

Introduction

Bell Cornwell represents the owners of Darts Farm. Darts Farm is a national award winning, unique retail destination with its own and locally produced food at its heart but is also a destination for wellness, the home and garden and the great outdoors. Darts Farm is home to 13 different businesses with 400 people employed on-site and it supports 500 suppliers, most of whom are located in Devon and across the West Country. With close to a million visits a year, it therefore makes a major contribution to the economy of the area.

As an important local stakeholder, Darts Farm has a considerable interest in the future direction of development in East Devon and therefore in the approach proposed in the draft East Devon Local Plan. They have therefore reviewed the draft policies set out within the document and notably *Strategic Policy WS15: Employment Land at Darts Farm* and *Policy SE02: Employment development in the countryside*. Our client has a number of observations on these policies and these are set out below.

Strategic Policy WS15: Employment Land at Darts Farm

Policy WS15 identifies two hectares of land immediately to east of the existing Darts Farm complex (Clge 25) and a small area immediately to the north (Clge 23a) and proposes that these be allocated to allow for the development of small business units to support the manufacture or processing of local food and drink products. The policy notes that within the allocated area, the activities should fall within Use Class E(g) i.e. include office, R&D and light industrial uses. At paragraph 4.55, the supporting text to the policy notes that:

“This site is allocated for small business uses to complement the adjoining retail use, add value to locally produced goods and meet an identified need in the District. Preference is given to the manufacture and processing of local food and drink products.”

This supporting text suggests that a more flexible approach to the uses will be taken than that set out in the more narrowly worded text of the policy itself.

Response

Darts Farm therefore SUPPORTS the allocation of the land at Clge23a and Clge 25 for employment uses and as shown on the Policies Map.

The proposed allocation of the land for a range of different uses which will complement the existing business is strongly supported. The existing premises are at capacity and there is a very strong demand from Darts Farms itself as well as both existing and prospective tenants to secure additional space at

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Darts Farm. Currently, there are very few opportunities to meet this demand other than through the allocation of the additional space in the location proposed. The land is ideally suited to meet future growth requirements being both well related to the existing premises but also discreetly sited to enable further development to take place in a location which would protect the wider character of the surrounding area.

Whilst supportive of the proposal to allocate the additional land, our clients consider that the range of uses allowable under Policy WS15 are too restrictive. As noted above, operations at Darts Farm encompass quite a wide range of activities and different planning uses. Whilst these are all associated with, and complementary to, Darts Farm's core food and food production business, not all involve uses which are directly linked with food manufacture. As currently worded, the policy is likely to prevent the expansion of such uses in-situ and also deter new, similar businesses from locating to the site.

Therefore, Darts Farm OBJECTS to the detailed wording of Policy WS15 as currently written.

The production and show-casing of locally grown food and drink will always remain a core function of the Darts Farm operation and this approach will extend to include uses on the land to be allocated. However, it is important that there is also sufficient flexibility within Policy WS15 to allow for a range of complimentary, small-scale businesses to occupy the land akin to those which are already present. As well as being local enterprises and providers of jobs in their own right, they serve an important role in supporting the primary food and drink business by generating additional footfall and patrons to the area. Being located adjacent to the Exe Estuary and Exe Estuary Trail as well as the Clyst Valley Regional Park, such activity also helps supports area's tourism offer.

In line with the requirements of paragraph 38 of the National Planning Policy Framework, all policies within the draft local plan need to be positively prepared. It is our view that Policy WS15 needs to be amended so that it more fully aligns with the draft local plan's employment objectives (as set out at paragraphs 3.20 to 3.23 of the draft local plan) of supporting economic growth, supporting local businesses and promoting economic diversification. We would suggest that the policy be amended slightly to read more positively and as follows (with suggested wording underlined):

"An area of 2.13 hectares of land, as shown on the Policies Map, is allocated for small business uses in Use Class E(g) for the manufacture or processing of locally grown food and drink products. Other uses may be allowed where these are small in scale and are compatible with and support the existing activities (Clge 23a and Clge 25)."

