

Filtered Data Export

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR03

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Sustainable Transport and Communications chapter, please use this box to set out your comments.: 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.

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Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR04

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Sustainable Transport and Communications chapter, please use this box to set out your comments.: 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.

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Other party name (if relevant): Mr M and Mr R Nanciekivell

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.: PB06

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: Strategic Policy PB06 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. The proposed allocation (Otry_21) provides opportunities to protect and enhance habitats in the area, particularly the riparian corridor of the River Otter, and therefore complements Strategic Policy PB06.

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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

1(b). Does your comment relate to one of the changes listed above?: 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.: The Landowner supports the objective to protect and enhance the natural environment and support an increase in biodiversity, but objects to draft Policy PB05.

5.21?? Strategic Policy PB05 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 PB05 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.

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.: We propose that Policy PB05 be amended to accord with the national legislative requirement for delivery of 10% BNG for major development.

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Proposal: 15. Our Outstanding Historic Environment

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HE04

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Historic Environment chapter is not sound. Please be as precise as possible.: We are broadly in support of Policy HE04, 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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Historic Environment 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 Historic Environment 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.: 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.

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Proposal: 15. Our Outstanding Historic Environment

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HE01

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Our Outstanding Historic Environment chapter is not sound. Please be as precise as possible.: The Landowner supports the preservation of archaeological and heritage assets.

5.17 Strategic Policy HE01 outlines requirements for preserving the historic environment. 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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Historic Environment 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 Historic Environment 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.: To ensure the policy is in keeping with PPG it should be amended - additions in square [] brackets Non-designated heritage assets, where identified through local or neighbourhood planmaking, 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.”

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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

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: 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.

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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

1(b). Does your comment relate to one of the changes listed in the table above?: No

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.: 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.

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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

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: 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. 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. 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 SP02 and Appendix 1. This will also have implications for Strategic Policy SP03 (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. 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 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; '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.

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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

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Compliance with Transitional Arrangements EDDC is progressing its draft Local Plan in accordance with the transitional arrangements established in paragraph 234.(a) in 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,” 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.” Further, 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). 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] EDDC undertook its first Regulation 19 Consultation between 13 February 2025 and 31 March 2025, where it set out to meet 80% of housing need as derived from the December 2024 standard method. The first Regulation 19 Consultation document had some fundamental flaws in its approach to housing delivery and allocations (see Appendix 1); these flaws remain in the second Regulation 19 document. Consultation on the current second Regulation 19 document commenced on 28 November 2025 and will close on 26 January 2026. It comprises a series of changes, including: 1 Changes to the Housing Trajectory; 2 Revisions to settlement boundaries; 3 Updated Designated Neighbourhood Areas housing need figures; 4 Changes to specific allocations, including dwelling numbers; 5 Alteration to wording of many policies, including changes to policy triggers; 6 Deletion of previously allocated sites; 7 Material changes to the New Community allocation policy, including naming the town Marlcombe, provision of a Masterplan, and amendments to policy wording alongside further specific requirements for education provision, additional requirements for provision of a Suitable Alternative Natural Greenspace (SANG) and the formation of a Waste Consultation Zone; 8 Provision of several updates to documentation within the evidence base, including (significantly) submission of 33 new documents to the evidence base, including submission of new Statements of Common Ground and a Statement of Community Involvement, which comprise core submission documents. The Draft Plan does not meet the exceptions listed under para 234 of the NPPF as: 1 The submission documents (as defined by Footnote 82 to NPPF Para 234 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2002) made available at the second Regulation 19 Consultation are not the same as those made at the first Regulation 19 Consultation; 2 The new/updated submission documents did not reach Regulation 19 stage prior to 12 March 2025; 3 The second Regulation 19 submission documents are materially different to those from the first Regulation 19 Consultation; and, 4 The report to Strategic Planning Committee (meeting of 25th November 2025) 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), which include many of the changes outlined above. Para 234 of the NPPF is therefore not engaged. The impact of this is that the EDDC should return to Regulation 18 or Regulation 19 consultation, and plan to meet the full standard method requirement, which is 1,156 dwellings per annum. Should EDDC disagree that the plan does not meet the transitional arrangements and proceed under

its current proposal to submission to the Planning Inspectorate, there remain a number of points which should be addressed by EDDC prior to submission. These are outlined below, and in our previous representations where (Annex 1). Strategic Policy SP02: Levels of future housing development

