



Heathfield Community Action Group



January 2023

COMMENTS ON EAST DEVON DRAFT LOCAL PLAN

CONSULTATION PLAN – AUTUMN 2022



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On Behalf of The Heathfield Community Action Group

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Executive Summary

The Heathfield Community Action Group is comprised of nine residents of the Heathfield Estate, Honiton, all live of whom live on the South side of Old Elm Road. The Group was formed in December 2022, to oppose the proposed change to the Honiton Built Up Area Boundary and the proposed development of the land enclosed within it, known as LP_LP_Honi_01.

Following various communications with local residents, it became apparent that amongst the many elderly residents there are a number who do not have access to the internet or who feel daunted at the prospect of navigating the Commonplace software to make their comments. Therefore, a public consultation was held at the Heathfield Inn on 16th December 2022. Attendees were requested to complete a form registering their objections to the proposed development (See Appendix A). The intention was for the Heathfield Community Action Group to enter the responses on behalf of these residents.

In answer to the question “How do you feel overall about the EDDC draft Local Plan Strategic Policy for the site known as LP_Honi_01 and its future development,” the attendees were unanimous in feeling negative about the proposals. 97% indicated their extreme dislike/unhappiness.

All of the ‘Key Words’ on the feedback form were selected as objections to the development of LP_Honi_01, by **all** of the respondents. The ‘Key Words’ represent material considerations to planning applications. Whilst the draft local plan contains no planning application to build on LP_Honi_01, the ‘Key Words’ chosen all represent arguments as to why the land should not be selected for development.

‘Key Words’ in themselves do not provide either context or details. The purpose of this document is to expand upon the ‘Key Words’ with the reasons why the Honiton BUAB should not be expanded and why LP_Honi_01 should not be selected for development.

Given the arguments presented in this document, it is requested that this site be removed from the Draft Local Plan and the BUAB be maintained as it currently stands.

1. INTRODUCTION

This report has been compiled by Mr. R. Fowles, a Heathfield Estate resident, reviewed and commented on by the rest of the Heathfield Community Action Group. It principally concerns the proposed development of the site designated LP_Honi_01, in the East Devon Local Plan – Consultation Draft Plan – Current draft – Autumn 2022.

On 16th December 2022, Heathfield Community Action Group held a public consultation at the Heathfield Inn, from 3:00pm to 7:00pm. It was aimed at residents of the Heathfield Estate, living to the South of Old Elm Road, who were advised of the meeting via a leaflet drop. However, the consultation was open to anyone. It was well attended throughout, despite the freezing conditions. The format of the consultation was similar to the public consultations held by EDDC Strategic Planning, with three members of Heathfield Community Action Group and a further knowledgeable member of the public actively engaged all the time with the visitors.

Attendees who had completed the EDDC Commonplace on-line survey were recorded. Given that there are a substantial number of older people who live South of Old Elm Road, there was a straightforward form for them to complete, so that Heathfield Community Action Group could make representations on their behalf. An example of the form is contained in Appendix A. The layout is deliberately similar to that found in the Commonplace software. The free text box, however, contains a column of 'Key Words'. Against each one the 'Material Considerations' are provided to add the essential information for the person completing the form. The form also invites the person completing it to comment on other sites.

The intent is for the 'Key Words' to be entered into the Commonplace software free text box under the proposed (LP_Honi_01) site. The free text box analysis software will then pick up on the same 'Key Words' for each form completed and present them as legitimate and consistent planning objections within the Word Cloud. The issue with using a Word Cloud is that it lacks detail and context regarding each word.

The purpose of this document is to report on the public response in terms of the number of responses and the entries made. In particular, it is to add more detail, especially to the 'Material Considerations'.

There were 67 survey reports completed at the consultation. 61 were completed by residents of the Heathfield Estate, 4 by Honiton residents and 2 who only identified as EX 14 residents.

2. ANALYSIS OF RESPONSES TO THE FIRST QUESTION

In response to the question “How do you feel overall about the EDDC draft Local Plan Strategic Policy for the site known as LP_Honi_01 and its future development,” the attendees were unanimous in feeling negative about the proposals. 98.5% were at the extreme of dislike/unhappiness.

The responses were as follows:

- 63 people selected ‘Dislike – Unhappy’
- ‘Dissatisfied’ was selected by 3 attendees
- 1 person did not make a selection.

