East Devon Emerging Local Plan 2020 – 2042

Second Regulation 19 Consultation - January 2026

Comments from the Otter Valley Association

Given the problems of planning for future growth in a District with limited land that is outside the National Landscapes, this is a well-considered and comprehensive set of documents, maps and evidence for policies on future development. However we do consider certain elements of the Plan to be unsound. This is mainly in relation to the Spatial Strategy, development sites in Towns and Villages that are within the National Landscapes, and the estimated housing needs figures that are used to justify so many allocations within the National Landscapes. We also consider that the climate mitigation and adaption chapters and policies could be strengthened in view of the climate emergency.

The vision and set of objectives seems appropriate, with climate emergency being to the fore, but the biodiversity crisis should also be recognised as of equally importance. **Objective 10** – securing infrastructure to support new development is a vital component of the Plan.

Chapter 3 - Spatial Strategy - seems sensible and sustainable

The OVA's main concern is the lack of sufficient infrastructure to accommodate this planned growth. As timely infrastructure provision is the responsibility of other providers and local authorities, we are encouraged by the strengthening of **Policy SP07**. Many SWW facilities for sewage treatment are at, or exceeding, existing capacity or there is an under provision, and much of the existing infrastructure is at or near the end of its useful life.

The Council's Water Cycle Study concludes: **No additional housing load should be applied to the key Honiton, Feniton, and Fluxton catchments, without first addressing the clear deficits in treatment capacity and phosphate removal**.

As the Council is aware from the OVA/ORCA's recent presentation to the Strategic Planning Committee, the **Chair of EDDC's Strategic Planning Committee** reiterated this commitment at the Council meeting on 25th November. "As I said to the gentleman from the Otter Valley Association ... **the evidence shows that the Honiton works are not coping and is well over capacity**. We need to talk to SWW and understand the timing of when they are going to be expanding that plant's capacity. If the answer is "not soon enough" then **development in that catchment will be delayed until that investment is ma**de".

These commitments must be reflected in **Policy SP07** (or somewhere appropriate in the LP), and we will hold the Council to these commitments.

Policy SP08 is good but does not go far enough, nor is it robust enough to ensure timely provision of all required infrastructure, or its upgrading where necessary. The provision of new or improved water and waste infrastructure cannot be delivered in phases but has to be provided upfront at the start of any development.

It is noted that the **Infrastructure Delivery Plan 2025** still has very little input from South West Water in terms of new and improved sewage facilities. In relation to this, there is grave concern about the number of houses proposed in the catchment area of the Otter Valley. This river is already in a poor ecological condition due to the frequent discharges of sewage in recent years. A number of the existing sewage treatment works along the river cannot cope at the moment, as the Water Cycle Study highlights, so some serious investment is needed by South West Water in the near future, before any further homes are built. The housing allocation for the catchment is 1,161 homes, giving a total of 1,833 over the plan period. However, there does not appear to be any investment plans by SWW to increase capacity at its waste water facilities to deal this this planned large increase in the population.

Chapter 5 - Development in Towns and Villages

We have already made comments about the current dire sewage situation in the River Otter catchment. Building an additional 1,833 homes will only make the situation much worse.

National Landscapes (NL) and Policies SD01, SD03, SD04, SD06, SD08, SD15, SD16, SD22 and SD23

Policy OL02 provides strong protection for the NL areas. Quote: "*The highest level of protection will be given to the landscape and scenic beauty of the National Landscapes (NLs) in East Devon:* ***A. Development in a NL, or outside but affecting its setting or appearance, will only be permitted where it avoids harm and contributes to the protection, conservation and enhancement of the special qualities, character and natural beauty of the NL (including the coastline, where relevant);*** *B. Major development in a NL will only be permitted in exceptional circumstances and where it can be demonstrated to be in the public interest; and East Devon Local Plan 2020 to 2042 – Second Regulation 19 Publication Draft 223 C. Any relevant National Landscape Management Plans will be a material consideration in decision making. This*

policy will also apply to the Heritage Coast. This policy applies across the whole plan area including the Cranbrook Plan area".

However there are a significant number of proposed development sites which are within the NLs, or have an affect upon its setting or appearance.

- Exmo_20: (P85 Local Plan) - this site is outside the NL, with a buffer strip at the top of the site, but does not avoid harm to its character and beauty.
- Exmo_17: 410 new homes within the NL
- Gitti_3, 4 and 5: 310 homes within or adjoining the NL
- Honi_07 and Honi_13: 40 new homes inside the NL, so difficult to mitigate harm on smaller sites
- Two other Honiton developments are close to NL boundary (Honi_18: 136 homes and GH/ED/39b: 195 homes)
- Sidm_ 01 : 160 new homes - again, inside the NL
- Two other smaller Sidm_31 and Sidm_06a - also within the NL
- Budl_02: 35 new homes at Barn Lane, again inside the NL boundary
- Dunk_05: 43 new homes inside NL at Dunkeswell
- SD16: 16 new homes at East Budleigh - again, inside the NL
- Newt_04 and NEWT_05: 20 new homes at each location at Newton Pop, again inside the NL
- Otto_01: 10 new homes at Otterton (Behind Hayes), again inside the NL boundary
- Otry_21: 70 new homes (or 140 see 25/2468/MOUT) close to NL

Most, if not all, of these sites cannot be justified as exceptional circumstances.

