trips to school by main mode, trip length and age".

Table 2.2 – NTS 0614 Trips to School; Summary Table

Age Group	Mode \ Distance	<1 mile (%)	1-2 miles (%)	2-5 miles (%)	5+ miles (%)
5-10 years	Walk	86	18	0	0
	Bicycle	1	2	0	0
	Car/van	12	78	77	72
	Bus	1	3	22	14
	Other	0	0	1	14
11-16 years	Walk	90	62	7	0
	Bicycle	1	7	11	0
	Car/van	5	19	42	37
	Bus	4	12	38	44
	Other	0	0	2	19

2.39 The JTS average accessibility distance to the nearest primary school is 2.3 km, and to the nearest secondary school the JTS average accessibility distance is 3.8 km.

2.40 The closest primary school to the proposal site is Ottery St Mary Primary School, c.1.1km walk distance from the centre of the Site.

¹ Table 0614 'trips to school by main mode, trip length and age', National Travel Survey, 2022.

- 2.41 The closest primary school is therefore within the national average distance and the statutory maximum walking distance for children of primary school age. As shown in Table 2.2, 88% of journeys made by 5-10 year olds to schools less than one mile away are made by non-car modes.
- 2.42 The closest secondary school to the proposal site is The King’s School, c.2.0km by road from the Site, or c.1.3km walking via public footpaths west of the Site.
- 2.43 This is within the statutory walking distance for children over the age of eight, and shorter than the average accessibility distance. As shown in Table 2.2, for school journeys of two-to-five miles being undertaken by 11-16 year olds, 56% are undertaken using non-car modes.

Access to Other Facilities

- 2.44 The 2019 JTS average accessibility distance to the nearest town centre is 4.6km. The centre of Ottery St Mary, which contains a variety of retail attractions in addition to a range of restaurants and other facilities, is closer than the national average at c.800m from the Site.
- 2.45 The 2019 JTS average accessibility distance to the nearest food store is 2.3km. The Sainsbury’s Superstore is located c.850m from the Site and is therefore closer than the national average distance.
- 2.46 The 2019 JTS average accessibility distance to the nearest GP surgery is 3.0km; the Coleridge Medical Centre is c.1km from the Site and is therefore closer than the national average distance.
- 2.47 The 2019 JTS average accessibility distance to the nearest hospital is 10.0km; Ottery St Mary Hospital is c.1.9km from the Site, again, closer than the national average distance.
- 2.48 Table 2.3 summarises the relevant accessibility distances set out above.

Table 2.3 – Accessibility Distance Summary

Destination / Purpose	2019 JTS	Distance from Site	Destination Name
Employment (100 – 499 Jobs)	2.3km	c.500m – 1km	Ottery St Mary Town Centre
Primary School	2.3km	c.850m	Ottery St Mary Primary School
Secondary School	3.8km	c.1.9km	The King’s School
Hospital	10.0km	c.1.9km	Ottery St Mary Hospital
GP Surgery	3.0km	c.1km	Coleridge Medical Centre
Town Centre	4.6km	c.500m – 1km	Ottery St Mary Town Centre
Foodstore	2.3km	c.850m	Sainsbury’s
Leisure Facilities	9.8km*	c.1.9km	LED Leisure Centre

Summary

- 2.49 In light of the numerous local facilities and with the connections to the local pedestrian and cycle network, the Site is well located with opportunities for future residents to make sustainable journeys to and from the Site.

- 2.50 The Site therefore satisfies EDLP Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport.

3.0 Travel plans, transport statements and transport assessment

Strategic Policy TR03: Travel plans, transport statements and transport assessments

Where development is likely to generate significant amounts of vehicle movements, planning permission will not be granted unless they are supported by a transport statement or transport assessment, and subsequent travel plan, that identifies measures to secure new sustainable travel arrangements, taking into account:

- A. The scale of the development; and*
- B. The availability of public transport, walking and cycling opportunities; and*
- C. Proximity to environmental designations; and*
- D. Cumulative impacts of other development in the area; and*
- E. Whether there are particular types of impacts that require further evaluation.*

This policy applies across the whole plan area including the Cranbrook Plan area.

- 3.1 We acknowledge and wholly support this policy, and any future planning application for development of the Site will be supported by a Transport Assessment / Statement and Travel Plan as appropriate.
- 3.2 The following section outlines the proposed Site access arrangements and includes some initial analysis of the potential vehicle trip generation of the Site, and an assessment of junction capacity.

Proposed Development Pedestrian Access

- 3.3 The proposed development will be served from a proposed new access on Sidmouth Road.
- 3.4 The proposed main Site access junction on Sidmouth Road will include a pedestrian footway which will extend north along the western side of Sidmouth Road to connect to the existing pedestrian footway at Gerway Close, from where there is a continuous pedestrian route into Ottery St Mary.
- 3.5 A pedestrian route will be provided within the Site to connect to the existing pedestrian infrastructure via the western end of Claremont Field.

Proposed Development Vehicle Access Arrangements

- 3.6 Vehicle access to the Site will be via the proposed new access on Sidmouth Road.
- 3.7 Sidmouth Road runs approximately north-south along the Site's eastern boundary, extending between Ottery St Mary and Sidmouth.

3.8 North of the Site Sidmouth Road leads into Ottery St Mary town centre, with connections west and north to the A30

3.9 Figure 3.1 below shows the site in its local highway context.

Figure 3.1 – Local Highway Network

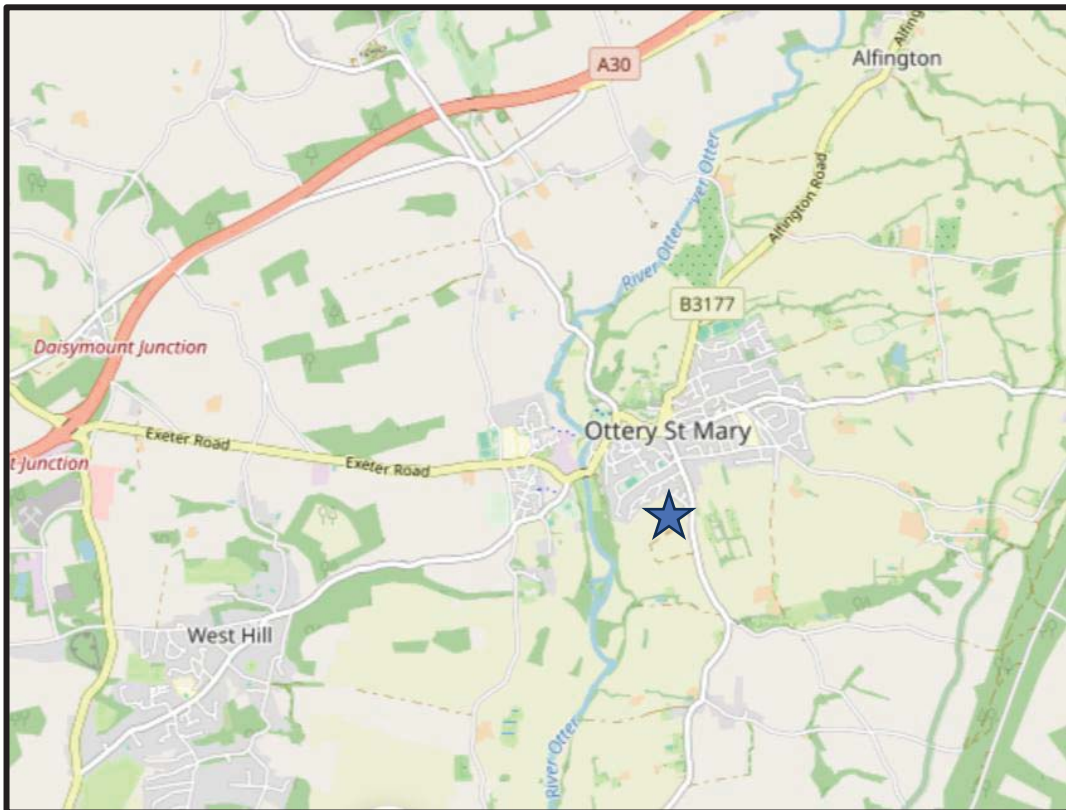


Image Source: OpenRouteService. N.B. The Site is denoted by a blue star.

3.10 Sidmouth Road is a single carriageway rural road. North of the proposed access it is subject to a speed limit of 30mph which extends into Ottery St Mary; south of the access the speed limit is 60mph.

3.11 An Automatic Traffic Count (ATC) survey has been undertaken on Sidmouth Road approximately 50m south of Gerway Lane, c.35m south of the proposed access location.

3.12 The ATC recorded traffic flows and speeds for seven days between 13th March 2025 and 19th March 2025 inclusive, and recorded an average of c.250-270 vehicle movements (two-way) on Sidmouth Road during each of the weekday peak hours.

3.13 The northbound 85th percentile speed of traffic was recorded as 30.1mph; southbound it was recorded as 34.2mph.

3.14 An initial design of the proposed access junction has been produced, comprising a simple T-junction with 8.0m radii and a 5.5m wide Site access road. The northern radius provides a 2.0m footway which extends north to connect to the existing footway at Gerway Close.

- 3.15 The junction is designed to accommodate 11.2m refuse/recycling trucks turning in and out of the Site, being the largest vehicles that are likely to visit. It is anticipated that refuse and recycling collection from the Site will be added to the existing collection rounds serving Gerway Close and Gerway Lane.
- 3.16 A drawing of the initial design of the Site access junction is provided at Appendix 1, which shows that the appropriate visibility splays for the traffic speeds can be achieved.

Vehicle Trip Generation

- 3.17 The industry-standard TRICS database (version 7.11.4) has been used to identify the average trip generation of residential developments with comparable characteristics to the proposed development.
- 3.18 The TRICS database is an industry-standard collection of traffic surveys, detailing hourly trip arrivals and departures, recorded from a variety of existing development sites using a standardised methodology.
- 3.19 The full TRICS outputs are provided at Appendix 2; summaries of the resultant vehicular trip rates (per dwelling) during the weekday AM and PM peak hours are set out at Table 3.1, alongside the equivalent vehicle trip numbers for the proposed development of 150 houses.

Table 3.1 – TRICS Vehicle Trip Rate Data

	Average Vehicle Trip Rates (per unit)			Vehicle Trip Numbers (150 houses)		
	Arrivals	Departures	Total	Arrivals	Departures	Total
08:00 – 09:00	0.140	0.351	0.491	21	53	74
17:00 – 18:00	0.326	0.153	0.479	49	23	72
Daily	2.166	2.199	4.365	325	330	655

- 3.20 In addition to the TRICS database, an alternative dataset of vehicle trip generation rates has been obtained from a traffic count survey in March 2025 at the junction of Claremont Field and Sidmouth Road.
- 3.21 Claremont Field is a self-contained residential cul-de-sac of 95 houses. As it has a single vehicular access, the number of vehicle arrivals and departures have been recorded during the weekday AM and PM peak periods, and the peak-hour vehicle trip rates per house have been calculated. The potential vehicle trip generation of the Site has then been calculated by applying the Claremont Field trip rates to the proposed 150 houses.
- 3.22 Table 3.2 shows the recorded vehicle movements in/out of Claremont Field alongside the calculated trip rates per house. Table 3.3 shows the vehicle trip generation of the proposed 150 houses on the Site, derived from the Claremont Fields data.