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This wording will provide some additional flexibility to the range of uses which may be possible whilst retaining the need for these to show a clear association with Darts Farm and avoiding the possibility that the land will be used for more generic employment uses. With this wording put in place, it is considered that the draft policy will be positively worded and will therefore be sound.

Strategic Policy SD14: Development (Neighbourhood Plan led) at Clyst St Mary

Policy SD14 states that development of “at least 72 dwellings” should be provided for at Clyst St Mary via allocations to be made within the Neighbourhood Plan. The policy adds that such sites should be well related, physically close to, or abutting the built form of the village.

Response

Darts Farm are broadly supportive of this policy. The new neighbourhood plan for the area, the Clyst St Mary and Bishops Clyst Neighbourhood Plan, is now at an advanced stage in its preparation and there must therefore be a strong expectation that this will be formally ‘made’ later this year. As part of the new Neighbourhood Plan, an area of land is proposed under Policy Bis C12 to be allocated for residential development and to provide at least 72 dwellings. In this regard, Policy SD14 is in close alignment with the neighbourhood plan.

A large part of the land which is proposed for residential development in the neighbourhood plan is within the ownership of Darts Farm. Initial master planning design work has been carried out by both Darts Farm and the owner of the other part of the allocation to confirm the form and layout of a residential scheme for the land. This work, which confirms that a suitable scheme is capable of being delivered on the land, has been shared with both the parish council and officers at East Devon District Council. Further joint work between the parties to develop the masterplan further is ongoing. The precise number of dwellings to be provided is yet to be confirmed but is very likely to exceed the 72 dwelling minimum.

Given the advanced state of the neighbourhood plan, its proposal to allocate land for housing purposes and the design work undertaken to-date, there must be a strong expectation that the objectives of Policy SD14 are credible and capable of delivery. It is vital that Policy SD14 retains flexibility on the number of dwellings capable of being provided in order that development of the land retains sufficient viability to provide for the other requirements of the neighbourhood plan policy and which relate to, amongst other things the delivery of a road link and large areas of green infrastructure.

Darts Farm therefore SUPPORT the policy and consider that, as worded and with the flexibility included on the minimum number of dwellings to be provided, the policy is sound.

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Policy SE02: Employment development in the countryside

This policy sets out the circumstances in which existing business which are located within the countryside can be extended. In essence, it notes that for such businesses, expansion including building works will be allowed where the business is operating at, or close to capacity, and there is a clear need for the business to expand. Any expansion should be proportionate to the size and scale of the existing business and priority should be given to the use of existing buildings where these are available.

Response

Darts Farm SUPPORTS the wording of Policy SE02. It is considered that the policy is positively worded and sufficiently flexible to assist the growth of rural businesses in line with the local plan's economic objectives and priorities set out at paragraphs 3.20 to 3.23 of the draft plan. This policy is therefore considered to be sound.

Strategic Policy WS01: Development of Second New Community

Strategic Policy WS01 proposes the development of land to provide a new community within the western part of the district. During the life of the draft plan, the new community is to provide for a maximum of 8,000 homes plus employment land, social and green infrastructure. The policy notes that provision for a further 2,000 homes will need to be made in the area but that this requirement will be addressed as part of a future plan review and with the benefit of further technical work.

The extract of the Policies Map which accompanies the draft plan allocates a specific area of land for the new community, with this being located to the north of the A3052 (Sidmouth Road) in the area around and to the north of the Hill Barton Industrial Estate. The area shown on the policies map reflects that which is subject to the ongoing masterplan which is being developed.

Response

Darts Farm SUPPORTS the policy as proposed. It also SUPPORTS the proposal to identify the land shown on the Policies Map and which identifies the location of the new settlement to be on land to the north of the A3052.

The position of the new settlement as shown in this policy is the product of a considerable amount of analysis, including consideration of a range of different options, engagement with all the relevant landowners and technical work to confirm that a properly balanced new community is capable of being delivered on the land. Although work on the supporting masterplan continues, there must some considerable confidence that a new settlement is capable of being delivered in the location shown. As the draft masterplan makes clear, there are a range of advantages to the location being proposed, including the ability to provide a link between the A30 and the A3052, proximity to existing major employment locations and Exeter airport and to the Clyst Valley Regional Park. These advantages all help underpin the merits of the location shown.