People attending the event commented on their complete dissatisfaction that the proposed plan contained a redrawing of the Honiton Built Up Area Boundary (BUAB) around the proposed LP_Honi_01 site. Unlike the 2012 planning application to develop this and the adjacent fields, there has been no consultation with the public about extending the BUAB. According to Natural England, who are AONB Partnership Members of the East Devon AONB which encompasses LP_Honi_01, EDDC have consulted them on development with the AONB. However, prior to the end of the first week in January 2023, Natural England were yet to make their comments. It would appear to be ‘putting the cart before the horse’ by publishing the draft Plan before an organisation responsible for the management of the AONB has made their comments. Especially given the comments that Natural England made in the Delegated Report’ which was associated with planning application 15/1027/MOUT. It is also noted that EDDC are a member of the group that manages the East Devon AONB.

Amongst the letters written objecting to the two previous planning applications, it was raised that the developments were outside of the Honiton BUAB. Perhaps that is why EDDC Planning redrew the boundary in this emerging version of the Local Plan. It is understood that should the draft Plan be passed through with the new BUAB in place, then it would be subsequently much easier for EDDC to grant planning permission for building on the site because it would now be inside the BUAB.

At the first EDDC public consultation in Whimple, the only recorded feedback from the public was how many homes they wished to see built in the area. During the time that I spent there, none of the three EDDC representatives continuously engaged with the public were seen to be taking notes. How does this constitute a public consultation? This did not escape the group of people who left at the same time as I did. I heard one of them say to the others that it did not matter what you had to say, because no one was listening. It was noted that by the time the public consultation had reached Honiton, this had changed, and the public were able to make their comments on slips of paper.

The reliance of EDDC Strategic Planning to accept feedback initially only from the public via the Commonplace software, disenfranchised those who do not have access to the internet or those who lack the confidence/competence to navigate the software. It arose from EDDC’s Strategic Planning webinars with local Parish/Town Councillors, that there was no mechanism for the public to provide feedback initially by letter or e-mail and if it was possible there was doubt that the format would be suitable for entry into Commonplace. Even now, days from the end of the public consultation, the Information page for the Draft Public Plan Consultation, last updated 15th December 2022, does not

contain options to submit feedback by letter or e-mail. It only links the public through to the Commonplace software where again there is no option to provide feedback by letter or e-mail. How are the disenfranchised public to know that they can provide feedback via letter or e-mail and be confident that their opinion will count?

EDDC Strategic Planning cannot claim (should they wish to) that there is less negative feedback concerning development of site LP_Honi_01 this time around when the substantial objections received in 2013 and 2015 were all via correspondence and this method was not offered this time around.

3. ANALYSIS OF RESPONSES TO THE SECOND QUESTION

The form completed during the consultation contained the statement “I object to developing the land known as LP_LP_Honi_01 for the following reasons”. The sections below provide the context against each of the ‘Key Words’ used.

3.1 History

The previous objections to build on this land (Ref: 13/2430/MOUT and 15/1027/MOUT) were both rejected.

There were 182 Comments from the public against 13/2430/MOUT, and without exception everyone objected to the development. EDDC rejected the application in the letter dated 2 May 2014 for the following reasons:

- Building in an AONB, contrary to the National Policy Framework paragraphs 115 and 116, where it is non-essential as there is other land outside of the AONB both locally and in the district. The location was deemed unsuitable and unsustainable.
- The proposed development would have a detrimental impact upon the character and appearance of the AONB. The development would not assimilate well into its surroundings.

The above reasons still stand in relation to the proposed development.

There were 171 comments received against application 15/1027/MOUT. 170 of these were objecting to the application and there were no supporting comments. EDDC rejected the application in letter dated 30th April 2015 and under 12 other documents concerning landscaping, layout, location plans, sections, survey drawing and other plans. The rejection letter made the following in points:

- The proposal is considered to represent major development in an Area of Outstanding Natural Beauty and where paragraphs 115 and 116 (*Now combined into paragraph 172*) of the National Planning Policy Framework indicate that such development should only be granted in exceptional circumstances and where there is a public benefit. Any benefits arising from the provision of open market or affordable housing are not considered to be exceptional and would be outweighed by the significant and irreversible landscape harm that would result.

- The proposed residential development would have a detrimental impact through permanently harming the natural qualities and defining landforms of the protected Area of Outstanding Natural Beauty landscape. Furthermore, the height of the buildings proposed and layout when viewed from immediate and long-range public views to the north and south would significantly alter the appearance by extending the built form up the valley slope. The development would not assimilate well into its surroundings through its landscaping, which is applied in a manner that is not consistent with the landscape character.