Table 3.2 – Surveyed Claremont Field Vehicle Trip Data

	Vehicle Trip Numbers (surveyed from 95 houses)			Average Vehicle Trip Rates (per house)		
	Arrivals	Departures	Total	Arrivals	Departures	Total
AM 08:00 – 09:00	17	20	37	0.179	0.211	0.389
PM 17:00 – 18:00	26	15	41	0.274	0.158	0.432

Table 3.3 – Proposed Site Vehicle Trips (from Claremont Field Data)

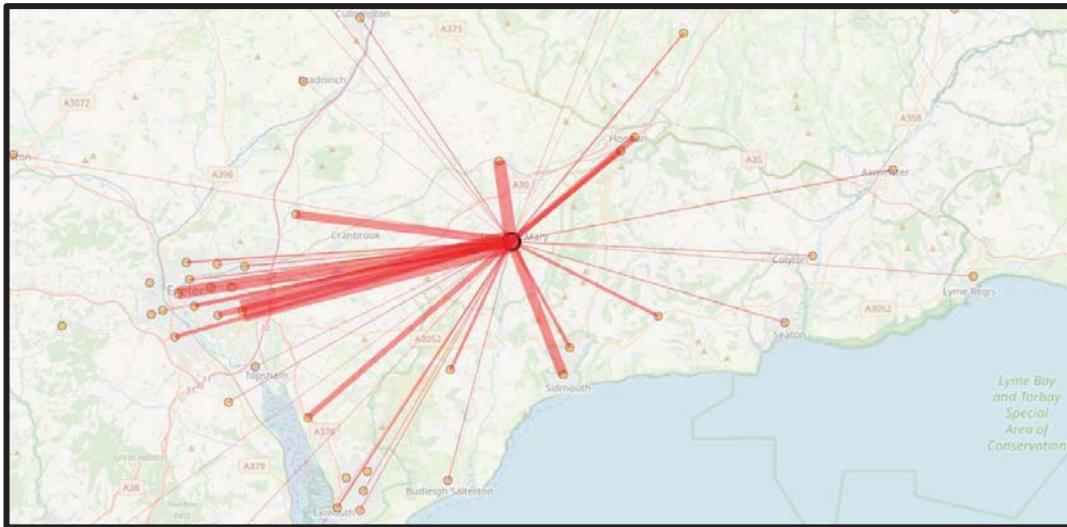
	Average Vehicle Trip Rates (per house)			Vehicle Trip Numbers (150 houses)		
	Arrivals	Departures	Total	Arrivals	Departures	Total
AM 08:00 – 09:00	0.179	0.211	0.389	27	32	58
PM 17:00 – 18:00	0.274	0.158	0.432	41	24	65

- 3.23 The vehicle trip rates and trips numbers derived from TRICS are higher than the observed trip rates at Claremont Field.
- 3.24 Claremont Field is arguably a more closely aligned analogue site than the sites in the TRICS dataset, however for a robust assessment the TRICS trip numbers are used herein.

Vehicle Trip Distribution

- 3.25 An analysis using DataShine Commute has been conducted to understand where residents of Ottery St Mary travel to work including all transport modes. This provides insight into the prevailing distribution of commuting trips made by local residents, which can be used as an indication of the likely distribution of the proposed development traffic during the weekday AM and PM peak hours. Figure 3.2 below provides a visual representation of these commuting journeys from Ottery St Mary, while the data is set out in percentage terms in Table 3.4.

Figure 3.2 – Ottery St Mary Travel to Work Destinations



Source: DataShine Commute. Data is from the ONS 2011 Census.

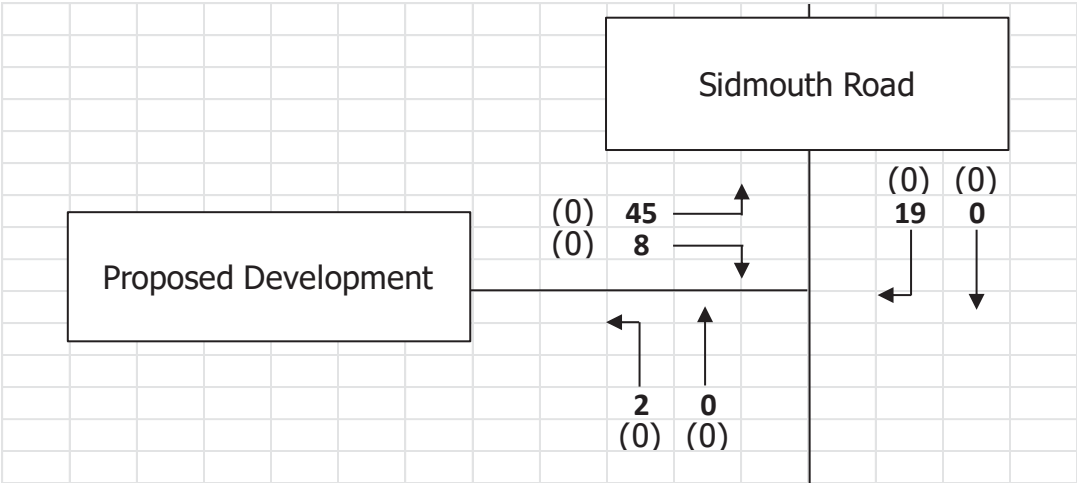
Table 3.4 – Percentages of the Primary Work Locations

Location	Percentage
At home	18%
Ottery St Mary	13%
No fixed place	10%
Sownton Industrial Park, Middlemoor, Exeter	10%
Feniton	6%
Exeter City Centre	5%
Sidmouth Town Centre	4%
Broadclyst	4%
Honiton	3%
Wonford, Exeter	3%
Royal Marines Training Centre, Exton	3%
Littletown, Honiton	2%
Marsh Barton Trading Estate and Matford Business Park, Alphington, Exeter	2%
St Leonards, Exeter	2%
Sidford, Sidmouth	2%
Across the South West	14%

3.26 This table shows that 13% of the journeys to work are within Ottery St Mary. It is anticipated that many of these journeys would be made either by foot or cycle.

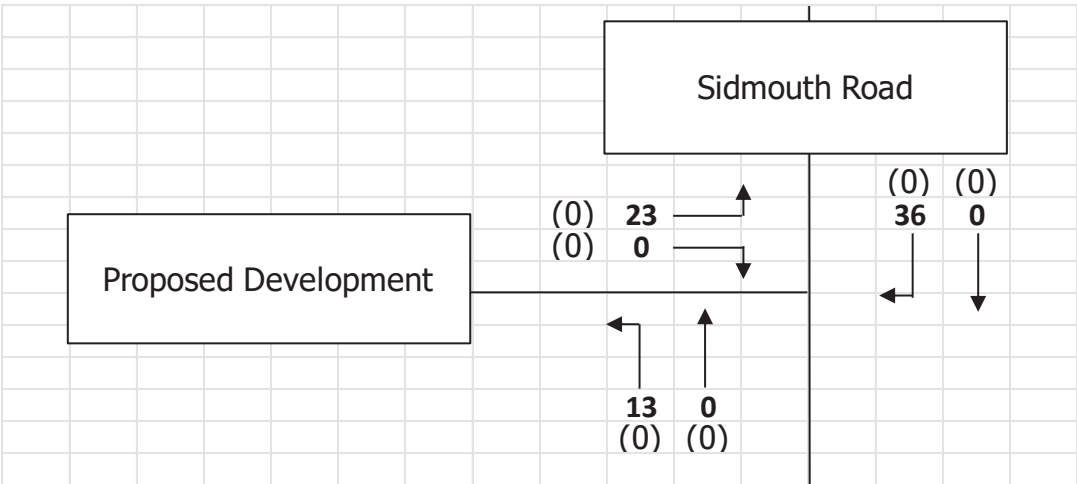
- 3.27 For the purposes of this assessment, the AM and PM peak-hour development traffic movements at the proposed Site access junction are assumed to follow the same north/south proportions as the observed traffic movements at the junction of Claremont Field / Sidmouth Road.
- 3.28 The resultant peak hour traffic effect on Sidmouth Road north and south of the Site access is shown below:

Figure 3.3 – Weekday AM Peak Development Vehicle Trips



N.B. Bold numbers are total vehicles; bracketed numbers are HGVs

Figure 3.4 – Weekday PM Peak Development Vehicle Trips



N.B. Bold numbers are total vehicles; bracketed numbers are HGVs

- 3.29 An additional 64 vehicles in the AM peak and 59 in the PM peak are shown to travel on Sidmouth Road north of the Site, which will disperse within the road network in Ottery St Mary. This equates to an average of approximately one additional vehicle per minute, which is not likely to result in an unacceptable impact.
- 3.30 Only 10-13 additional vehicles are shown to travel on Sidmouth Road south of the Site during the AM and PM peak hours. Again, this is not likely to result in an unacceptable impact.

Junction Capacity

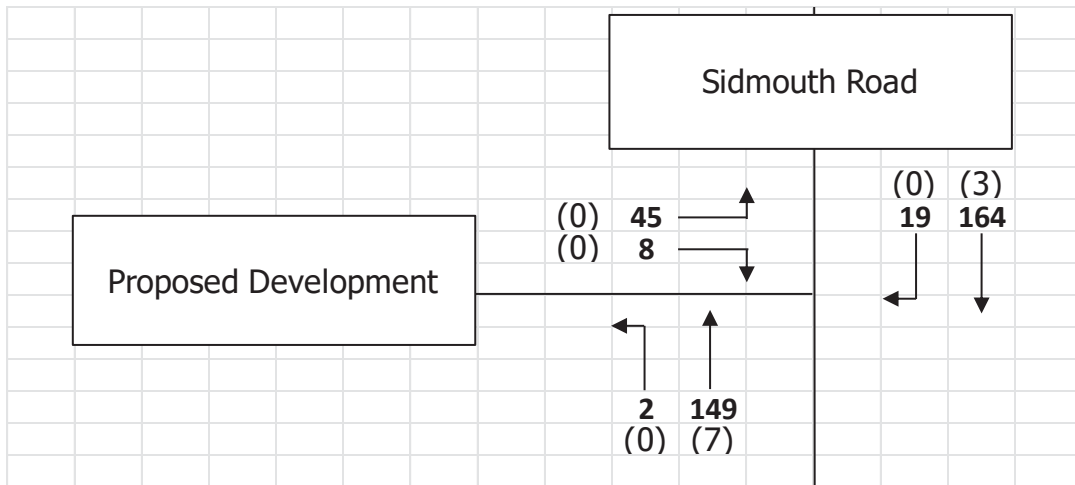
- 3.31 The operation of the proposed Site access junction has been assessed in a future-year scenario of 2030, comprising the forecast 2030 background traffic with the addition of the traffic associated with 150 houses on the Site. The junction has been assessed in the weekday AM and PM peak hours, based on the proposed junction geometry.
- 3.32 The background traffic flows on Sidmouth Road have been derived from the traffic survey undertaken at the junction of Claremont Field / Sidmouth Road, which was completed in March 2025.
- 3.33 Growth factors have been applied to the surveyed peak-hour traffic flows on Sidmouth Road to represent the future year to account for projected economic growth and local development forecasts.
- 3.34 The growth factors for the period 2025 to 2030 have been derived from the TEMPRO database version 8.1, adjusting the output for car drivers for the geographical area of "East Devon 008" (with area type "All" and road type "All"). The resultant growth factors are summarised below at Table 3.5.

