

Filtered Data Export

Full name: Cara Chambers

Organisation (where relevant): Stantec

Other party name (if relevant):

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Proposal:

1. Introduction

1. To which part of the Introduction chapter does your representation relate?:

Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

1.1

2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.: 3 National Planning Policy Framework

3.1 National Planning Policy Framework (2024) and Standard Method

3.1.1 A revised National Planning Policy Framework ('NPPF') came into effect in December 2024 alongside a revised Standard Method and annual housing requirement. This revision strengthened the presumption in favour of sustainable development as well as further emphasising the importance of housing delivery.

3.1.2 As a result of the updated Standard Method the annual housing requirement for East Devon has increased from 893 to 1,188 dwellings, which has implications for the immediate five year housing land supply as well as the longer term position set through the emerging local plan.

3.1.3 Annex 1 of the NPPF sets out the transitional arrangements for existing draft Local Plans which have reached at least Regulation 19 stage consultation before 12th March 2025 . Paragraph 234(a) notes that the previous NPPF will apply where the plan has reached Regulation 19 on or before 12th March 2025, and its draft housing requirement meets at least 80% of local housing need. This is the case for the East Devon Local Plan.

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Proposal: 12. Our Outstanding Landscape

1. To which part of the Our Outstanding Landscape chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: OL05

3. Do you consider that this part of the Our Outstanding Landscape chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Landscape chapter is not sound. Please be as precise as possible.: [Details Page10-12]

4.3.2 As outlined in our previous representations on Matter 8 of the further Regulation 18 consultation in June 2024, the approach taken by the Council in the designation of the Green Wedge boundary at Ottery St Mary/ Westhill is unsound and is not based on robust evidence. An in-depth assessment of the Green Wedge has taken place but its conclusions were not followed in the placement of the boundary.

4.3.3 Green Wedges were reviewed by the council as part of the previous Regulation 18 consultation and following a robust evidential based approach officers advised on the potential extent of Green Wedges across the local plan area in a Green Wedge assessment document (February 2024). The Green Wedge assessment document concludes of the Ottery St Mary/ West Hill Green Wedge that: Part of this area, as defined on the map above, performs strongly against the majority of Green Wedge criteria and so this area should be designated. The area meets the purposes of protecting the local identities and distinctive characters of Ottery St Mary and West Hill and preventing coalescence. The designation does not extend beyond the area needed to achieve the purposes of the Green Wedge.

4.3.4 The February 2024 report recommended the below Ottery St Mary to Westhill Green Wedge boundary edged in red:

4.3.5 However, the council is now proposing a Green Wedge which includes all land between Ottery St Mary and West Hill, apart from the allocation to the north-east of the Green Wedge (Otry_01b). This change in approach is contrary to all published evidence

and is unsound. There have been no in detailed assessments or new evidence provided with the 2025 consultation document in relation to the designation of Green Wedges.

4.3.6 This is despite the robust evidence base, methodology and assessment seen in reports to the Strategic Planning Committee recommending that the Green Wedge should be reduced in size. Therefore, this approach to the designation of Green Wedges is unsound as it is not justified or positively prepared and not based on the evidence carefully prepared by the Council. Very limited evidence was provided to make a decision entirely contrary to the February 2024 recommendation.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Landscape chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Landscape chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

4.3.7 The council's evidence is clear that much of the Green Wedge assessment area, and particularly the area to the east where it adjoins the Ottery St Mary settlement boundary, does not function as a Green Wedge and specifically should not be included within the Green Wedge designation. It is unclear why the council has departed from this approach.

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Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.:

4.4.1 This policy notes that major proposals will need to deliver a BNG of at least 20%. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full.

4.4.2 It should be noted that the mandatory requirement for Biodiversity Net Gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), means that developers must deliver a BNG of 10%.

4.4.3 The submitted plan wide viability document references the Government's impact assessment (published with the consultation on the amendments to the Environment Act), which suggests that this will increase costs to developers by 19%. This would, nevertheless, increase costs for developers and reduce viability. Many of the plan's allocations are on green field land and so the higher costs would reduce housing delivery.

4.4.4 The Sustainability Appraisal for the Local Plan, when assessing policy PB05, concludes that there would be a negative effect on housing delivery if the 20% BNG was implemented. The council expect to deliver 1,946 windfall dwellings and 13,537 dwellings on allocated sites to meet housing requirements, and this 20% BNG may mean sites are not viable to deliver.