In the context of the above, the Commissioners consider that EDDC must seek to meet its full housing need as established by the standard method. Accounting for updated affordability ratios published by the Office of National Statistics (ONS) in March 2025, the standard method figure for EDDC is 1,156 dwellings per annum. Over the plan period, EDDC's housing requirement is therefore 25,432 dwellings. Even if years 2020-2026 of the plan period are accounted for at the existing plan requirement of 950 dwellings, this would total 24,402 dwellings over the 22 year plan period. The Draft Plan therefore falls significantly short of need, planning for only 82% (or at best 86%) of need. The second Draft Plan has failed to be positively prepared. Upon recognising the 'substantive changes' required to be made to the Draft Plan (para 2.1 of EDDC's Strategic Planning Committee Meeting of the 25 November 2025), EDDC should have reviewed its approach to accommodate the full housing requirement as per the NPPF. The Commissioners suggest that EDDC review Strategic Policy SP02 to account for 100% of need as per the Standard Method figure of 1,156 dwellings per annum. This requires that, prior to submission of the plan for examination, EDDC should plan for an additional 4,500 homes, identifying a land supply through additional allocations for a minimum of circa 2,500 homes. In addition, the updated evidence in the second Regulation 19 Consultation base identifies that the below changes are required regarding housing numbers and trajectory prior to submission:

- 1 The approach to a phased housing trajectory does not comply with national policy, nor is the 'need' for it appropriately evidenced. EDDC's planned delivery must meet, if not exceed the annual housing need figure. The second Draft Plan outlines EDDC's intention to under-deliver against need for the first 11 years of the plan period, and then provide a significant jump to accommodate the initial shortfall in later years. The implications for social and economic growth of this approach are significant, and will impact the housing crisis and affordable housing provision;
- 2 The second Draft Plan proposes a rate of housing delivery below that achieved in the first five years from adoption relative to recent delivery; and,
- 3 The Draft Plan is planning to fail to meet its reduced stepped housing requirement of 850 dwellings between 2026-2029. Without addressing these issues, the second Regulation 19 Draft Plan is unsound and is not positively prepared. EDDC must seek to address these issues prior to Submission.

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Proposal:

4. Development at the West End

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.: WS09

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

The Commissioners broadly support Strategic Policy WS09, which identifies land within the CVRP and requires development to accord with the objectives of the CVRP Masterplan. The Commissioners land at Bishop's Court Lane is sited within the CVRP Masterplan area. Any residential development brought forward at the Commissioners Land at CVRP, adjoining Marlcombe, could complement the objectives of the CVRP and seek to support some of the objectives identified within Strategic Policy WS09. The siting of Bishop's Court Lane does not preclude the suitability of the site for allocation within the Marlcombe Masterplan. The Commissioners endorse the flexibility afforded by the wording of the Strategic Policy WS09, which does not restrict or prevent development insofar as it supports the objectives of the CVRP Masterplan. Land at Bishop's Court Lane The Commissioner's land at Bishop's Court Lane is unconstrained. The site is: 1 Located in fluvial Flood Zone 1; 2 Not subject to any ecological designations; 3 Is not subject to any heritage designations; 4 Is not subject to any tree protection orders; 5 Is Grade 3 agricultural land; 6 Is sustainably located relative to the A30, Clyst Honiton and the future town centres of the Marlcombe allocation; and, 7 Adjoins the proposed allocation at Marlcombe to the west, south and east. The site forms a logical extension to the Marlcombe allocation and is well suited to provide additional homes in an area suited to the proposed masterplan for Marlcombe. The second Regulation 19 Draft Plan does not meet its housing need as established by the standard method. The Draft Plan can no longer be assessed against the December 2023 version of the NPPF, as it does not meet the exceptions for plan making established in para. 234 of the December 2024 NPPF. The authority must, therefore, plan for its full housing requirement. EDDC must provide for sufficient delivery of 25,432 homes within the plan period (+ buffer) and progress plan-making under the December 2024 NPPF. The Commissioners request that the Land at Bishop's Court Lane be included within the