Table 3.5 – TEMPRO Growth Rates

Peak Period	2025 to 2030
	Resultant Growth
AM	1.0694
PM	1.0727

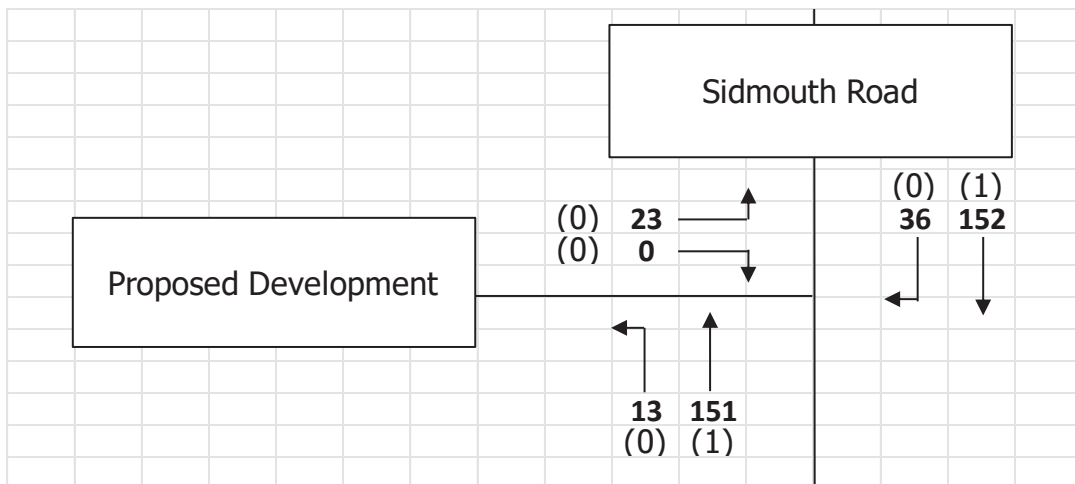
- 3.34.1 The PICADY9 computer program has been used to assess the operation of the proposed Site access junction.
- 3.35 The PICADY9 module of the Junctions9 package is an industry standard computer package for modelling the operation of priority (give-way) junctions. PICADY uses the geometry of the junction combined with traffic flow information to predict capacity. The software provides a number of results in its output, the most meaningful of which is the Ratio of Flow to Capacity (RFC), where an RFC of 1.00 on any approach to the junction reflects a traffic demand equal to the theoretical capacity of that approach.
- 3.36 PICADY is typically operated using the 'One Hour' mode which estimates the traffic profile for an hour-long period based a bell-shaped curve with a 15-minute 'Warm Up' period before, and a 15-minute 'Cool Down' period either side of the 60-minute peak-hour. This simulates the robust scenario of a peak within the peak hour.
- 3.37 The traffic flows used in the junction capacity assessment are shown below.

Figure 3.5 – 2030 Weekday AM Peak Traffic Flows – Site Access Junction



N.B. Bold numbers are total vehicles; bracketed numbers are HGVs

Figure 3.6 – 2030 Weekday PM Peak Traffic Flows – Site Access Junction



N.B. Bold numbers are total vehicles; bracketed numbers are HGVs

3.38 The summary results of the PICADY test are shown in Table 3.6.

Table 3.6 – PICADY Summary – Proposed Site Access

	AM			PM		
	Queue (Veh)	Delay (s)	RFC	Queue (Veh)	Delay (s)	RFC
2030 Base Flow + Proposed development						
Stream B-AC	0.1	5.73	0.09	0.0	5.16	0.04
Stream C-AB	0.1	5.56	0.04	0.1	5.76	0.08

3.39 The PICADY model shows that the proposed Site access junction operates well within capacity during both the AM and PM peak hours in the 2030 'with development' scenario.

4.0 Parking Standards

Strategic Policy TR04: Parking standards (Residential)

Parking in new residential development should provide the following minimum parking provision, unless evidence shows that a different provision is more appropriate based on public transport accessibility, the nature of occupants of dwellings or presence of locally available off-road car parking provision.

Car parking spaces must be of an adequate size to accommodate vehicle parking and have sufficient width to the sides for pedestrian access and egress of vehicles taking account of the location of the parking space and whether or not spaces also serve as access to a property and whether there are adjacent obstructions.

Garage spaces will not count toward the overall quantum of car parking spaces.

...

All new parking provision must provide provision of charging points to charge electric vehicles and electric bikes.

4.1 Figure 4.1 below shows these requirements.

Figure 4.1 – Residential Car and Cycle Parking Requirements

Type/Use	Car Parking Requirements	Cycle Parking Requirements (Secure and Undercover)
Residential Dwelling	Average of 1.7 spaces per dwelling (rounded up to the nearest whole number in individual applications).	1 space per Bedroom

4.2 We acknowledge and wholly support this policy, and any future planning application for development of the Site will include the appropriate number of car and cycle parking spaces with accessible charging points in accordance with the adopted policy at that time.

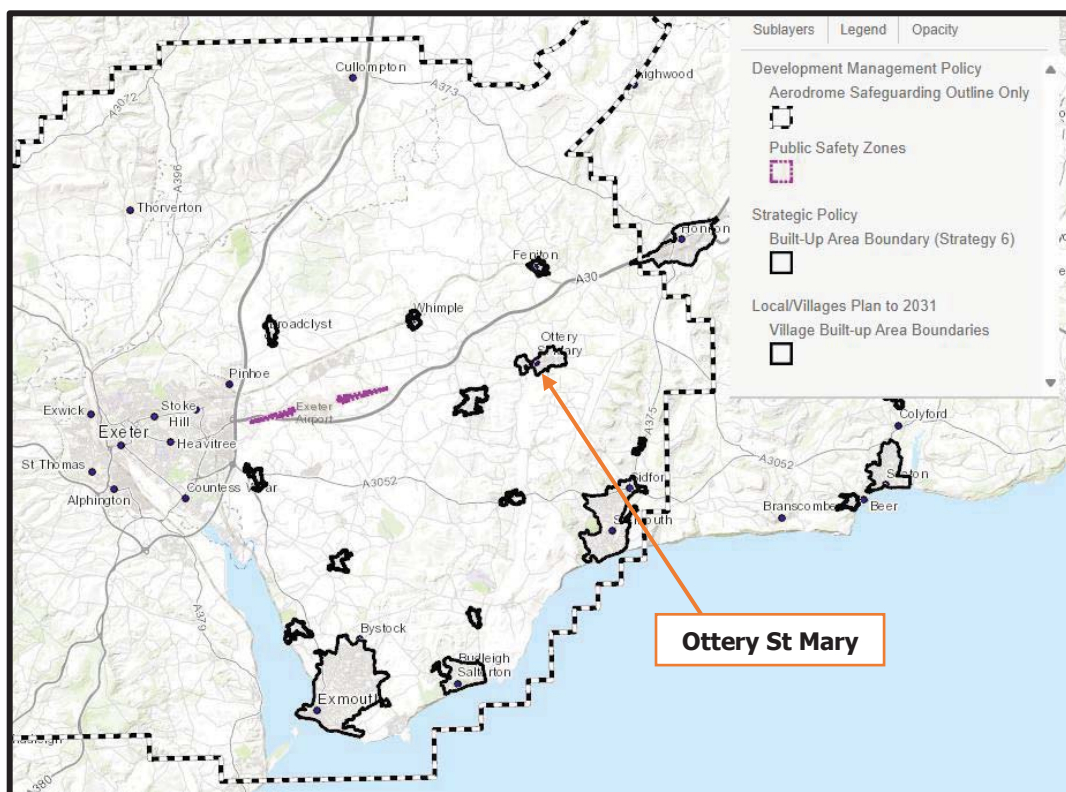
5.0 Aerodromes and safeguarding

Policy TR05: Aerodrome safeguarded areas and Public Safety Zones

Within aerodrome safeguarded areas and the Public Safety Zones for Exeter Airport, planning permission will not be granted for development that would prejudice the safe operation of protected aerodromes or give rise to public safety concerns. There is a general presumption against new or replacement development or changes of use of existing buildings within Public Safety Zones. In particular, no new or replacement dwellings, mobile homes, caravan sites or other residential buildings will be permitted within a Public Safety Zone. Other forms of development will be acceptable, provided they do not reasonably expect to increase the number of people living, working or congregating in the area. Development that could have an adverse impact on the operation or safety or navigational systems at the Airport will not be permitted unless they provide suitable mitigation to address adverse impacts arising (for example, funding for system upgrades). This policy applies across the whole plan area including the Cranbrook Plan area.

- 5.1 This policy is justified by the Civil Aviation Authority which is concerned with planning applications that could impact airfield operation and safety following ODPM Circular 1/2003 (developments with high structures, those that may interfere with radio signals, or create bird strike hazards). Figure 2.2 below shows a map of the outlined aerodrome safeguarded area in East Devon.

Figure 2.1 – Map of the Aerodrome Safeguarding Outlined Area



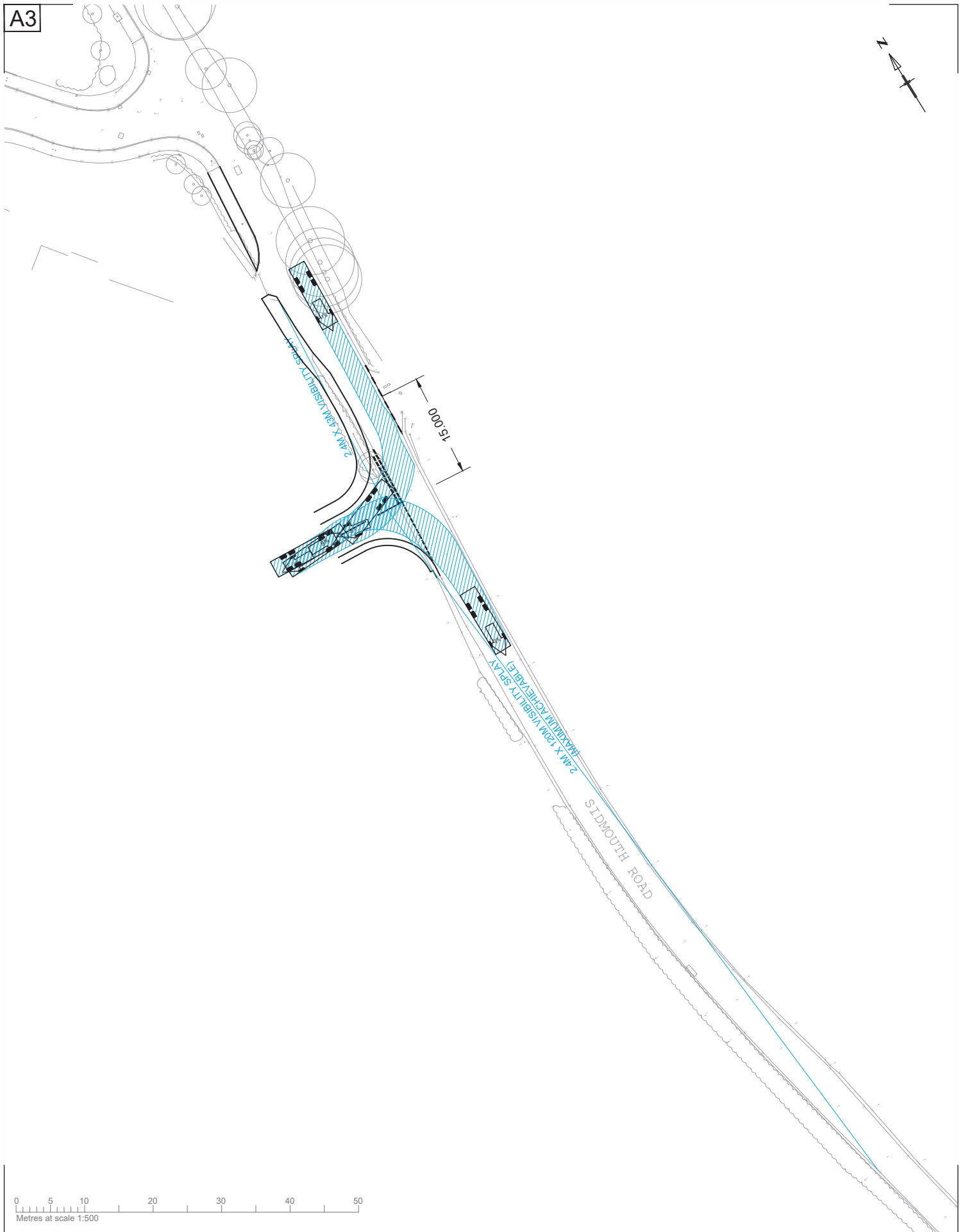
- 5.2 The Site is within the Aerodrome Safeguarding outline area. However, the development is for residential dwellings which will not exceed three storeys, nor will it have high structures and it will not likely interfere with radio signals or create bird strike hazards.