4.4.5 Therefore, in line with legislation, and to ensure viability and deliverability of sites, the requirement for BNG should be 10%. Policy PB05 is unsound.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Therefore, in line with legislation, and to ensure viability and deliverability of sites, the requirement for BNG should be 10%.

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Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP01

3. Do you consider that this part of the Spatial Strategy chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Spatial Strategy chapter, please use this box to set out your comments.: Strategic Policy
SP01

4.2.1 This policy outlines the settlement hierarchy and overall approach for focussing development. Development will be directed towards the most sustainable locations, and Ottery St Mary is included on the third tier of the settlement hierarchy and is designated as a Main Centre. It is stated that the Council will promote significant development in Main Centres to serve their own needs and that of the wider surrounding area.

4.2.2 The policy where it directs development to sustainable locations is considered sound. And the approach of focussing development to Ottery is sound. However, there are concerns with the amount of growth being directed to Ottery as additional growth beyond that identified can be sustainably accommodated.

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Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP02

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: Strategic Policy SP02

4.1.1 SP02 sets a housing provision for at least 20,909 dwellings (net) by 2042. The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1,070 homes per year from 2032/33 to 2041/42.

4.1.2 The above takes into account the recently revised Standard Method figure and transitional arrangements in the NPPF.

4.1.3 The policy supporting text recognises the challenges of delivering against the significant housing need and particularly where a significant portion of the plan is reliant on major sites and a new settlement (see policy WS01 regarding the new settlement). There are inherent complexities in delivering major development sites, particularly the proposed new community, and therefore the plan proposes a stepped trajectory.

4.1.4 Projected delivery from all sources has outlined that there will be a delivery of 22,614 homes, of which 3,514 have been built. This means a net delivery of 19,100 dwelling. It is also worked out, discounting those already built, that there is a net need of 17,395 dwellings (subtracting from the requirement of 20,909 dwellings) across the 22 year plan period to be delivered through windfalls and allocations. This gives a surplus of 1,705 dwellings to act as a headroom surplus of 9.8%, which is below the council's stated aspiration for a minimum 10% headroom within the plan

4.1.5 The report also sets out the rolling five year housing supply calculations, which includes a 20% buffer, in line with Paragraph 78c of the revised NPPF (2024). This

outlines that on adoption, the Council will have a 5.18 year supply and that they will have at least a five year supply in the first five years. However, as demonstrated by the trajectory within the local plan document Appendix 1, delivery in the later years is marginal and some years fall short of the requirement, including years at the end of the plan:

4.1.6 Fundamentally, East Devon must deliver its housing requirement on the allocated sites included within the plan to meet its requirements. Even though there is a 'headroom' of 9.8%, this is across the 22 year plan period and only provides a 77.5 dwelling buffer per year. Further, this headroom does not uplift the housing target, in other words, the additional 1,705 dwellings are unallocated.

4.1.7 This approach is unsound as if a headroom is to be provided the additional homes should be allocated to ensure delivery. However, at present, there is no evidence the headroom will be delivered. Therefore whilst the principle of a headroom is welcomed, the plan should identify sufficient sites to deliver this headroom. Therefore, the council should re-assess the sites submitted in the call for sites so these additional dwellings can be allocated. Failure to do so would mean the housing forecast is not 'sufficiently flexible'. Site (GH/ED/26), or part of it, for example, is a suitable location for a proportion of 'headroom' dwellings. This site will be discussed in more detail in section 6.

4.1.8 Another scenario to consider is that if dwellings are completed early on in the plan period, East Devon could struggle to meet its higher target later in the plan period.

4.1.9 It should also be noted the Council accepts there is currently only a 2.97 year housing land supply and so it is imperative that sites are allocated and brought forward in the Local Plan. The housing delivery technical report sets out the housing trajectory for the plan and the sources of housing supply. Allocations make up for 78% of the net need housing to be delivered, with the planned new settlement being a significant contributor to overall supply over the plan period

4.1.10 Larger sites and new settlements are inherently challenging to deliver. Recent research shows how large schemes have elongated delivery timescales such that on sites of 2,000 dwellings or more it can take nearly 8 years from the validation of the first planning application to delivery of the first dwelling on site for schemes of 2,000 or more dwellings. However, the emerging plan assumes earlier delivery, which places a significant risk on overall delivery of housing across the plan period.

4.1.11 Therefore, whilst the policy intentions are noted there is an inherent soundness risk with the proposed stepped trajectory related to the acute housing land supply issues in East Devon and the risk that larger sites within the trajectory will be delayed.