Marlcombe allocation boundary to assist in meeting the second Regulation 19 Draft Plan's shortfall against the standard method housing requirement.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

Proposal:

4. Development at the West End

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.: WS01

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here::
Marlcombe

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.: The Commissioners endorse the development of a second new town, Marlcombe, in the identified location. Long-term strategic developments can be crucial to meeting housing requirements in the district. Marlcombe Housing Provision Following the first Regulation 19 Consultation, Strategic Policy WS01 has been substantially modified to accommodate the masterplanning exercise undertaken by EDDC and to accommodate the identified name, Marlcombe. The second Regulation 19 Draft Plan accommodates the allocation of 8,000 dwellings within Marlcombe, with the anticipated delivery of 3,300 dwellings during the plan period. Paragraph 4.8f of the second Draft Plan outlines the expectation of additional land to be allocated to expand the new community to 10,000 dwellings within future policy documentation. In this context, and in light of the clear housing shortfall in East Devon, the Commissioners interest is to support the inclusion of the land at Bishop's Court Lane within the Marlcombe allocation. As outlined above, EDDC demonstrate a shortfall within the second Draft Plan relative to the housing requirement established by the standard method. Expansion of the New Town to accommodate a further 2,000 dwellings is considered acceptable and intended by EDDC. Small portions of land adjacent to the proposed Marlcombe allocation should be considered to provide logical, sustainable and deliverable additions to the plan. The Commissioners land at Bishop's Court Lane provides an accessible, available and suitable addition to the Marlcombe allocation, providing additional homes. Further, due to it's siting immediately south of the A30 and in close proximity to Clyst Honiton, the site could be brought forward in advance of key infrastructure and services anticipated as part of the broader allocation without compromising the sustainability of the location for residents, and reflecting the objectives of the CVRP Masterplan (approved by EDDC

in February 2021). Masterplan Updated Strategic Policy WS01 requires development within Marlcombe to be brought forward 'broadly in accordance' with a masterplan included as Figure 7 (page 60) of the second Draft Plan. The masterplan identifies the Commissioners land at Bishop's Court Lane, outside of the allocation, but adjoining the allocation boundary to the east, south and west. The site at Bishop's Court Lane is not located within the Marlcombe allocation. Land immediately to the west, within the Marlcombe allocation boundary, is identified as suitable for employment provision. To the east and south, the land within the Marlcombe allocation is identified as suitable for employment, SANG and residential development. The Commissioners land presents a logical opportunity to provide residential development in a manner that respects the CVRP Masterplan and its objectives. The Commissioners land at Bishop's Court Lane could support the allocation of 10,000 dwellings at the Marlcombe allocation, and could accommodate some of the shortfall of EDDC in preparing to meet the requirement to plan for the full standard method figure should the second Regulation 19 Draft Plan fail the transitional arrangements. To assist in making the Draft Plan effective, and, therefore, sound, CCE request that EDDC review the Marlcombe allocation boundary in the context of the legal issues outlined above, and include Land at Bishop's Court Lane within the Marlcombe masterplan for the provision of additional homes.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

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

1(c). If the comment is related to a site, please state the site reference here::

Otry_09

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.: We also propose that the wording of policy SD04 regarding Land at Thorne Farm (Otry_09) is amended to reflect the need for joined up thinking in respect of access. Amended wording: deletions): Land at Thorne Farm (Otry_09) This land, which lies west of the town and adjacent to the sports centre and school, will provide around 90 new homes as well as space for an educational facility. Further flood risk assessment is required and an undeveloped buffer should be maintained to protect the County Wildlife Site and Ancient Woodland to the north west of the site. Development at this site should not fetter the potential for access to Otry_01b, illustrating how both site entrances would work in harmony once both sites are delivered”.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

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

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here.:
Otry_01b

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 Development in the Towns and Villages 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.:

-

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.: Whilst the Landowner is supportive of draft allocation of Otry_01b, and agrees with the Council's conclusion that this is a suitable and deliverable site, and a sustainable location for development, amendments are considered necessary to the draft Plan prior to submission for examination, to ensure it appropriately meets East Devon's housing needs. The purpose of these representations is therefore to: 1 Outline the ongoing need for additional housing numbers in the Reg 19 2 Draft Plan 2 Support Otry_01b for allocation for at least an additional 20 dwellings, to provide 90 homes net and up to 1.25ha of employment land based on the Draft Plan's allocation area, and confirm the opportunity to extend the allocation to reflect Otry_09 to the north (with a shared access) and deliver a total of 190 dwellings (120 net to the draft allocation) and up to

1.25ha of employment land; and, 3 Comment on other changes to policies in the plan insofar as they relate to the promotion of housing development on the Landowner's site.