6.0 Conclusion

- 6.1 This Highways and Transport Technical Note appraises a residential development of around 150 dwellings on the Site at Gerway Farm and demonstrates that the surrounding area can support development on the Site, and that suitable access is available.
- 6.2 The Site is shown to meet the requirements of the proposed *EDLP Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport*, with a range of local services and facilities that are accessible by walking, cycling, and public transport.
- 6.3 Initial analysis and assessment has demonstrated that a new Site access junction on Sidmouth road is achievable, accommodating pedestrian movements and the anticipated vehicle movements, providing appropriate visibility and capacity. The additional traffic of the proposed development is not likely to result in an unacceptable impact on the local road network. The Site will comply with the proposed *EDLP Strategic Policy TR03: Travel plans, transport statements and transport assessments*.
- 6.4 Any future planning application at the Site will include the appropriate number of car and cycle parking spaces with accessible charging points in accordance with the adopted policy at that time, thereby complying with the proposed *EDLP Strategic Policy TR04: Parking standards (Residential)*.
- 6.5 The Site is within the Aerodrome Safeguarding outline area. However, the proposal will be for residential dwellings which will not exceed three storeys, nor will it have high structures and it will therefore not likely interfere with radio signals or create bird strike hazards.

APPENDIX 1 – PROPOSED SITE ACCESS JUNCTION

A3



Reproduced from Ordnance Survey material by permission of Ordnance Survey on behalf of the Controller of His Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Connect Consultants Ltd Licence number: 100022432



CONNECT CONSULTANTS LTD, 78 BROAD STREET,
CHIPPING SODBURY, BRISTOL. BS37 6AG
Tel: 01454 320 220 Web: www.connect-consultants.com
Fax: 01454 320 099 Email: bristol@connect-consultants.com



client MR M.J. NANCEKIVELL AND MR R.P. NANCEKIVELL	scale 1:500	date MARCH 2025
project PROPOSED DEVELOPMENT OTTERY ST MARY, GERWAY FARM	drawn by T.A.S	checked by T.B
title PROPOSED SITE ACCESS	drawing number 240201-SK20250319.1	
	status PLANNING	rev.

APPENDIX 2 – TRICS OUPUT REPORT

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : A - HOUSES PRIVATELY OWNED

TOTAL VEHICLES

Selected regions and areas:

02	SOUTH EAST	
	ES EAST SUSSEX	3 days
	HC HAMPSHIRE	2 days
	KC KENT	1 days
	SC SURREY	1 days
	WS WEST SUSSEX	3 days
03	SOUTH WEST	
	DC DORSET	1 days
04	EAST ANGLIA	
	CA CAMBRIDGESHIRE	1 days
	NF NORFOLK	7 days
05	EAST MIDLANDS	
	LE LEICESTERSHIRE	1 days
09	NORTH	
	DH DURHAM	1 days
	IM ISLE OF MAN	3 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Primary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: No of Dwellings
 Actual Range: 57 to 143 (units:)
 Range Selected by User: 50 to 150 (units:)

Parking Spaces Range: All Surveys Included

Parking Spaces per Dwelling Range: All Surveys Included

Bedrooms per Dwelling Range: All Surveys Included

Percentage of dwellings privately owned: All Surveys Included

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/16 to 18/09/24

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	3 days
Tuesday	8 days
Wednesday	3 days
Thursday	9 days
Friday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	21 days
Directional ATC Count	3 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Suburban Area (PPS6 Out of Centre)	2
Edge of Town	12
Neighbourhood Centre (PPS6 Local Centre)	10

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Residential Zone	12
Village	9
Out of Town	1
No Sub Category	2

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Inclusion of Servicing Vehicles Counts:

Servicing vehicles Included	9 days - Selected
Servicing vehicles Excluded	60 days - Selected

Secondary Filtering selection:

Use Class:

C3 24 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order (England) 2020 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 500m Range:

All Surveys Included

Population within 1 mile:

1,001 to 5,000	10 days
5,001 to 10,000	11 days
10,001 to 15,000	3 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

5,001 to 25,000	9 days
25,001 to 50,000	10 days
50,001 to 75,000	5 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0	1 days
1.1 to 1.5	17 days
1.6 to 2.0	6 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

Yes	18 days
No	6 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present	24 days
-----------------	---------

This data displays the number of selected surveys with PTAL Ratings.

LIST OF SITES relevant to selection parameters

1	CA-03-A-08 GIDDING ROAD SAWTRY	DETACHED & SEMI-DETACHED	CAMBRIDGESHIRE
	Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 83 <i>Survey date: THURSDAY 13/10/22</i>		<i>Survey Type: MANUAL</i>
2	DC-03-A-11 A350 SHAFTESBURY	MIXED HOUSES	DORSET
	Edge of Town No Sub Category Total No of Dwellings: 141 <i>Survey date: TUESDAY 31/10/23</i>		<i>Survey Type: MANUAL</i>
3	DH-03-A-02 LEAZES LANE BISHOP AUCKLAND ST HELEN AUCKLAND	MIXED HOUSES	DURHAM
	Neighbourhood Centre (PPS6 Local Centre) Residential Zone Total No of Dwellings: 125 <i>Survey date: MONDAY 27/03/17</i>		<i>Survey Type: MANUAL</i>
4	ES-03-A-07 NEW ROAD HAILSHAM HELLINGLY	MIXED HOUSES & FLATS	EAST SUSSEX
	Edge of Town Residential Zone Total No of Dwellings: 91 <i>Survey date: THURSDAY 07/11/19</i>		<i>Survey Type: MANUAL</i>
5	ES-03-A-11 BISHOPS LANE RINGMER	MIXED HOUSES	EAST SUSSEX
	Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 105 <i>Survey date: THURSDAY 28/09/23</i>		<i>Survey Type: MANUAL</i>
6	ES-03-A-12 HOREBEECH LANE HORAM	MIXED HOUSES & FLATS	EAST SUSSEX
	Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 123 <i>Survey date: TUESDAY 03/10/23</i>		<i>Survey Type: MANUAL</i>
7	HC-03-A-23 CANADA WAY LIPHOOK	HOUSES & FLATS	HAMPSHIRE
	Suburban Area (PPS6 Out of Centre) Residential Zone Total No of Dwellings: 62 <i>Survey date: TUESDAY 19/11/19</i>		<i>Survey Type: MANUAL</i>

LIST OF SITES relevant to selection parameters (Cont.)

8	HC-03-A-27 DAIRY ROAD ANDOVER	MIXED HOUSES		HAMPSHIRE
	Edge of Town Residential Zone Total No of Dwellings:		73 16/11/21	Survey Type: MANUAL
9	IM-03-A-03 MAIN ROAD COLBY	MIXED HOUSES		ISLE OF MAN
	Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings:		111 21/05/24	Survey Type: MANUAL
10	IM-03-A-04 NEW CASTLETOWN ROAD DOUGLAS	MIXED HOUSES		ISLE OF MAN
	Suburban Area (PPS6 Out of Centre) Residential Zone Total No of Dwellings:		73 20/05/24	Survey Type: MANUAL
11	IM-03-A-06 MOORAGH PROMENADE RAMSEY	MIXED HOUSES		ISLE OF MAN
	Edge of Town Residential Zone Total No of Dwellings:		129 23/05/24	Survey Type: MANUAL
12	KC-03-A-10 HEADCORN ROAD STAPLEHURST	MIXED HOUSES		KENT
	Edge of Town Residential Zone Total No of Dwellings:		106 09/05/23	Survey Type: MANUAL
13	LE-03-A-02 MELBOURNE ROAD IBSTOCK	DETACHED & OTHERS		LEICESTERSHIRE
	Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings:		85 28/06/18	Survey Type: MANUAL
14	NF-03-A-24 HUNSTANTON ROAD HUNSTANTON	MIXED HOUSES & FLATS		NORFOLK
	Edge of Town Residential Zone Total No of Dwellings:		127 22/09/21	Survey Type: DIRECTIONAL ATC COUNT
15	NF-03-A-26 HEATH DRIVE HOLT	MIXED HOUSES		NORFOLK
	Edge of Town Residential Zone Total No of Dwellings:		91 22/09/21	Survey Type: DIRECTIONAL ATC COUNT

LIST OF SITES relevant to selection parameters (Cont.)

