



Planning Policy  
East Devon District Council  
Blackdown House, Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

Date: 30 March 2025

Our Ref: NP M5/0107-25

By email only:  
[localplan@eastdevon.gov.uk](mailto:localplan@eastdevon.gov.uk)

Dear Sir/Madam

**RE: EAST DEVON LOCAL PLAN CONSULTATION – REGULATION 19**

**Tetlow King Planning** represents the **South West Housing Association Planning Consortium** (SWHAPC) which includes leading Housing Associations (HAs) across the South West. Our clients' principal concern is to optimise the provision of affordable housing through the preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the South West region.

As significant developers and investors in local people, the SWHAPC is well placed to contribute to Local Plan objectives and act as long-term partners in the community. Our clients play an active role in affordable housing delivery in East Devon and so we welcome this opportunity to comment on the East Devon Local Plan Consultation Regulation 19. The Regulation 19 Publication Draft of the Local Plan follows the further consultation on the Regulation 18 Draft held in 2024 in which eight issues were addressed not considered to have been fully addressed in the original Regulation 18 consultation.

The SWHAPC notes that the plan period has been extended from 2020-2040 to 2020-2042, and that the draft Local Plan will be subject to further refinement and consultation anticipated to run between spring and summer in advance of examination in autumn 2025. The SWHAPC supports the extension of the plan period as it should help to provide greater long-term strategic direction for development, particularly with regard to infrastructure.

**About this consultation**

Page 5 of the document outlines the implications of recent national planning reforms and sets out that because the East Devon Plan progressed to Publication Plan (Regulation 19) stage before the updated National Planning Policy Framework (NPPF) was published, the emerging Plan accords with the December 2023 version of the NPPF. The SWHAPC agrees with this consensus and is satisfied with the justification provided in the Publication Plan.

**Draft Strategic Policy SP02: Levels of future housing development**

Draft Strategic Policy SP02 outlines that housing provision will be made for at least 20,909 dwellings (net) to be delivered in the plan area between 2020-2042. The draft policy adds that 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. Whilst the SWHAPC acknowledge a stepped trajectory can be useful to account for changes in future housing needs, we encourage the annual housing target to be larger earlier on in the period to deal with the pressing need for new homes that is present right now. As of 31<sup>st</sup> March 2024, there were 6,195<sup>1</sup> households on the

<sup>1</sup> <https://www.gov.uk/government/statistical-data-sets/local-authority-housing-statistics-open-data>

housing register in East Devon, following a rise in households on the register over the past three years. It is vital that the Council plans to house these people as soon as possible.

The supporting text to Draft Strategic Policy SP02 specifies a specific target for affordable housing delivery. However, this figure is not contained within the policy text of Draft Strategic Policy SP02 itself. Consequently, it could be argued that this target figure does not form part of the policy requirement. The SHWAPC recommends that the affordable housing delivery target figure is set out within the text of the policy itself, rather than the supporting text, to ensure that it is viewed as a policy requirement within the Local Plan.

Paragraph 3.10 of the draft Local Plan sets out that the draft Local Plan will target the delivery of 4,477 affordable dwellings from 2020 to 2042 (uplifting on the 4,070 figure to account for the years 2040 to 2042). This is guided by the most recent housing needs assessment (2022 LHNA) and the SHWAPC is satisfied that an up-to-date housing needs assessment has been used to inform the policy requirements. Further, paragraph 3.11 of the draft document outlines that the Local Plan housing provision follows transitional arrangements set out under the December 2024 redraft of the NPPF:

*“The new standard method generates an annual average housing number (at February 2025) of 1,188 dwellings. Providing for 80% of this (para 234 of the December 2024 NPPF) generates the annual average housing level of 950.4 new homes, a 22-year plan requirement of 20,909.”*

The SHWAPC is satisfied that the new Local Plan’s housing requirement meets the transitional requirements of the NPPF (2024).

The SHWAPC draw the Council’s attention to a typographical error at paragraph 3.12 in which the draft document states that *“under a stepped trajectory that will provide an annual average of 850 dwellings per year from 2020/21 to 2031/32 and 1,070 per year from 2032/33 to plan end at 2023/24”*. It is believed that the latter date in this sentence should read *“2041/42”* in line with the proposed plan period.