The above rejections still stand in relation to the proposed development, even though the size of the proposed development has been restricted to one field.

The Delegated Report associated with planning application 15/1027/MOUT, contains recommendations from the Devon County Archaeologist. It states that due to there having been Roman and prehistoric activity and known archaeological sites in the vicinity, the construction of new homes and associated infrastructure has the potential to expose and destroy previously unrecorded archaeological deposits. Given this and in accordance with paragraph 141 of the National Planning Framework Policy (2012) (*Now paragraph 194 of The National Policy Framework (2021)*), the recommendation is to add a condition to the granting of any planning application that requires:

“No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or other such details as may be subsequently agreed in writing by the Local Planning Authority.”

The Devon County Archaeologist envisaged “a suitable programme of work as taking the form of a staged programme of investigation, commencing with an archaeological geophysical survey of the application area, and followed – if required – by the excavation of trenches (*to*) determine the nature and significance of any anomalies identified by the survey.” This is in stark contrast to the archaeological desk-based assessment carried out by CgMs Consulting commissioned by and behalf of Gleeson Development Ltd. The Devon County Archaeologist was aware of the contents of this report.

3.2 AONB

In addition to the above previous objections for building on an AONB, there are the following considerations.

The Mandatory East Devon Partnership Plan (AONB Management Plan), Strategic aim 1: Place – To conserve and enhance the natural beauty of the AONB, paragraph 2.3:

“2.3 Planning development and policy protects the special landscape character and tranquillity of the AONB and will enable appropriate forms of social and economic development that are compatible with the landscape, so conserving and enhancing the environment.”

The development of site LP_Honi_01 will not provide appropriate forms of social or economic development that are compatible with the landscape and will neither conserve nor enhance the environment.

Proposing the development of LP_Honi_01 in an AONB goes against the Colchester Declaration of 2019, which states the following:

“Set against a backdrop of unprecedented concern for the future of the natural world, and intergovernmental reports that the current global response to the effects of human impact on nature is insufficient – the National Association for Areas of Outstanding Natural Beauty believes that now is the time to significantly increase the scale and pace of nature conservation activity in AONBs. Using our unique network and partnership model, we are making a collective Declaration on Nature in AONBs, setting out our strategy for change. With many AONB host authorities having taken the step of declaring a Climate Emergency we are demonstrating our readiness to act to redress declines in species and habitats within the context of a wider response to climate change.”

The attention of EDDC’s Strategic Planning is drawn to the High Court case of Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor (Rev 1) 2021, EWCA Civ. 74. Sir Keith Lindblom, Senior President of Tribunals, rejected a case brought by developer Monkhill Ltd. who wanted to build 79 homes on a brownfield site but largely within an AONB.

Sir Keith Lindblom stated that the court had to decide the meaning of the policy relating to development in an AONB and the relationship of that policy to the presumption in favour of sustainable development. The Court of Appeal ruled that the National Planning Policy Framework (NPPF) permits a Council to reject a planning application because of an adverse impact on an area of outstanding natural beauty (AONB).

The National Planning Policy Framework (NPPF) revised July 2021, paragraph 176 states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads.”

It was reported on BBC Countryfile that they have seen documents indicating that the Government want to merge England’s AONBs and national parks under a single National Landscape Service. The plan follows a review, by Julian Glover, carried out 18 months before in which it was suggested a better coordinated management of England’s places of natural beauty was needed. If this change is enacted, AONB’s will have the same protection as National Parks.

Paragraph 177 of the NPPF, states that “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. The comments below demonstrate that there are no exceptional circumstance to develop LP_Honi_01 and that it is not in the public interest.

In the planning application 15/1027/MOUT – Delegated Officer Report, the conclusion on AONB issues was:

“The proposal would permanently harm the natural qualities and the defining landform of the AONB. The failure of the proposal to satisfy points i, ii, and iii under paragraph 116 of the NPPF means that the proposal has not demonstrated it would be in the public interest or that exceptional circumstances exist. The proposal would significantly alter the appearance of the site and clearly extend the built-up area visible from the immediate and long-range public views. In reaching this conclusion the harm identified is accorded great weight in line with paragraph 115 of the NPPF. Thus, the proposal is not sustainable development for which there is a presumption in favour under the prescribed approach of paragraph 14 of the NPPF.”