16	NF-03-A-27	MIXED HOUSES & FLATS	NORFOLK
	YARMOUTH ROAD NEAR NORWICH BLOFIELD Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 93 Survey date: THURSDAY 16/09/21		Survey Type: MANUAL
17	NF-03-A-33	MIXED HOUSES	NORFOLK
	LONDON ROAD ATTLEBOROUGH Edge of Town Residential Zone Total No of Dwellings: 143 Survey date: THURSDAY 29/09/22		Survey Type: MANUAL
18	NF-03-A-34	MIXED HOUSES	NORFOLK
	NORWICH ROAD SWAFFHAM Edge of Town Out of Town Total No of Dwellings: 80 Survey date: TUESDAY 27/09/22		Survey Type: MANUAL
19	NF-03-A-36	MIXED HOUSES	NORFOLK
	LONDON ROAD WYMONDHAM Edge of Town No Sub Category Total No of Dwellings: 75 Survey date: THURSDAY 29/09/22		Survey Type: MANUAL
20	NF-03-A-49	MIXED HOUSES	NORFOLK
	BRANDON ROAD SWAFFHAM Edge of Town Residential Zone Total No of Dwellings: 141 Survey date: FRIDAY 14/09/18		Survey Type: DIRECTIONAL ATC COUNT
21	SC-03-A-09	MIXED HOUSES & FLATS	SURREY
	AMLETS LANE CRANLEIGH Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 136 Survey date: TUESDAY 24/05/22		Survey Type: MANUAL
22	WS-03-A-07	BUNGALOWS	WEST SUSSEX
	EMMS LANE NEAR HORSHAM BROOKS GREEN Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 57 Survey date: THURSDAY 19/10/17		Survey Type: MANUAL
23	WS-03-A-16	DETACHED & SEMI-DETACHED	WEST SUSSEX
	BRACKLESHAM LANE BRACKLESHAM BAY Neighbourhood Centre (PPS6 Local Centre) Village Total No of Dwellings: 58 Survey date: WEDNESDAY 09/11/22		Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

24	WS-03-A-19	MIXED HOUSES & FLATS	WEST SUSSEX
	TURNERS HILL ROAD EAST GRINSTEAD		
	Edge of Town Residential Zone		
	Total No of Dwellings:	92	
	Survey date: MONDAY	15/05/23	Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

TOTAL VEHICLES

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	24	100	0.081	24	100	0.279	24	100	0.360
08:00 - 09:00	24	100	0.140	24	100	0.351	24	100	0.491
09:00 - 10:00	24	100	0.134	24	100	0.167	24	100	0.301
10:00 - 11:00	24	100	0.120	24	100	0.157	24	100	0.277
11:00 - 12:00	24	100	0.133	24	100	0.152	24	100	0.285
12:00 - 13:00	24	100	0.151	24	100	0.152	24	100	0.303
13:00 - 14:00	24	100	0.164	24	100	0.153	24	100	0.317
14:00 - 15:00	24	100	0.157	24	100	0.166	24	100	0.323
15:00 - 16:00	24	100	0.252	24	100	0.173	24	100	0.425
16:00 - 17:00	24	100	0.256	24	100	0.165	24	100	0.421
17:00 - 18:00	24	100	0.326	24	100	0.153	24	100	0.479
18:00 - 19:00	24	100	0.252	24	100	0.131	24	100	0.383
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			2.166			2.199			4.365

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP*FACT. Trip rates are then rounded to 3 decimal places.

The survey data, graphs and all associated supporting information, contained within the TRICS Database are published by TRICS Consortium Limited ("the Company") and the Company claims copyright and database rights in this published work. The Company authorises those who possess a current TRICS licence to access the TRICS Database and copy the data contained within the TRICS Database for the licence holders' use only. Any resulting copy must retain all copyrights and other proprietary notices, and any disclaimer contained thereon.

The Company accepts no responsibility for loss which may arise from reliance on data contained in the TRICS Database. [No warranty of any kind, express or implied, is made as to the data contained in the TRICS Database.]

Parameter summary

Trip rate parameter range selected: 57 - 143 (units:)
 Survey date range: 01/01/16 - 18/09/24
 Number of weekdays (Monday-Friday): 24
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 6
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

Appendix 3 Ecological Assessment

Mr M.J. Nancekivell and
Mr R.P. Nancekivell

LAND AT GERWAY FARM
OTTERY ST MARY
EAST DEVON

ECOLOGY APPRAISAL

REGULATION 19 PACKAGE

COPYRIGHT

The copyright of this document
remains with Bennu Environmental Limited.

The contents of this document
therefore must not be copied or
reproduced in whole or in part
for any purpose without the
written consent of Bennu Environmental Limited.

CONTENTS

1.	INTRODUCTION	1
2.	SUMMARY ECOLOGICAL BASELINE	2
3.	SUMMARY SITE EVALUATION	4
4.	POLICY CONSIDERATIONS	6

APPENDICES

APPENDIX 1 Information downloaded from MAGIC regarding statutory designated sites

1. INTRODUCTION

- 1.1 Bennu Environmental Limited was commissioned by Mr M.J. Nancekivell and Mr R.P. Nancekivell in February 2025, to produce an ecological appraisal in respect of land at Gerway Farm, East Devon (the "Site"). The report is to be submitted as part of a Regulation 19 package of information, promoting the site for residential development as part of the emerging local development plan.
- 1.2 This report describes the ecological baseline associated with the Site and its immediate surrounds. It describes the likely impacts of the development proposals, with reference to the illustrative masterplan and it also describes the detailed survey work which will support any forthcoming planning application together with confirming how the proposals can integrate appropriate and proportionate ecological mitigation and enhancement measures.

2. SUMMARY ECOLOGICAL BASELINE

Designated sites

- 2.1 The Site does not form part of any site designated for its nature conservation value, nor does any such designated site exist in the immediate vicinity of the Site.
- 2.2 The closest Habitats Sites are the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and East Devon Heaths Special Protection Area (SPA) which are contiguous at their closest point to the Site. These sites are located approximately 4km southwest of the Site and are underpinned by the East Devon Pebblebed Heaths SSSI. For clarity, the Site is located within the Zone of Influence for the Pebblebed Heath Habitats Site. In addition, the Pebblebed Heaths are further designated as the Pebblebed Heaths National Nature Reserve NNR. The locations of these designated sites are shown at Appendix 1.
- 2.3 The next nearest designated sites are Ladram Bay to Sidmouth SSSI, Sidmouth to Beer Coast SSSI, Sidmouth to West Bay SAC, Otter Estuary SSSI and Budleigh Salterton Cliffs SSSI. All of these designated sites are in excess of 8km from the Site.
- 2.4 There is no Ancient Woodland located within or adjacent to the Site. Some woodland associated with the River Otter corridor to the west of the Site is classified as being UK Priority Habitat – Deciduous Woodland. Parts of this corridor are also noted to comprise the UK Priority Habitat – Coastal and Floodplain Grazing Marsh.
- 2.5 In relation to non-statutory designated sites, there are no such designated sites located within, or adjacent to the Site. Several County Wildlife Sites (CWSs) are located in the wider area.

Habitats

- 2.6 Broadly, the Site comprises grassland under agricultural management, hedgerows, ruderal vegetation and a ditch (in the north) which is understood to be seasonally wet (dry for significant parts of the year).
- 2.7 The Site is dominated by improved (modified) grassland which has limited ecological value. The hedgerows and trees are of greatest ecological value in the context of the Site.
- 2.8 To the west of the Site lies the River Otter and its riparian corridor which is dominated by a mix of woodland, scrub and grassland. The river and associated riparian corridor are considered to be a sensitive ecological receptor.

March 2025

Faunal Species

- 2.9 From a desk study review, which included reference to European Protected Species License returns, the following protected species are known from the local area:
- Common pipistrelle bat *Pipistrellus pipistrellus*,
 - Lesser Horseshoe bat *Rhinolophus hipposideros*,
 - Serotine bat *Eptesicus serotinus*;
 - Soprano pipistrelle bat *Pipistrellus pygmaeus*
 - Brown Long-eared Bat *Plecotus auritus*;
 - Daubenton's Bat *Myotis daubentoniid*;
 - Nathusius's Pipistrelle bat *Pipistrellus nathusii*
 - Noctule bat *Nyctalus noctula*
 - Badger *Meles meles*;
 - Otter *Lutra lutra*;
 - Dormouse *Muscardinus avellanarius*;
 - Great Crested Newts *Triturus cristatus*;
 - Common reptile species,
 - Western European Hedgehog *Erinaceus europaeus*
 - A range of bird species, including Barn Owl *Tyto alba*, Kingfisher *Alcedo atthis* and others of conservation concern (e.g. Red list); and
 - A range of notable invertebrates.
- 2.10 It is also noted that the River Otter supports populations of Eurasian Beavers. It is understood that the origins of the initial individuals present are unknown, but since breeding was recorded several years ago, the populations are now part of a monitored reintroduction programme. Evidence of Beaver activity has been reported from habitat to the west of the Site.
- 2.11 It is expected that the Site will be of value to local bat populations as a foraging resource although roosting opportunities are limited, with more mature boundary trees potentially offering such opportunities.
- 2.12 The Site offers foraging and sett building opportunities for Badgers, nesting and foraging opportunities for a range of bird species and opportunities for common reptiles, amphibians and Hedgehog.
- 2.13 The species rich hedgerows within the Site offer opportunities for Dormouse.
- 2.14 Given the habitats present it is unlikely that the Site will be of significant value to invertebrate species of conservation concern.
- 2.15 In addition to the above, the off-site river corridor habitat to the west offers opportunities for Otter, Water Vole and Beavers.

3. SUMMARY EVALUATION

- 3.1 The proposed development would seek to retain and enhance habitats of higher ecological value wherever possible. Losses to (e.g. modified) grassland would be mitigated through enhancements to a significant area of retained grassland in the west of the Site. Where hedgerow sections or trees are lost, new planting will be provided.
- 3.2 The draft Framework plan shows how a significant area of semi-natural habitat in the west of the Site can be retained and enhanced, delivering ecological benefits. This area is contiguous with the riparian corridor associated with the River Otter. Proposals would provide an ecologically enhanced buffer to the river corridor contributing to the protection and enhancement of this valuable receptor.
- 3.3 Grassland and woodland edge enhancements, together with new tree / shrub planting will be of value to a range of protected species known from the local area, including bat species and potentially Dormice, Otter and Beaver.
- 3.4 Whilst it will be necessary for any planning application to be supported by a range of detailed ecological surveys and assessments, it is clear that the significant area available for ecological mitigation and enhancement, means that appropriate and proportionate ecological mitigation measures for faunal species can be effectively delivered within the Site. The proposals present an opportunity to deliver a significant enhancement to local biodiversity, enhancing habitat quality and connectivity.
- 3.5 Further, BNG requirements, as defined through statute and planning policy will be fully met by development proposals associated with the Site. BNG requirements, as defined through statute and planning policy will be fully met by development proposals associated with the Site. The size of the area available for ecological enhancement at the Site (and the typology of baseline habitats) offers the opportunity to deliver significant enhancement over baseline ecological conditions.
- 3.6 The site falls within the zone of influence relating to increased recreational pressure on the Pebblebed Heaths Habitats Site. There is an adopted strategic mitigation solution associated with such impacts, which involve financial contributions towards visitor access and management, together with habitat management initiatives. Any relevant obligations in this regard would be met in respect of the development proposals. In addition, it is noted that emerging guidance is focussed upon vehicle emission impacts on the Pebblebed Heaths Habitats Sites. This is a matter which would be fully addressed within any planning application.
- 3.7 No other potential impacts on designated sites have been identified.
- 3.8 The Site is not affected by any habitat designations and has limited ecological value. It does however, provide suitable habitat for a range of species including protected species. Habitats of higher ecological value are trees, hedges, and the riparian corridor associated with the River

Otter. The proposed Framework Plan shows that appropriate mitigation can be designed into the development, including a significant area of green space to the west of the site. The need for further mitigation can be addressed at the planning application stage. Consequently, and from an ecological perspective, there are no issues that would preclude housing development on the site.