4.1.12 There are concerns with deliverability in the timescales given that the planning for the new settlement is in its early stages. Given the stepped approach to housing

delivery, there is a greater emphasis on housing delivery between 2031 and 2042 and so if delivery stalls due to delivery of a large scale scheme, East Devon could fall behind the target by a number of dwellings.

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: [attachment page. 7-8]

4.1.7 This approach is unsound as if a headroom is to be provided the additional homes should be allocated to ensure delivery. However, at present, there is no evidence the headroom will be delivered. Therefore whilst the principle of a headroom is welcomed, the plan should identify sufficient sites to deliver this headroom. Therefore, the council should re-assess the sites submitted in the call for sites so these additional dwellings can be allocated. Failure to do so would mean the housing forecast is not 'sufficiently flexible'. Site (GH/ED/26), or part of it, for example, is a suitable location for a proportion of 'headroom' dwellings. This site will be discussed in more detail in section 6.

4.1.13 As such, there is an accepted and very acute short-term housing land supply challenge (with a current supply position of 2.79 year), a further shorter term supply challenge in the early years of the plan (hence the stepped trajectory) and a further longer term supply challenge should larger sites and the new settlement not progress as expected. Therefore, the logical solution is for the council to identify smaller deliverable sites in addition to the current draft allocations to provide greater flexibility.

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Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP03

3. Do you consider that this part of the Spatial Strategy chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Spatial Strategy chapter, please use this box to set out your comments.: Strategic Policy
SP03

4.2.3 This policy relates to housing requirement by designated neighbourhood area. The total minimum housing requirement for Ottery St Mary is 483 dwellings over the plan period. It should be noted that Axminster, a settlement on the same level of the settlement hierarchy as Ottery St Mary, has a minimum requirement of 1,409 dwellings.

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

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Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP06

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: Strategic Policy SP06

4.2.6 This relates to development beyond settlement boundaries. It is stated that development outside of settlement boundaries will not be permitted unless it is in accordance with a specific Local or Neighbourhood Plan policy.

4.2.7 This policy is unsound as it does not apply a flexible approach to housing delivery, for example the policy must follow the NPPF approach and enable development when or where there is a specific need (such as to meet housing land supply requirements)

4.2.11 Regarding the policy relating to development outside of settlement boundaries, this is unsound due to its lack of flexibility. It does not consider the scenario if a five year housing land supply cannot be demonstrated. The plan does not consider windfall market housing schemes adjacent to settlement boundaries. Another policy deems that rural exception affordable schemes coming forward on the edge of settlements are acceptable. However, these are only small scale and generally consist of just affordable housing and would not be able to meet general housing requirements if a five year housing land supply cannot be demonstrated.

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Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD04

2(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not legally compliant. Please be as precise as possible.:

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2(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

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3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.: 6

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

6.1 Site Summary and allocation benefits

6.1.1 As outlined in Section 2 this site is a suitable, appropriate, and sustainable location for residential development.

6.1.2 The local plan evidence is predicated on the entire site being allocated for development. However, the evidence fails to recognise that a smaller area of the site is being promoted that being the eastern part of the site where it adjoins Cadhay Lane and the playing field such that the site boundary mirrors the proposed allocation to the

north. It should also be noted that the draft allocation site to the north is further from local services and arguably less sustainably location than site GH/ED/26.

6.1.3 All potential technical matters can be addressed through typical scheme design. Furthermore, Ottery St Mary is a wholly suitable and sustainable location for further housing growth. Its sustainability is evidenced by its designation as an Area Centre in the adopted and emerging Local Plan.

6.1.4 It is noted the site is within a revised proposed draft 'Green Wedge', as proposed elsewhere in the current Regulation 19 consultation. Further analysis of this is provided in section 4 of this document, however, in summary, the revised Green Wedge is unsound and is neither logical nor supported by sufficient evidence.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: [Details please refer to the attachment page.16-20]

6.1.5 KCS would support a partial allocation of the site for residential development, namely the two fields in the eastern part of the site (as identified in previous representations and summarised here). This would deliver a number of significant benefits, including:

- Development would provide a strong defensible boundary to the edge of Ottery St Mary,
- It would include high quality landscaping and public realm works in-keeping with the edge of settlement location,
- The landscaping and planting offer additional benefits in terms of biodiversity net gain.
- Ecological features can be provided within the site and/or on adjoining land.
- The site is within the least constrained area around the town in landscape terms as shown in the submitted comparison document.
- Vehicular access can be provided, without severe effects on the local highway network. The provision of highway improvements through a north / south link road through the allocation site would be a benefit for the local area.
- Further residential allocation in Ottery St Mary will aid the vitalisation of the town centre and be in line with the settlement hierarchy,

- The opportunity exists to connect into good bus, bicycle, and pedestrian links to key local services, facilities and employment sites, and
- This site can help meet housing requirement in the first five years of the plan period,
- It would deliver notable affordable housing in an area of need.