3.3 Environment

The site is farmland that forms a transitional buffer between the existing BUAB and the ancient and semi-natural woodland of Gobsore Wood, as designated by Natural England (Spreadsheet Object ID 30885).

It is a dark sky environment providing essential feeding for the protected species that live within the area and adjacent lands. There is an important wildlife corridor that runs along the stream bordering the proposed site to the West.

Development would destroy both of the above and has a further likely impact on the wood and wildlife. The proximity of the site to the ancient and semi-natural woodland, approximately 100 meters from the Southwest edge of the proposed development would be an attraction to children occupying the proposed new development. Damage would be caused to the woods and woodland, just as it has to the woods adjacent to the two houses to the West of Hayne Lane that border the woods there. Occupiers of new properties will no doubt keep pets, including cats. For a development of 79 properties there would be an estimated 26 cats, based on an estimated number of 320 – 330 cats per 1000 households: Underhill-Day 2005. This would be in addition to predation by cats from the existing development. The new cat population would decimate the population of small mammals and wildlife within and around the area, including affecting the bird population.

3.4 Ecology

An ecological impact assessment was carried out by ‘ead Ecological Consultants’, commissioned by Gleeson Developments Ltd., in April 2015. There appears to be no substantial difference between the land now than there was then. Appendix 1: Survey methodologies and results records the following, mainly from site surveys carried out in 2012:

Hedgerows – All determined to be ‘Important’ habitats. There was evidence of dormouse presence in one and the assumption was made that dormice would be present in all hedgerows, woodland and scrub within the site. The dormouse is a protected species.

Reptiles – No were found on the seven visits made. However, the site falls within the Devon Great Crested Newt Consultation zone.

Breeding Birds – A total of 31 bird species were detected, including:

- Herring gull, house sparrow, linnet, song thrush and starling, which were all Priority Species and RSPB Red-listed.
- Bullfinch and dunnock, which were both Priority Species and RSPB Amber listed.
- House martin, swallow, swift and whitethroat, which were also RSPB Amber species listed.
- Eighteen RSPB Green listed species.

Badgers – A survey was carried out but no badger sets were found on site, however the land was found to be suitable foraging by badgers.

Bats – The 43 trees around the site and adjacent fields were checked and identified as Category 1 or 1* roosting locations. It was concluded that roosts would be disturbed by any development.

A total of 291 bat registrations were recorded on the listening points during the five bat activity surveys. Of these, the vast majority of were from common pipistrelle, soprano pipistrelle were frequently recorded, along with Myotis species and serotine. A minimum of 9 bat species were detected. Bats are a protected species.

Amphibians – Clearance of the site has the potential to kill or injure common toads and would have a long-term adverse impact. Toads are a protected species.

In addition, roe deer have been seen on the site and hedgehogs foraging in the gardens along the northern edge of the fields.

The overall approach to mitigation of effects upon the wildlife suggested in the report is to trap mammals and amphibians, relocate them, then build on the site to prevent their return to a natural habitat. Bats and birds would be displaced.

3.5 Visual

Building upon the site would have significant impact upon the sight lines around the proposed LP_Honi_01 location. The incline of the land South of Heathfield Estate rises sharply compared to the land within the existing BUAB. Housing would be clearly visible from the Heathfield Estate and to the Blackdowns AONB to the North. This would detract from the open views of the AONB, making Honiton a less desirable location for visitors and tourists, thereby impacting upon the local economy. This goes against the intentions for tourism in the AONB Partnership Plan.

Attention is drawn to the section on 'AONB Visual Impact' in the Delegated Report associated with planning application 15/1207/MOUT and the conclusions on AONB issues.

3.6 Overbearing

Housing on the site would overlook existing properties on the Heathfield Estate, due to the increase in gradient of the site.

3.7 Flooding

Gardens of housing adjacent to the site are currently subject to flooding, due to water run-off.

The ground on which LP Honi 01 is located is classified as having high groundwater vulnerability. High areas can easily transmit pollution to groundwater. They are characterised by high-leaching soils and the absence of low-permeability superficial deposits. Gardens and driveways in housing estates are likely sources of ground water pollution. The land permeability is such that contamination from new housing gardens and driveways will get into the water courses.