As it stands therefore, it is considered that Strategic Policy WS01 should be considered sound in that it has been positively prepared, is justified in that the new settlement will provide an important part of the Council's housing delivery strategy, is likely to be effective given the merits of its location and is consistent with national planning policy.

Strategic Policy HN02: Affordable housing

Strategic Policy HN02 sets out the Council's proposed approach to the provision of affordable housing as part of new development. In summary, it proposes that affordable housing be provided on housing schemes of six or more dwellings. The amount of affordable housing to be sought is to vary according to the location. For most sites within the 'West End' area, the policy seeks 35% affordable housing. Elsewhere, the amount sought will be lower and will vary between 30% and 25%.

Response

Darts Farm OBJECT to Policy HN02 and consider that it is unsound. In formulating the policy, the Council have relied on the evidence provided by the *East Devon Local Housing Need Assessment* (LHNA) (2022). Much of the analysis used in the LHNA is based on data which is now quite old, being largely from 2020 or 2021. It is therefore unlikely to take account of the substantial changes which have affected the housing market in the last five years including post pandemic effects and other economic shocks and which collectively have substantially increased borrowing and construction costs. It is well recognised that these impacts, along with much the increased technical requirements (in relation to for example biodiversity net gain and flood risk) and significant delays in the planning process have had direct effects on the viability of housing schemes. The cost of undertaking housing development is unquestionably higher than it was when the information used to inform the LHNA was being drawn up.

Our client recognises the wider social imperative of delivering affordable housing and that this is an issue of particular importance in East Devon. However, it is important to ensure that housing development is viable and able to come forward as this will also ensure the delivery of the affordable housing which will be provided as part of such development. Given ongoing viability issues, we would suggest that requiring 35% for development within the West End part of the district is not justified. A lower level is likely to be more appropriate in order that housing can come forward in a viable manner. We would suggest that the West End affordable housing requirement be brought into line with the policy's approach for the other parts of East Devon i.e. set a district wide requirement that 30% affordable housing. A district wide approach will also remove any ambiguity about which policy level should be applied between different locations. The 'West End' is not a clearly defined location and this introduces an element of unhelpful ambiguity to the policy which needs to be addressed and a single, lower policy requirement would address this.

Such a change in approach is likely to be needed to make Policy HN02 more effective and justified.

Strategic Policy PB05: Biodiversity net gain

Strategic Policy PB05 requires that 20% biodiversity net gain (BNG) should be provided as part of all forms of major development. Where this level of provision is unviable, clear evidence to this effect needs to be provided. Any off-site provision should be provided in the immediate locality of the proposed development.

The policy also stipulates that any development which is currently exempt from BNG will still be required to provide an ecological enhancement, commensurate to the scale of development involved.

Response

The requirement to provide 20% BNG is extremely onerous and Darts Farm OBJECT to the policy as currently worded. Experience of the current, nationally mandated requirement to provide 10% BNG already demonstrates how difficult the process of delivering BNG is, with very high levels of bureaucracy and delay associated with the process. Doubling this requirement to 20% is only likely to add to the complexity and degree of difficulty with achieving the required level of BNG and to act as a particular disincentive to the delivery of much needed development. It is also considered that the additional requirement; to compel currently exempt forms of development to also provide a level of BNG is also unreasonable and will add to an already complex process especially given the ambiguity regarding the degree of enhancement required in such circumstances.

The policy is not considered to be sound. Darts Farm consider that this policy has not been positively prepared, is not justified and given the uncertainties surrounding the BNG process, is not effective. Seeking as it does to double the current national requirement, we would also suggest that the policy is not consistent with national policy. BNG is already required to be delivered as a result of national legislation. Given that this requirement will remain and within the context of the concerns outlined above, we would suggest that this policy is unnecessary, unsound and should therefore be deleted.