In relation to the very large housing allocations on the eastern side of Exmouth, (Exmo_ 17 and Exmo_ 20) the OVA are very concerned about the lack of infrastructure and necessary support facilities, such as medical, dental, social, educational and highway capacity to accommodate the large increase in population arising from 1,110 new homes in this area. These developments will be closer to Budleigh Salterton than Exmouth town centre, so detailed consideration of the significant impacts this will have on this much smaller settlement must be undertaken, with full public discussion and consultation.

The OVA request that this **cannot be allowed to proceed** without watertight and absolute guarantees for essential infrastructure to accommodate this planned growth.

Chapter 6 - Mitigating to Climate Change

To be consistent with the Council's 2019 declaration of the climate emergency and target of achieving climate neutrality by 2040 and net zero developments, this Plan needs the following additions.

Paragraph 6.1 needs to be a stronger policy than merely 'supporting movement to net-zero development' - new developments should be net-zero.

Policy CC01: last paragraph in the box: Carbon positive developments must address their emissions with robust actions that offset emissions in real time. Without this, the 2040 net zero carbon cannot be met.

It may be worth noting somewhere that all emissions that the plan allows to occur must be addressed / offset somewhere else in the EDDC activities, if the 2040 target is to be met: so put the onus / responsibility on the polluter, not elsewhere in EDDC's work.

Policy CCO2 Net zero carbon development - This policy should require all new developments to be designed and fitted with all possible technologies, not simply permit them to be retrofitted.

Policy CC03 : the revised wording at the last paragraph of this policy is a good improvement.

Policy CC04: paragraph 6.9 in the last line: we would suggest that the word *minimises* reliance on fossil fuels is better than 'reduces'.

Policy CC05: Paragraph 6.13 there should be presumption towards establishing and using heat networks, not merely a requirement to assess feasibility.

We very much welcome **Policy CC06**: embodied carbon, which has previously been overlooked in many developments. This does however avoid the issue of how the embodied carbon is accounted: is this included in the 2040 Net Zero target; and how will this be addressed, both if it is included, and if it is not. Responsibility and action for these emissions must be accounted for somewhere.

Chapter 7 - Adapting to Climate Change

Whilst this addresses flooding and water availability and coastal change, it does not include other aspects of adaptation to living in a world of ongoing,

increasing climate change implications. These include increases in extreme temperatures, more frequent and intense storms; changing rainfall patterns, changing seasonality and more. We would suggest: 'Building design, urban planning and green space provision needs to incorporate and address the changing climate, including living spaces designed for much hotter summers, provision of shade in all outdoor spaces, changes in use of outdoor spaces with changing weather patterns, resilience against increasing storminess, green areas that are much better adapted for our increasingly Mediterranean type climates.' Or perhaps, the sentence at the head of the **Policy AR01** on flooding, should apply to all aspects of climate change and different weather patterns.

Policy AR01 C is oddly worded: At C instead of 'ensuring … space for the inclusion of SuDS' this should require the provision of SuDS, and include minimal hardstanding in development design, which must be permeable.

Water Quality and Supply - We welcome the inclusion of paragraph 7.4 and recognition that the river Otter is at a high risk of high nutrient loading from future development. In fact the WCS provides evidence that this is the case already with several waste water facilities, such as Honiton, Feniton and Fluxton being at over capacity in dry weather.

Policy AR02 has been greatly improved in order to provide a framework for water protection. At AR02 C: suggest delete the current words and add: 'All developments should implement *the most effective* water efficiency etc measures'. This would make the policy even stronger.

Coastal change and erosion needs a clear statement that no development should take place on areas likely to be required for the rollback from vulnerable coastal areas and to enable natural processes for biodiversity and flood management.

Chapter 8 - Meeting Housing Needs

We estimate that 17,000 new homes are required over the plan period to accommodate population growth, so have to assume that the figure of 20,909, an increase of 30% is to provide for inward net migration from other areas.

The target figure of 20,909 new homes in the period seems to be significantly based on including around 7,000 new homes for inward migration. This doesn't appear to be backed by any data or calculations on historical migration figures.

Reviewing the validity of this component, and potentially reducing the total target build if this is not substantiated, could reduce the pressure on building within National Landscape areas.

In relation to social and affordable housing the LP states that the overall need for affordable and social housing for East Devon would comprise a total of 11,324 households over the 22-year period 2020-2042, which is equivalent to an average of 515 households per annum. This indicates that almost 1/2 of the demand from now to 2042 is in the 'affordable housing' category - yet the 'aspirational' proposal (P 146 of Local Plan) seems to be about 30-35% of the new builds. And that is just an aspiration. So if fewer houses are built than the required 11,000 affordable homes - and more expensive homes - will there actually be a demand for these homes, and the shortage of appropriate social and affordable housing for existing residents will actually grow worse.

