

INTRODUCTION

Bell Cornwell LLP acts as planning consultant for Mr. Bruce Penny, the long standing owner of land to the south of Courtlands Lane. Land registry details (DN548773) show that Mr. Penny is the freehold owner of the site.

His land currently benefits from a draft allocation for 12 dwellings under reference Exmo_23. The land is currently in agricultural use.

Our client, therefore, has significant interest in the future local plan for the district. Against this background, the following comments are made on the draft policies within the East Devon Local Plan Regulation 19. Consultation.

CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY

Policy PB05: Biodiversity Net Gain

Strategic Policy PB05 requires that 20% biodiversity net gain (BNG) should be provided as part of all forms of major development. Where this level of provision is unviable, clear evidence to this effect needs to be provided, and the statutory 10% requirement needs to be met. Any off-site provision should be provided in the immediate locality of the proposed development.

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

Government guidance is clear that LPA's should only seek more than the statutory requirement of 10% where there is robust evidence and justification to do so, and this does not appear to have been presented within the evidence base.

Experience of the current, nationally mandated requirement to provide 10% BNG already demonstrates how difficult the process of delivering BNG is, with very high levels of bureaucracy and delay associated with the process. Furthermore, where the delivery of BNG cannot be delivered on site the off-site costs of doing this are significant and can have a significant impact on viability.

Doubling this requirement to 20% is only likely to add to the complexity and degree of difficulty with achieving the required level of BNG and to act as a particular disincentive to the delivery of much needed housing.

This policy has not been positively prepared, is not justified and given the uncertainties surrounding the BNG process and is not effective seeking as it does to double the current national requirement.

MR B PENNY

REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19
CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP

BNG is already required to be delivered as a result of national legislation. Given that this requirement will remain and within the context of the concerns outlined above, we would suggest that this policy is unnecessary, unsound and should therefore amended to achieve 10% net gain as per national requirements on development.