6.1.6 The site is an entirely sustainable, logical, and deliverable site which can meet local housing needs in the short to medium term.

6.1.7 As discussed in section 5 of this document, Ottery St Mary has the capacity to deliver a similar amount of growth as Axminster due to its sustainability as a Main/ Area Centre. Delivery of further allocations would bolster housing supply and create more certainty around the delivery of the 'headroom' supply.

6.1.8 Further, the site is also comparatively equal or better, sustainable, deliverable, and suitable in comparison with other sites put forward for allocation in Ottery St Mary.

6.1.9 In line with the NPPF, the site is deliverable as set out in the below table

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

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Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD04

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.: 5 Land at Strawberry Lane (site GH/ED/27)

5.1.1 This site has been promoted to the emerging Local Plan for East Devon since the initial Issues and Options Consultation in early 2021. Since then, a number of further consultations have taken place and the Council's evidence base has been progressed.

5.1.2 Policy SD04 outlines housing allocations in Ottery St Mary and Land south of Strawberry Lane is included under reference GH/ED/27. Below is the text from the allocation policy for the site: This land lies south of Strawberry Lane and is proposed for 60 houses. This allocation will need to be supported by further flood risk assessment work, details of special measures to be taken to protect ancient trees and measures to ensure that safe cycle and pedestrian access to nearby facilities and Ottery St Mary town centre can be achieved. Part of the site is at risk of flooding and a Level 2 SFRA has been undertaken, the results of which should be incorporated into the development. A sequential test has been undertaken as part of the local plan. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes.

5.1.3 As stated previously, KCS supports the sound allocation of this land. The emerging plan is entirely sound in allocating the site.

5.1.4 All technical matters have been investigated and found that appropriate mitigation to any possible adverse effects can be addressed through the planning process. There is a current planning application (24/1716/MOUT) for outline consent for up to 65 dwellings, and almost all technical matters related to the development have been

resolved and/or are close to resolution. There are significant benefits associated with the proposals including affordable dwelling provision.

5.1.5 The planning application also considers the criteria set out in the allocation policy. Therefore, the application has been supported by Flood Risk Assessment work and measures to mitigate against this such as only locating built development in Flood Zone 1. Further, connectivity for pedestrians and cyclists has been a consideration in the design of the scheme with the existing PROW being retained but slightly diverted and an extra connection to the north of the site added. Further, it should be noted that no trees are to be removed for development.

5.1.6 Significant off-site highways improvement works are not required to bring this site forward. Highways modelling undertaken as part of the planning application demonstrated that the number of vehicle movements forecast to be generated by development at the site is low and can be accommodated.

5.1.7 There are sustainable access options for pedestrians/ wheelers both along Strawberry Lane and through existing developments, which link the site to the town centre and other nearby services.

5.1.8 The site can therefore make a meaningful contribution of the council's five year housing land supply position both immediately and within the local plan five year supply. Therefore delivery of this site is critical to the overall deliver of housing in East Devon and is fundamental to the soundness of the plan.

5.1.9 Further, in line with the NPPF, the site is deliverable as set out in the below table

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Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN05

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
No

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.:

4.4.6 This policy requires that at least 5% of dwellings on sites of 20 dwellings or more are serviced custom and self-build plots.

4.4.7 However, there are inherent challenges with providing self-build plots on smaller sites given resourcing and cost which could undermine deliverability of sites. As is stated in Paragraph 73 of the NPPF, small sites play an important role in contributing to housing supply as they can be built out quickly and so any deliverability issues here could stall housing delivery.

4.4.8 Therefore, self-build and custom build dwellings are better placed on larger sites. Policy HN05 is unsound.

3(c). Please set out the modification(s) you consider necessary to make this part of the Meeting Housing Needs chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Meeting Housing Needs chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

4.4.8 Therefore, self-build and custom build dwellings are better placed on larger sites. Policy HN05 is unsound.