We question the projected housing numbers, as it appears that 11,324 affordable homes are required over the 22 year plan period. That equates to 515 affordable homes needing to be built each year, to cover the existing shortfall. So, more affordable housing should be required, not less than previous Local Plan policy. It is a concern that it has been reduced from 50% in Budleigh Salterton to only 35%. With an above average older population we welcome **Policies HN03 and HN04**.

Many more small homes are also required for first time buyers, and families who are priced out of the market. Also provision for decent sized gardens for houses is essential as outdoor space is important for wellbeing, and likely to become more so with hotter summers.

Chapter 9 - Economy

Policy SE02 concerning rural and new agricultural buildings should require the carbon reducing technologies to be an integral part of the designs, as well as water efficiency measures.

Chapter 11 - Transport

Good to try and change people's behaviours and reliance on cars. Marlcombe will need very good public transport links, so as not to be so reliant on cars, which will add to existing problems of congestion and pollution around Exeter, the West End and the Pebblebed Heaths. Therefore we welcome the

improvements to **Policy TR04** and paragraph 11.22. It is also good that greater emphasis is being placed on more EV provision.

12 - Landscape

We welcome these protective policies for designated areas, the inclusion of rivers, water courses and water bodies. The enhancement of Policy **OL09** is very welcome. However we do not agree that all the housing site allocations within the NLs can be justified as having exceptional circumstances.

We believe that the nutrient neutrality requirements of the river Axe should be extended to encompass all of East Devon's rivers and water bodies, but especially the river Otter which is a potential SPA.

Chapter 13 - Biodiversity and Geodiversity

The introduction should include mention of the biodiversity crisis, which is nationally and internationally recognised as being of commensurate seriousness as the climate crisis; the UK being ranked as the 12th most nature depleted country globally. Changes enacted in Part 3 of the new Planning and Infrastructure Act 2025 will have an effect upon the wording of this chapter and its policies.

Policy PB01 on protection of nationally important wildlife sites has been strengthened. **Policies PB01 / PB02** should include a criteria that the proposed site should not compromise locally important populations of species on the IUCN Red List or UK Birds of Conservation Concern, and similar UK listings for other biota.

PB02 should also include a criterion that the proposed development site does not constitute a regularly used ecological linkage between recognised sites of local or national ecological importance.

Biodiversity mitigation and compensation measures should be implemented before compromising the existing biodiversity resource, to ensure the ongoing provision of habitat for species associated with the compromised resource.

Policy PB05 - we are pleased that the BNG requirement is 20% but consider that this should be applied to all BNG proposals and delivery. We disagree with exemptions for small sites of less than 0.5 ha and irreplaceable habitats. Off-site mitigation and compensation should be targeted to deliver local/regional biodiversity priorities and be fully compatible with climate change effects on nature for 30 years. BNG mitigation and compensation should be undertaken

before development commences and should have guaranteed provision for maintenance and required management by qualified conservation managers for 30 years after completion. This would overcome the problems identified by the Wild Justice - Lost Nature report of 12/12/24. A survey of 42 new developments found that only half the planning conditions for nature had been implemented.

In relation to **Policy PB07** swift boxes should be mandatory in all appropriate buildings.

Policy PB08 - Tree, shrub and hedge planting should be undertaken with native species appropriate to the changing climate conditions and relevant to the species expected life span.

Paragraph 3.18 The River Otter should also be referenced here as it is a potential SPA and has very poor water quality and very high phosphate levels, due to three waste water treatment plants being over capacity, even in dry weather.

The Pebblebed Heaths Air Mitigation Strategy will not be achievable with the development of 700 dwellings at Exmo_20.

Chapter 14 - Open Space

Policy OS02 The requirement to use Natural England's Green Infrastructure Framework, with its Access to Greenspace Standards, for new housing developments is welcome. This is important for climate change and well being.

Chapter 15 - Historic Environment

This chapter is good with strong protective policies, and includes locally listed Heritage Assets. It is guided by the revised and more detailed Heritage Strategy 2024-2042.

Chapter 17 – Implementation and Monitoring

Resources are needed for monitoring developments after completion to check landscaping (policy PB09 – excellent) and other ecological facilities have been installed and are being maintained. (Reference Lost Nature Report December 2024 commissioned by Wild Justice. Findings from surveys of new development sites reveal that only of the half ecological enhancements had been provided which fell to a third when tree planting was discounted.) The

monitoring of the provision of 'promised or planned' infrastructure also needs to be monitored to ensure that it takes place in an agreed and timely manner.

General

Use of 'significant' and 'substantial' in policies. These terms need to be defined with specific criteria, which must recognise the differences in impact/effect in different locations, such as between towns and villages. Difficulty in interpretation.

How the Council ensures that the necessary infrastructure requirements and services are provided before new homes are occupied is a serious concern, especially during times of cut backs in services and continued economic decline.

We would like to attend the hearings to be held by the Planning Inspector.

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