## **Chapter 6. Mitigating Climate Change, and Chapter 7. Adapting to Climate Change**

The Housing Associations of the SHWAPC recognise the critical role that they play in ensuring that residents have safe, secure and efficient homes that are future proof. Promoting sustainable development is the core objective of the plan system and it is important that all new developments continue to support this aim. This was emphasised in the Written Ministerial Statement on energy efficiency and environmental standards from December 2023. However, we urge the Council to carefully consider how these policies might affect the viability of development, as they could potentially limit the availability of affordable housing in East Devon. Climate change policies should be carefully considered against Building Regulations and the Future Homes Standard 2025 to avoid duplication and any potential inconsistencies.

### **Draft Strategic Policy HN02: Affordable housing**

Draft Strategic Policy HN02 outlines that affordable housing will be required on all developments, unless exempted under this policy, with a capacity of 6 or more dwellings in designated rural areas and 10 or more in non-designated rural areas. The SHWAPC considers this to be an appropriate policy requirement and in accordance with the NPPF.

The draft policy also outlines that 25% affordable housing will be required on qualifying developments in Axminster, and 30% affordable at all other local plan allocated sites (except Axminster). A 35% affordable housing requirement is placed at any site allocated for development at the West End, any allocated site in Sidmouth and Budleigh Salterton, as falling within the settlement boundaries, and any windfall site across any part of East Devon, inside or outside settlement boundaries, that is not allocated for housing development. The SHWAPC note that this is a reduction in the current Local Plan policy, outlined at Strategy 34, which states that areas outside of those listed (Axminster, Exmouth, Honiton, Ottery St Mary, Seaton and major strategic ‘West End’ development sites) will be subject to a 50% affordable housing requirement. The SHWAPC request that this 50% affordable housing requirement for qualifying sites remains within the Local Plan to ensure that affordable housing is maximised within the District.

Draft Strategic Policy HN02 states the tenure split to be flexible in Axminster, and in all other areas the draft policy seeks 65% social rent and 35% intermediate or other forms of affordable housing. Further clarification is sought on the 65% social rent aspect and how this applies to both affordable rented and social rented housing. Additional clarification is also required on the 35% 'intermediate or other forms of affordable housing', i.e. is this referring to shared ownership affordable housing, or First Homes<sup>2</sup>. Given there is no mention of First Homes at all within the consultation document, it is assumed that the Council is not seeking this tenure of affordable home and will not object in principle to applications that do not propose First Homes. Furthermore, in stating 'other forms of affordable housing', does the Council mean part (d) of the national definition of affordable homes in Annex 2 of the NPPF, or does it simply mean other forms of affordable housing, such as affordable rent?

Draft Policy HN02 part (a) adds that affordable housing secured through policy must "*Remain affordable in perpetuity*". National policy only makes one reference to securing affordable housing in perpetuity, which is in reference to rural exception sites in Annex 2 of the NPPF (December 2024):

*"Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing...."* (Emphasis added)

A blanket approach to securing affordable housing in perpetuity can cause issues for several reasons. Firstly, it restricts lenders' appetite to fund development, as mortgage provision becomes more difficult with greater restrictions on individual properties. Private companies will not typically invest in developments if there is no prospect of realising the original investment and any returns.

Draft Policy HN02 part (b) adds that affordable housing "*Be provided on-site and dispersed in small clusters across the site in a way that is indistinguishable in terms of design and materials from any market housing*". There is no guidance as to what size of site this applies to, and how 'small' these clusters should be. It should be noted that this pepper potting approach has practical implications for housing associations when it comes to the management of their housing stock. It is also worth considering that there may be developments that are proposed as 100% affordable, which could be hindered by the wording used in the policy text.

#### **Draft Policy HN04: Accessible and adaptable Housing**

Draft Policy HN04 identifies the Council's requirements for new residential development, subject to site suitability and viability, with respect to accessible and adaptable accommodation. It outlines that 100% of all new dwellings are to meet building regulation M4(2) requirements; at least 5% of new dwellings for affordable rent are to meet building regulation M4(3)(2)(a) requirements (wheelchair adaptable); and at least 5% of all new dwellings for affordable homeownership are to meet M4(3)(2)(a or b). We accept that there is a growing need for properties which comply with current Building Regulations and so we support this policy direction, although we reiterate to the Council that the increased delivery of such properties may affect viability and overall affordable housing delivery in East Devon.

Draft Policy HN04 goes on to state that with respect to M4(3) (wheelchair user housing) discussion with the Council should occur at an early stage to establish the most up-to-date information with respect to the level of local need. The SWHAPC agrees with this approach and that such requirements should be based on actual need rather than a blanket percentage requirement, considering viability and feasibility considerations.