Policy SD04: Ottery St Mary and its development allocations Land at Barrack Farm – Otry_01b The Landowners position remains as at Reg 19 1; they support the allocation of Barrack Farm (Policy D04, Otry_01b) for housing and employment use, noting the Council clearly recognises that the Site is suitable and available. However, in accordance with NPPF para. 130(a), developments must make optimal use of the potential of each site to meet as much of the identified housing need as possible. This also aligns with draft policy DS02 (efficient use of land). We note that this has been given even greater emphasis in the draft NPPF (Dec 2025) currently out for consultation, which states at Policy L2 Point 3 ('making effective use of land') that "...proposals for land which is not previously developed should use development footprints which optimise a site's development potential" and at Policy L3 (which seeks efficient use of land) that "...development proposals that do not make efficient use of land in accordance with this policy should be refused". It remains our position that, based on the technical assessment and initial design concept work, as set out in our Annex 1 Reg 19 1 representations, the site area subject to draft allocation Otry_01b has capacity to deliver circa 90 homes and 1.25ha of employment land. Further, based on subsequent review of draft allocation Otry_09 – including its physical extent/landscape characteristics and the requirement for a joint access with roundabout (which requires land from the Landowners/Otry_01b to deliver) – along with site specific constraints and opportunities, there is a clear opportunity to expand the Otry_01b allocation as set out at Figure 1.1. This expanded site would have capacity to deliver circa 190 homes and up to 1.25ha of employment land. Further technical work can be prepared for EDDC if helpful, to support this position. In addition to amendments to the allocation boundary as detailed above, Policy SD04 (Otry_01b) should therefore be redrafted to reflect this as follows (proposed new policy wording shown): "Barrack Farm (Otry_01b) This land at Barrack Farm, is allocated for around 190 new homes and up to 1.25 hectare of employment land provision, to be provided in accordance with Strategic Policy SP04. Archaeological assessment will be required prior to development commencing and will need to inform development proposals. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes. Development at this site should not fetter the potential for access to Otry_09, illustrating how both site entrances would work in harmony once both sites are delivered."

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

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

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here.:

Otry_21

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

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 SP01 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 SD04. 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.

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.:

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. 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. 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. 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'. The site is suitable for housing. The Vision Document (Appendix 1) explains that a wellconceived 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. 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 Tjunction is achievable and suitable for about 150 homes. 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." 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. 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 PB01, protecting internationally and nationally important wildlife sites. 2?? Policy PB03 of the Draft Plan, irreplaceable habitat and habitat features, such as hedgerows, will be maintained. 3?? Strategic Policy PB04, 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. Policy PB07, which outlines design expectations for ecological enhancement and biodiversity in addition to BNG. 5?? Policy PB08, which relates to the accommodation of trees, hedges and woodland in built development. 6?? Policy PB09, 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.

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.: 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 - additions in square [] brackets and deletions in normal () brackets. (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 f) [F]lood risk assessment and measures to ensure that safe cycle and pedestrian access to nearby facilities can be achieved will be required.”

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

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

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::

Otry_21

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

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 SD04 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. 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]. 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.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

1(b). Does your comment relate to one of the changes listed above?: No

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

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

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

1(b). Does your comment relate to one of the changes listed above?: 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.: 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.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

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.: HN03

1(b). Does your comment relate to one of the changes listed above?: 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.: 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.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

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.: HN02

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Meeting Housing Needs chapter, please use this box to set out your comments.: Draft Policy HN02 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.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M and Mr R Nanciekivell

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.: HN01

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Meeting Housing Needs chapter, please use this box to set out your comments.: Draft Policy HN01 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.