Flood Risk Assessment has also raised concerns over development on the site. With reference to the paper Site Selection – interim findings at Tier One and Tier Two settlements, under the heading “Other known site constraints” it identifies that there are potential flooding concerns on the periphery of the site. The Flood Plain in question on the Heathfield Estate is set out to handle the flow of water from the fields above. This includes a stream and associated tree planting set out in a woodland setting. To control water flow and minimise the risk of flooding both on the any new development site, and on the current Flood Plain, the site LP_Honi_01 would need to incorporate a similar concept. This would include design sustainable drainage design to manage the water flow, preferably incorporating a stream and woodland.

3.8 Infrastructure

Building access roads to both the East and West of the site will cross land designated as AONB and should this be permitted; it can only be concluded that the precedent will be set to develop these fields also and achieve the plans 13/2430/MOUT and 15/1027/MOUT rejected for the reasons stated earlier in this document.

There will be an impact on primary schools in Honiton and additional provision will be required. Although there is some capacity at the senior school level, if all the housing proposed for Honiton is built, it will be inadequate. Similarly at the doctor’s surgery. It can currently take weeks to get a standard face-to-face appointment.

3.9 LP_Gitti_05 and LP_Gitti_06

The Heathfield Inn public consultation form raised the question as to whether the person completing the form also objected to the development of the proposed sites LP_Gitti_05 and LP_Gitti_06, for the applicable reasons raised against LP_Honi_01.

Approximately 79% of persons completing the feedback form were opposed to development on LP_Gitti_05 or LP_Gitti_06 sites. The number of responses were as follows:

- Objections to development of site LP_Gitti_05 – 53
- Objections to development of site LP_Gitti_06 – 52
- One person had no objections to developments on LP_Gitti_05 or LP_Gitti_06.

4.0 CONCLUSION

This document raises material objections to the proposed development of designated LP_Honi_01 site. It is requested that this site be removed from the Draft Local Plan and the BUAB be maintained along its current line.






There continues to be land around Honiton that does not fall within an AONB, particularly to the East. More development than that already proposed should be considered, given the proximity to the Town centre and its facilities that are more readily reached on foot.

APPENDIX A – PUBLIC CONSULTATION SURVEY FORM

HEATHFIELD COMMUNITY ACTION GROUP SURVEY

1. How do you feel overall about the EDDC draft Local Plan Strategic Policy for the site known as Honiton_01 and its future development?

Please tick one box only:

				
Dislike - Unhappy	Dissatisfied	Neutral	Satisfied	Happy – Love It

1. I object to developing the land known as LP_Honi_01 for the following reasons. Please tick applicable box(es).

Enter Ticks	Key Word	Material Consideration
	History	The previous applications to build on this land (Ref: 15/1027/MOUT & 13/2430/MOUT) Were both rejected principally on the grounds that the land is an AONB
	AONB	Nothing has changed since the above. The land is protected by the CROW Act 2000 and the East Devon Partnership Plan and is contrary to clauses 176 & 177 of the NPPF.
	Environment	Destruction of productive farmland that provides a natural barrier between the current built environment and ancient woodland of Gobsore Wood, as designated on the Natural England website. This dark sky environment provides essential feeding environment of protected species. Important wildlife corridor runs along the stream bordering the site. Development would destroy both of these.
	Ecology	Bats – 9 protected species minimum, previously recorded foraging and commuting. Birds – 31 species previously recorded, including 7 RSPB priority species. Newts – Land falls within a Devon Great Crested Newt Consultation Zone. Site is suitable for Roe Deer (Seen), Dormice, Hedgehogs and Badgers foraging habitat.
	Visual	Significant impact on the sight lines South of the site, looking into the AONB & towards the town. Due to the increase in slope above the current Heathfield/AONB boundary, houses would be clearly visible from the Heathfield Estate and the Blackdowns AONB. Loss of AONB views may affect tourism which is important to the local economy.
	Overbearing	Overlooking of existing properties due to the increased gradient of the site.
	Flooding	Gardens of houses currently bordering the proposed site do flood due to water run off from the fields above. Land permeability and Flood Risk Assessment are concerns
	Infrastructure	There is no Primary School in walking distance. The next level school is further away, and the current high number of pupils is of concern. Getting an appointment at the doctors takes weeks.

2. I also object to the development of the proposed sites below, for the applicable reasons above:

Gitti_05, Gitti_06 & ? Please circle one or both as applicable: YES / NO

Please sign below to grant your permission for the Heathfield Community Action Group to use your details only to enter the above in the EDDC Draft Local Plan software portal and to include this form in the report to EDDC.