#### **Draft Policy HN05: Self-build and custom build housing**

Draft Policy HN05 outlines that Custom and Self-Build homes will be required on development proposals of 20 or more homes, where 5% of homes should be made available as serviced plots for sale to custom or self-builders. The SWHAPC does not currently support this element of the draft policy as the threshold of 20 homes is considered far too low. We suggest that this threshold should be increased to apply to significantly larger major housing developments, perhaps those over 500 dwellings.

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<sup>2</sup> The requirement to deliver a minimum of 25% of affordable housing as First Homes, as set out in 'Affordable Homes Update' Written Ministerial Statement dated 24 May 2021, no longer applies. Delivery of First Homes can, however, continue where local planning authorities judge that they meet local need".

A policy requirement to deliver a minimum percentage of self-build units on a scheme can create challenges for Affordable Housing Providers with grant allocations. Self-Build plots are of an open market tenure; if an Affordable Housing Provider wishes to deliver a 100% affordable scheme it cannot include any open market units, otherwise it cannot secure grant funding to all plots, including the S106 policy requirement. The SWHAPC therefore ask that draft Policy HN05 includes no Custom and Self-Build requirement on 100% affordable housing proposals given that these sites are meeting much of the acute affordable housing need in East Devon.

Furthermore, the SWHAPC suggests an inclusion in the policy wording which would see an order of priority for any viability challenges to ensure that custom and self-building housing is removed from schemes first before any loss in affordable housing provision is considered.

The SWHAPC would welcome some clarification on how the Council will ensure that quality is maintained for the Self-Build plots. The SWHAPC advises that the Council refers to the Self-Build and Custom Housebuilding Planning Practice Guidance when formulating new policy.

Draft Policy HN05 adds that on sites of over 250 dwellings or more, a proportion of plots must be made available for affordable housing, subject to viability. The SWHAPC supports this policy as Custom and Self-Build housing can represent a further route to affordable housing within the housing market.

#### **Draft Strategic Policy PB05: Biodiversity Net Gain**

Draft Policy PB05 states that *“Major development proposals will need to deliver biodiversity net gain (BNG) of at least 20% to be calculated using the most up-to-date statutory metric”*. Currently, the SHWAPC disagrees that a higher than 10% requirement for BNG should be sought as there is significant concern that an increased BNG requirement may reduce the delivery of affordable housing across East Devon. If the Council is looking to introduce a higher threshold than 10%, this must be robustly viability tested to show that it will be viable for applicants to provide such BNG alongside development. The PPG guidance specifies that:

*“Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.”*

(Paragraph: 006 Reference ID: 74-006-20240214)

#### **Draft Strategic Policy HE01: Historic environment**

Draft Policy HE01 outlines the strategic policy for conserving and enhancing non-designated heritage assets. The SWHAPC notes that the heritage policy must be consistent with national policy. At present, the draft policy outlines that *“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”*. The SWHAPC considers that this draft Policy goes beyond the requirements of the NPPF, which only refers to designated heritage assets.

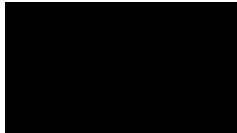
#### **Further Comments**

We would like the Local Plan to acknowledge further the role of Housing Associations in providing affordable housing in East Devon. It would be beneficial to see the Council recognise the role of Housing Associations and encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of SWHAPC members. It is recommended that the Council adds ‘Collaboration with Registered Providers’ to the delivery mechanisms for Policy H4 in the monitoring section of the draft Local Plan.

We would like to use this opportunity to highlight the successful proven track record that Community Land Trusts (CLTs) have in delivering affordable housing for local people. The Council may find it insightful to know that a number of the SWHAPC Housing Associations have delivered significant levels of affordable housing through partnerships with CLTs across the south of England. Therefore, it would be particularly useful if the Local Plan acknowledges this working relationship in order to encourage commitment in the Local Plan to support CLTs in their choice of sites.

The above comments are intended to be constructive, to ensure the policies are found sound at examination. We would like to be consulted on further stages of the above document and other publications by the Council, by email only to [consultation@tetlow-king.co.uk](mailto:consultation@tetlow-king.co.uk); please ensure that the **South West Housing Association Planning Consortium** is retained on the consultation database, with **Tetlow King Planning** listed as its agent.

Yours faithfully



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PLANNER**

For and On Behalf Of  
TETLOW KING PLANNING

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