March 2025

4. POLICY CONSIDERATIONS

4.1 Specific consideration has been given to:

- 1) Strategic Policy PB01: Protection of internationally and nationally important wildlife sites;
- 2) Policy PB03: Protection of irreplaceable habitats and important features;
- 3) Strategic Policy PB04: Habitats Regulations Assessment;
- 4) Strategic Policy PB05: Biodiversity Net Gain The Spatial Strategy;
- 5) Strategic Policy PB06: Local Nature Recovery Strategy and Nature Recovery Network;
- 6) Policy PB07: Ecological enhancement and biodiversity in the built environment;
- 7) Policy PB08: Tree, hedges and woodland on development sites; and
- 8) Policy PB09: Monitoring requirements for new planting schemes;

4.2 The above policies are discussed below.

Strategic Policy PB01

4.3 This policy confirms the Councils commitment to protecting sites of international and national nature conservation importance. Broadly, the policy confirms that unless Habitats Regulations Assessment work confirms that a safe conclusion of 'no adverse affect on Integrity' can be reached, then the derogation tests associated with the Habitats Regulations are invoked, with those being summarised.

4.4 In the case of development proposals associated with the Site, a clear conclusion of no adverse effect on Integrity in relation to any such relevant site, can be reached with the adoption of mitigation. The mechanisms for securing and delivering such mitigation is already in place in relation to recreational pressure at the Pebblebed Heaths. Proposals would be fully compliant with this policy.

Policy PB03

4.5 This policy cites specific habitats / habitat features which are to be afforded particular significance in decision making, with reference to their conservation value. The cited habitats are, ancient woodland, ancient / veteran trees, mature trees, 'important' hedgerows, Priority Habitats and habitats which support (the functionality) of Priority Species (e.g. bat foraging and commuting habitats and Cirl bunting nesting and foraging habitat). The policy sets out the need to strictly apply the mitigation hierarchy in determining impacts and appropriate mitigation or compensatory measures as part of a planning strategy.

4.6 The development proposals would have full regard to these policy requirements and appropriate and proportionate mitigation and enhancement measures can be delivered, noting the significant quantum of semi-natural habitat to be retained, protected and enhanced.

Strategic Policy PB04

- 4.7 This policy highlights the types of designated site to which the policy applies, together with a summary of legislative requirements (with reference also to policy PB01). Specific reference is made to adopted and proposed guidance and mitigation strategies, notably in respect of increased recreation and vehicle related air quality impacts at the Pebblebed Heaths Habitats Site.
- 4.8 With the adoption of any necessary mitigation measures, safe conclusions can be drawn in relation to no adverse effect on Integrity arising in respect of any / all Habitats Sites.

Strategic Policy PB05

- 4.9 This policy confirms the Council's commitment to securing biodiversity gains through the planning application process. The policy sets out a requirement to achieve and demonstrate a minimum 20% biodiversity net gain. It also confirms the information required by the Council in determining that the proposals are policy compliant.
- 4.10 The justifications given for requiring 20% net gain are noted, however, the policy is considered out of step with the legislative framework, which mandates that a minimum 10% net gain is appropriate, this being devised following a review of evidence and after significant consultation. The mandatory 10% gain, in tandem with the securing of other necessary ecological mitigation as relevant to a development proposal, avoids harm to protected / notable species and also ensures that gains in terms of habitat quality are achieved.

Policy PB06

- 4.11 This policy concerns the Local Nature Recovery Strategy and notably, matters concerning the Nature Recovery Network (NRN).
- 4.12 The aims of the strategy are noted, as are the references to the aspirations and requirements regarding furthering the aims of the NRN within this policy.
- 4.13 The aspirations of the policy, regarding enhancing the NRN are understandable and appear grounded in sound ecological principles. However, it is considered that incorporating a policy requirement which means that any, 'off-site biodiversity net gain', should be located "*inside, or adjacent to or otherwise contribute to the overall NRN and its biodiversity importance*", is unnecessary and in fact could give rise to missed opportunities in terms of delivering otherwise important ecological / biodiversity gains in the county.
- 4.14 The policy could reflect a preference for off-site biodiversity net gain to be delivered at or adjacent to, or otherwise contribute to the NRM, but as worded the policy could be interpreted as meaning that other options, which may deliver equally important gains for biodiversity, would be precluded. Whilst NRNs are, as cited in the policy, identified as being of strategic significance within the Statutory Biodiversity Metric Calculation

Tool, that should not preclude other gains coming forward, or prejudice the value which could be delivered through a different approach.

- 4.15 As discussed previously within this report, the development proposals at the Site, offer an opportunity to protect and enhance habitat associated with the riparian corridor of the River Otter, enhancing habitat quality and connectivity.

Policy PB07

- 4.16 This policy describes a range of ecological enhancement measures which will be expected to be delivered through new developments.
- 4.17 All of the cited measures could easily be delivered within the development proposals associated with the Site.

Policy PB08

- 4.18 This policy requires that good quality trees and woodland are retained, or that any losses to trees, woodland or hedges are fully justified and appropriately compensated for. Requirements in relation to new planting are also stipulated.
- 4.19 The development proposals associated with the Site would fully accord with the policy requirements set out. Indeed, the proposals give rise to the possibility of significant enhancements in relation to tree cover at the Site, with a sensitive planting strategy improving woodland edge habitat and habitat connectivity through the Site, for faunal species.

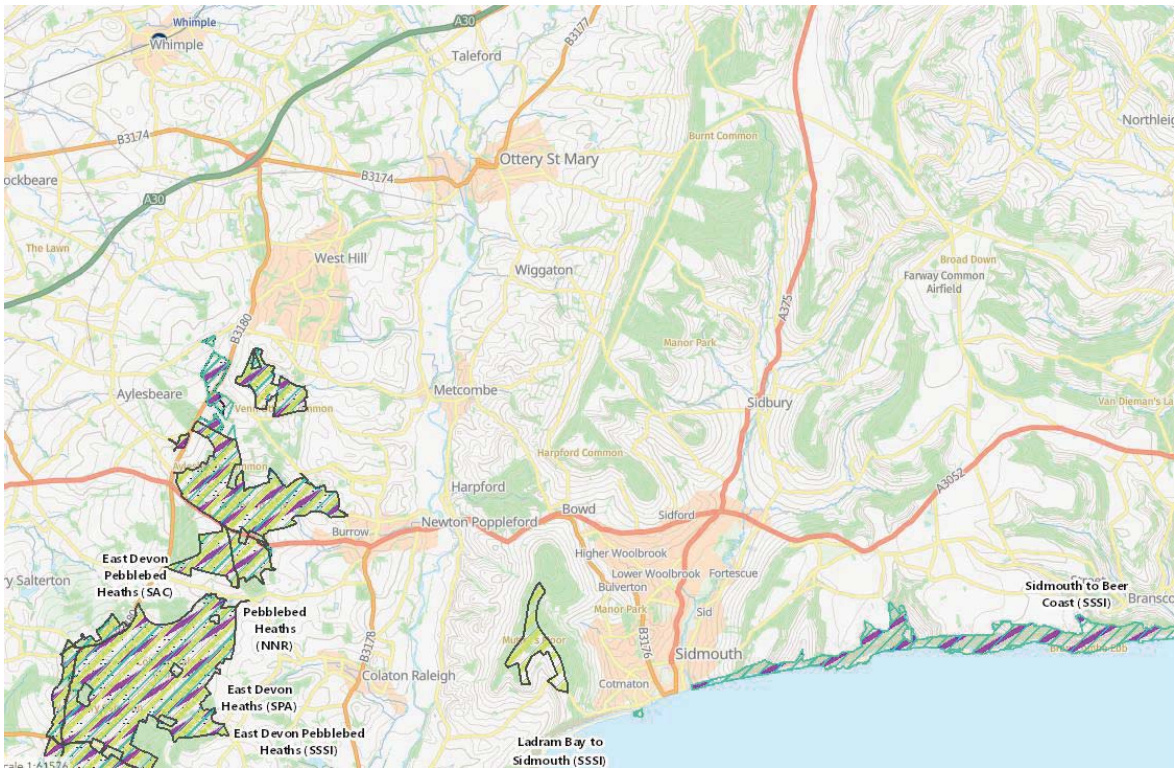
Policy PB09

- 4.20 This policy is designed to deliver security in relation to the landscape planting strategy, through the use of a financial bond system and a need for the submission of monitoring reports. Insofar as ecological matters are concerned, the policy will likely help to ensure that all necessary mitigation and enhancement measures are delivered and continue to be managed appropriately.
- 4.21 Development proposals at the Site would fully accord with this policy if adopted.

APPANDIX 1

Information downloaded from MAGIC

Information downloaded from MAGIC



Appendix 4 Technical Note – Flooding, Water Efficiency, Green & Blue Infrastructure

Technical Note

Project:	Land at Gerway Farm, Ottery St Mary		
Subject:	Technical Note – Flooding, Water Efficiency, Green & Blue Infrastructure		
Prepared by:	Dave Bathurst – Regional Director	Date:	19/03/25
Authorised by:	Dave Bathurst - Regional Director	Status:	S2 - Information
Document Ref:	25228-RLL-25-XX-TN-C-0001	Revision:	P02

1 Introduction

1.1 Document Purpose

The purpose of this document is to explain the approach to flood mitigation, and to demonstrate that the site is deliverable.

1.2 Flooding Context

Figure 1 shows an extract from Environment Agency flood mapping. It demonstrates that a portion of the site, to the north west, is within Flood Zone 2 and 3.

According to the UK Government Check Your Long Term Flood Risk service, there are small isolated pockets of land within the site boundary that are indicated to be at risk from a yearly chance of flooding from surface water, including in the 2040 to 2060 period. This negligible risk is associated with low lying land. Reprofiting of existing topography and the introduction of a drainage system to serve proposed development will eliminate this risk.

Table 1 summarises the flood risk associated with the following site address according to the Long Term Flood Risk service:

Gerway Farm, Ottery St Mary, EX11 1PN:

Type of Flooding	Risk
Surface water:	
Yearly chance of flooding	Very low
Yearly chance of flooding between 2040 and 2060	Very low

Rivers and the sea:	
Yearly chance of flooding	Very low
Yearly chance of flooding between 2036 and 2069	Very low
Groundwater	Unlikely
Reservoirs	Unlikely

Table 1 – Summary of Flood Risks



Figure 1 – Extract from EA Flood Map

2 Flooding

2.1 Strategic Policy AR01

The East Devon Local Plan 2020 to 2042 Regulation 19 Publication Draft from February 2025 includes Strategic Policy AR01 on flooding.

The policy is aimed at minimising the impact and likely effects of climate change through the delivery of developments which are resistant and resilient to future floods.

2.2 Approach to Flood Mitigation

As described above, a portion of the site is within Flood Zone 2 and 3. The primary approach to resisting the impact that new development could have on future floods is to put the most vulnerable aspects of development, such as housing, highways and

other essential infrastructure to the lowest risk parts of the site, and allocating low vulnerability uses, such as amenity space in areas at higher risk.

The area of the site within Flood Zone 2 and 3 is associated with a natural valley that falls towards the River Otter to the west of the site. Existing site topography that aligns with the valley ranges steeply from 40m to 50mAOD. The topography continues to rise from its northern boundary and becomes flatter. Levels along the southern boundary reach up to 60mAOD. With such an extensive level range the natural site topography provides resilience to the possible impact of future climate change that might lead to flood levels rising.

As a secondary flood resilience measure, finished floor levels can be elevated above the minimum of whichever is higher of the following:

- Average ground level
- Adjacent road level
- Estimated river flood level

A Flood Risk Assessment to support a planning application is expected to demonstrate that by maintaining current ground levels within the high risk flood zone areas, and not placing any vulnerable aspects of development within it, including access and egress, new development will be safe for its lifetime.

2.3 Surface Water Drainage

To resist the impacts of flooding and to avoid exacerbating flood risk elsewhere, a comprehensive drainage network will be introduced to manage surface water run-off from new development.

Sustainable drainage systems (SuDS) will be utilised to control the quantity of water that will discharge from the development to the nearest watercourse. It is anticipated that open water systems such as ponds and swales will be utilised for this purpose in conjunction with a flow control device that will restrict flows to match natural 'greenfield' run-off rates.

SuDS techniques will also be utilised to address the need to uphold water quality and support biodiversity, and the integration of these techniques within a wider green and blue infrastructure strategy will add amenity value.

Source control techniques such as permeable block paved driveways and rain gardens will also reduce pollution risks and contribute to the conservation and enhancement of biodiversity and green infrastructure.

3 Water Efficiency

3.1 Strategic Policy AR02

The East Devon Local Plan 2020 to 2042 Regulation 19 Publication Draft from February 2025 includes Strategic Policy AR02 on water efficiency.

The policy is aimed at minimising the impact on the water environment by setting the standard for water efficiency at 110 litres per day per person in accordance with Building Regulation G2.

3.2 Approach to Water Efficiency

110 litres per day per person is the Optional Technical Housing Standard described in the Building Regulations to encourage greater water efficiency. This can be addressed at the detailed design stage and can be achieved through the installation of reduces water fittings (table 2) as needed.

Water Fitting	Maximum consumption
WC	4/2.6 litres dual flush
Shower	8 litres per minute
Bath	170 litres
Basin taps	5 litres per minute
Sink taps	1.25 litres per place setting
Washing machine	8.17 l/kilogram

Table 2 - Water Fittings to achieve 110 litres per person per day standard

In addition to water efficient fittings within each home, water butts attached to roof water systems will be considered as a means of recycling rainwater for garden irrigation purposes.

4 Green and Blue Infrastructure

4.1 Policy DS04

The East Devon Local Plan 2020 to 2042 Regulation 19 Publication Draft from February 2025 includes Policy DS04 on Green and Blue Infrastructure.

The policy is aimed at delivering high quality multi-functional Green and Blue Infrastructure in accordance with Natural England's Green Infrastructure Framework.

4.2 Approach to Incorporation of SuDS

As part of a wider strategy for green and blue infrastructure, sustainable drainage systems will be introduced that capture surface water run-off and store it in a way that helps to enhance the ecological status of the site and adjoining water systems.

A natural flood management (NFM) approach will be explored that seeks to utilise the sites existing topography and prevailing flood storage capacity instead of introducing engineered solutions.

Open water systems such as swales and ponds will be utilised for conveyance and storage of surface water. Planting can be introduced to these features to help with pollution control and support biodiversity.

So that development benefits from the presence of water as well as high quality landscaping, SuDS features will be multi-functional. They will deliver effective drainage but will have an inherent amenity value. By incorporating a network of footpaths and trails, some of which run alongside SuDS features, they can be put to a recreational use for walking and cycling. SuDS features will also help to enhance the visual character of the development.

In areas at risk of flooding, local equipped areas of play (LEAPs) can be introduced as an efficient way to utilise the space. Using materials for play equipment that can endure wet conditions will address any issues concerning durability.

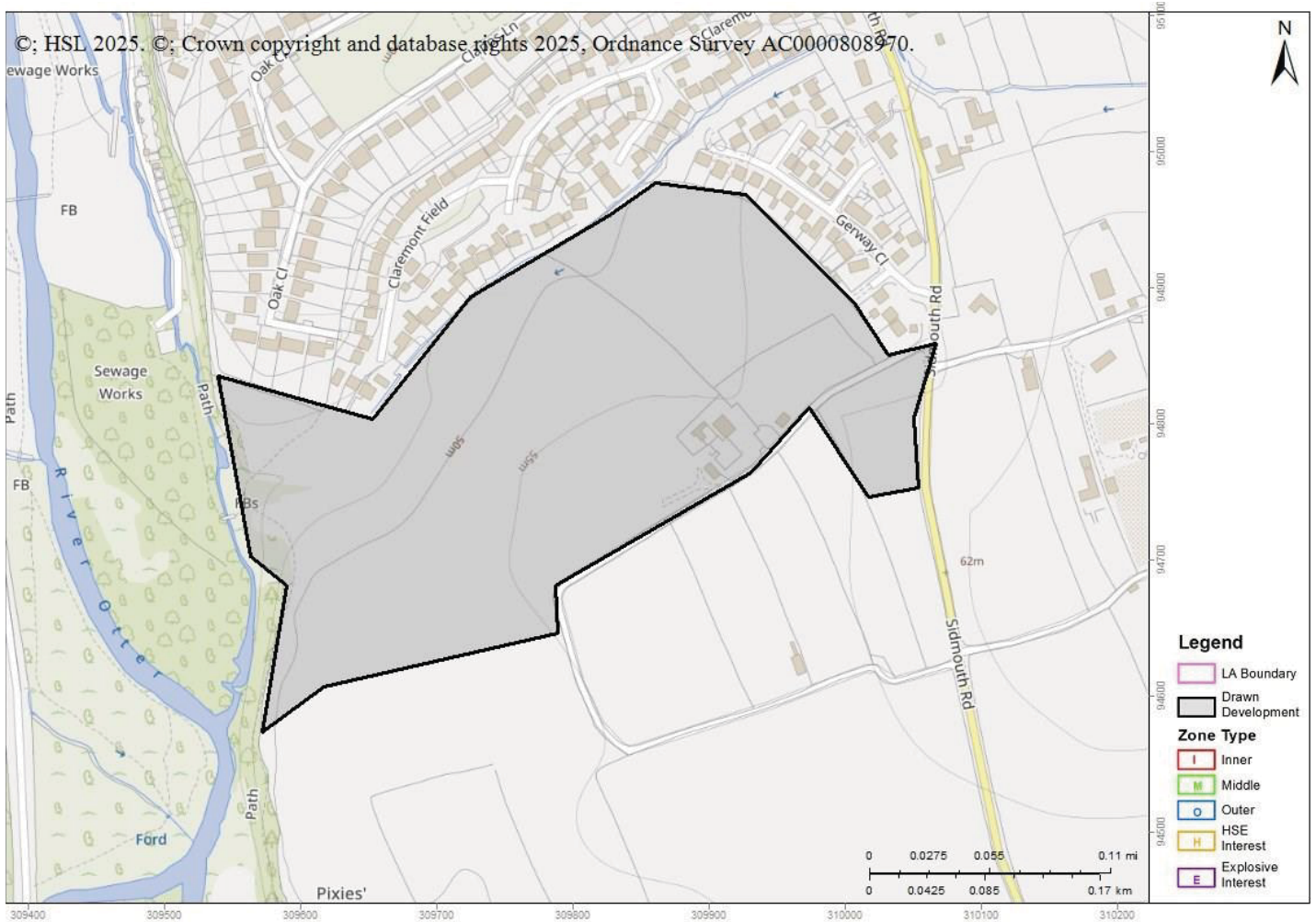
Appendix 1 HSE Confirmation

Advice : HSL-250320141632-2045 Does Not Cross Any Consultation Zones

Your Ref: Ottery St Mary

Development Name:

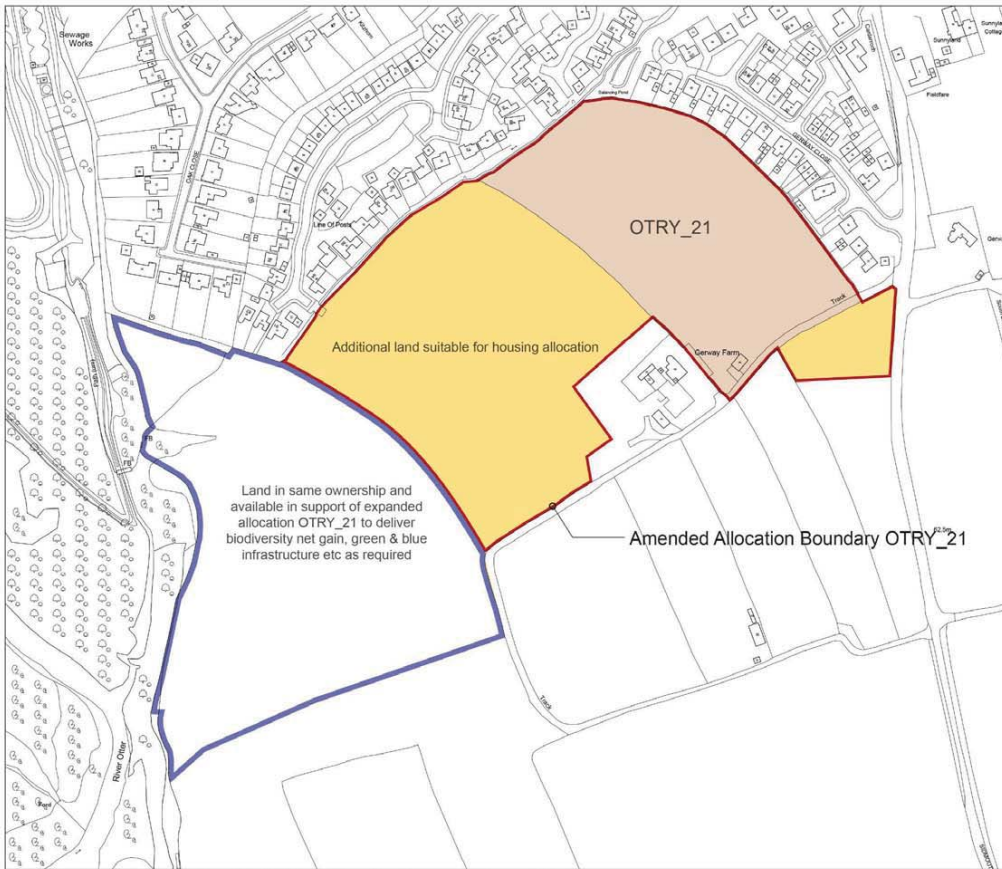
Comments:



The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

This advice report has been generated using information supplied by Dan Bailey at Travis Baker on 20 March 2025.

Appendix 6 Proposed Allocation Boundary



- Legend**
- Allocation OTRY_21
 - Additional Land Suitable for Housing Allocation
 - Amended Allocation Boundary OTRY_21
 - Land in same ownership and available in support of expanded allocation OTRY_21 to deliver biodiversity net gain, green & blue infrastructure etc as required

Reproduced from the Ordnance Survey Map with permission of Her Majesty's Stationary Office (c) Crown Copyright Licence no 100046803

richards partnership
 1 Agincourt Square, Monmouth, NP25 3BT
 T: +44(0)1600 772251

Project:
 Gerway Farm, Ottery St Mary

Title:
 Allocation Extents

Revisions:
 Rev A: Annotation amended 28/03/2025
 Rev 0: Drawing Created 24/03/2025

Drawn by: JG	Checked by: PJR	Status: Information	Date: 24/03/25	Drawing no: 24-54-IN-06	Rev: A
------------------------	---------------------------	-------------------------------	--------------------------	-----------------------------------	------------------

Scale: NTS



the fact that the *Journal of Applied Behavior Analysis* is the most widely read journal in the field of behavior analysis.

It is also important to note that the *Journal of Applied Behavior Analysis* is the only journal in the field of behavior analysis that is published by a non-profit organization, the Association for Behavior Analysis International (ABAI). This is a testament to the journal's commitment to the field and its readers.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

The *Journal of Applied Behavior Analysis* is a journal that is read by a wide range of professionals in the field of behavior analysis, including researchers, clinicians, and students. It is a journal that is essential for anyone who is interested in the field of behavior analysis.

Birmingham

0121 713 1530

birmingham@lichfields.uk

Edinburgh

0131 285 0670

edinburgh@lichfields.uk

Manchester

0161 837 6130

manchester@lichfields.uk

Bristol

0117 403 1980

bristol@lichfields.uk

Leeds

0113 397 1397

leeds@lichfields.uk

Newcastle

0191 261 5685

newcastle@lichfields.uk

Cardiff

029 2043 5880

cardiff@lichfields.uk

London

020 7837 4477

london@lichfields.uk

Thames Valley

0118 334 1920

thamesvalley@lichfields.uk

@LichfieldsUK

lichfields.uk

Appendix 2 Counsel Opinion

IN THE MATTER OF:

**EAST DEVON DISTRICT COUNCIL EMERGING DEVELOPMENT PLAN
AND THE NPPF TRANSITIONAL ARRANGEMENTS**

OPINION

1. I am instructed in this matter by Mr Philip Rawle BSc (Hons) MA Dip TP MRTPI, the Managing Director of Landra Developments Ltd.
2. I am asked to advise whether the East Devon emerging Local Plan ('the eLP') falls within any of the exceptions listed in NPPF para. 234. For the reasons set out below, I am of the Opinion that the eLP does not fall within any of these exceptions.
3. The relevance of the point is that if the eLP falls within one or more of the NPPF para. 234 exceptions, East Devon District Council ('the Council') is obliged to meet only 80% of its local housing need ('LHN', calculated using the standard method ('the SM') in national planning practice guidance, published 12 December 2024). If the eLP does not fall within any of the exceptions listed in this paragraph, the Council must as a minimum provide for its full housing needs, or satisfy the inspector appointed to examine the eLP that either of para. 11(b)(i) or (ii) applies (i.e. that the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the scale of development, or the adverse impacts of meeting housing needs would significantly and demonstrably outweigh the benefits).
4. NPPF para. 234 provides that '(f)or the purpose of preparing local plans, the policies in this version of the Framework will apply from 12th March 2025 other than where one or more of the following apply:'. Five exceptions are set out (a. to e.), but the only one

relevant for the purposes of this Opinion is that set out in NPPF para. 234(a):

‘the plan has reached has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need.’

5. I am not asked to advise whether the draft housing requirement set out in in eLP meets at least 80% of LHN, and for the purposes of this Opinion I assume that it does. The only point of contention therefore is whether the eLP reached Regulation 19 on or before 12 March 2025.
6. Footnote 82 to NPPF para. 234 clarifies what “reaching” Regulation 19 stage means (emphasis added):

*“In this context, “reached Regulation 19” refers to when Regulation 19 has been complied with (ie. when the planning authority has made a copy of each of the **proposed submission documents** and a statement of the representations procedure available, and the statements required in Regulation 19(b) have been sent to consultation bodies.”*

7. Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2002 (‘the Regulations’) states in full:

“Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must—

*(a) make a copy of **each of the proposed submission documents** and a statement of the representations procedure available in accordance with regulation 35, and*

*(b) ensure that a statement of the representations procedure and a statement of the fact that **the proposed submission documents** are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).*

8. Regulation 17 of the Regulations specifies what is meant by “proposed submission documents” as follows:

“the local plan which the local planning authority propose to submit to the Secretary of State, if the adoption of the local plan would result in changes to the adopted policies map, a submission policies map,

the sustainability appraisal report of the local plan,

a statement setting out—

-which bodies and persons were invited to make representations under regulation 18,

-how those bodies and persons were invited to make such representations,

-a summary of the main issues raised by those representations, and

-how those main issues have been addressed in the local plan, and

-such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan;’

9. In the present case, the Council produced a eLP which reached Regulation 19 stage on 13th February 2025 (i.e before the deadline of 12th March 2025). By this, I mean the Council made ‘each of the proposed submission documents’ available for consultation in accordance with the requirements of Reg. 19 (a) and (b) above. However, these proposed submission documents were never submitted for examination to the Secretary of State.

10. Instead, the Council decided to launch what it refers to as ‘a 2nd stage of Reg. 19 consultation.’ This consultation commenced on 28th November 2025, but the proposed submission documents made available in this ‘2nd consultation’ under Reg.19 are not the same as those which were made available in February 2025, prior to the 12th March 2025 transitional arrangement deadline. Each of the documents consulted upon in the so-called 2nd stage Reg. 19 consultation (the draft local plan, the policies map, the sustainability appraisal, the main issues raised by those who responded to the consultation, the document setting out how those issues have been addressed in the local plan and at least some of the supporting documents relevant to the preparation of the local plan) are different to those which were consulted upon prior to the deadline

set out in the NPPF transitional arrangements.

11. It follows that ‘the proposed submission documents’ (i.e the documents now proposed to be submitted for examination) did not reach regulation 19 stage on or before 12th March 2025, and hence the exception set out in NPPF para. 234(a) is not engaged. The effect of this is that the eLP should be planning to meet the full SM housing requirement.
12. Having read the Council’s reports to Strategic Planning Committee, it appears that Council officers have advised members that the documents now proposed to be submitted are not significantly different from those which did reach Reg. 19 stage prior to the NPPF deadline. In presenting this advice, officers have drawn attention to the PPG at Paragraph 86 Reference ID:61-086-20250616 which provides as follows:

‘How do the implementation aspects of the NPPF apply to plans where more than one round of Regulation 19 consultation has been undertaken?’

Some local planning authorities may undertake more than one round of Regulation 19 consultation on a plan. Where this is the case, for the purposes of implementing Annex 1 of the Framework, a plan is normally to be taken as having reached the Regulation 19 stage at the date on which the first round of Regulation 19 consultation commenced.

However, in some limited circumstances, a plan is to be taken as having reached Regulation 19 on the date that a subsequent round of consultation commenced. These limited circumstances could include instances such as when the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage.’

13. There are in my opinion two difficulties with the advice that has been provided to members.
14. Firstly, it matters not whether the proposed submission documents are significantly different. The Regulations make no reference to whether the proposed submission documents are significantly different; they simply require there to be consultation on those documents which are proposed to be submitted. The documents which are now

proposed to be submitted were not consulted upon prior to the deadline. Either the documents which are now proposed to be submitted for examination reached Regulation 19 stage prior to the deadline, or they did not. In this case, they clearly did not, because (in simple terms) they did not exist. They have all been produced, or at least made available for consultation, after the deadline. Government guidance cannot alter what is meant by reaching Regulation 19 stage; what they mean is a matter of law.

15. Secondly, on any reasonable analysis the draft plan and the associated proposed submission documents are materially different. The report prepared for the Strategic Planning Committee Meeting of the 25th November 2025 sets out that the Committee was provided with a report 'setting out a series of what are more substantive changes to the local plan' (para. 2.1). A relatively high level comparison between the 1st and 2nd Regulation 19 plans shows the following changes:

- (i) Substantial updates to the evidence base, including publication of 33 new documents within the evidence base;
- (ii) Deletion of allocations: Honi_12 (71 homes), Axmi_01a (2ha Employment Land), SD14: Clyst St Mary (72 Dwellings);
- (iii) Deletion of Strategic Policy WSI I: Gypsy and traveller site east of M5;
- (iv) Update to New Town Policy WS01, including additional criterion for SANG provision, provision and embedding of a Masterplan to which all 8,000 dwellings of the proposed allocation must apply, further criteria for Education, Leisure and Health facilities, and additional requirements for future planning applications. The Report prepared for Strategic Planning Committee states: 'The most significant changes are made in respect of Policy in the plan for a new community (2nd after Cranbrook) as now named and referenced in the plan as Marlcombe. The key intent of running the 2nd stage consultation was specifically to address new community/Marlcombe plan policy'.

- (v) Updated housing trajectory projections, representing an increase to the anticipated delivery during the plan period;
- (vi) Updated documentation within the evidence base which identifies an updated standard method figure (1,156 dpa), resulting in an overall anticipated delivery of 82% of the standard method figure (though this has not been updated within the Draft Plan document, and reference remains to 80% of 1,188 dpa i.e. 950.4 dpa);
- (vii) Changes to several settlement boundaries and,
- (viii) Updates to a series of remaining policies, including specifically with regard to policy AR02 which requires developers to address water quality in a capacity that is typically the responsibility of the water undertaker.

16. In the light of all of this, it is very difficult to see how the proposed submission documents consulted upon after the NPPF deadline can be said to be not significantly different to those that were consulted on/submitted pursuant to Reg. 19 prior to the deadline. Had the 'original' plan been submitted for examination, and the changes now made as part of the 2nd Reg. 19 consultation been put forward as modifications before the examining inspector, they would at the very least have been deemed main modifications, and the inspector may even have viewed the changes as so extensive as not to be suitable for implementation through the main modifications procedure. That analogy further demonstrates why it is, in my opinion, highly ambitious to claim that there have not been significant changes to the eLP.

17. I have addressed the short point raised for my consideration. I am available to assist if further advice is needed, and can be contacted via my clerks.

Satnam Choongh
23 JANUARY 2026
No5 Chambers
Tel 0870 - 203 5555
Fax 0121 – 606 1501
Email: ssc@no5.com

IN THE MATTER OF:

**EAST DEVON DISTRICT COUNCIL EMERGING DEVELOPMENT PLAN
AND THE NPPF TRANSITIONAL ARRANGEMENTS**

OPINION NOTE

Counsel: Satnam Choongh

Your Ref:

Appendix 3 LVIA

Land at Gerway Farm, Ottery St Mary, East Devon

Landscape and Visual Impact Assessment

for Landra Developments Ltd

Land at Gerway Farm, Ottery St Mary, East Devon			Document Ref: 24-55-CR-04	
Revisions				
Revision	Date	Description	Prepared	Approved
0	19/09/2025	Document created	JBG	PJR

Maps within this report are reproduced from the Ordnance Survey Map with permission of His Majesty's Stationery Office (c) Crown Copyright License No. AC0000805347

Contents

1.0	Introduction	Page 5
2.0	Description of the Site and its Surroundings	Page 7
3.0	Landscape Planning Context	Page 11
4.0	Landscape & Visual Baseline Assessment	Page 15
5.0	The Development Proposals	Page 48
6.0	Landscape & Visual Impact Assessment	Page 51
7.0	Summary	Page 63

Appendix A - LVIA Methodology

Appendix B - Photomontages