

East Devon Local Plan 2020-2042: Second Regulation 19 Consultation

Representations on behalf of Persimmon Homes South West

26.01.26

1. This representation is submitted on behalf of Persimmon Homes South West (PHSW) in respect of the proposed allocation for circa 160 dwellings within the emerging plan on Land South West of Woolbrook Road. As such, this representation is relevant to the consideration of the site allocation under reference '*Strategic Policy SD06*' and allocation '*Land south-west of Woolbrook Road (Sidm_01)*'.
2. PHSW are owners of the entire allocation site as indicated in the site location plan (A069155drgA01v1) at **Annex A** accompanying this representation. Persimmon has instructed a project team in order to bring the site forward for development as envisaged by the emerging Local Plan. This includes the following specialisms:
 - Design/Master Planning
 - Highways/Accessibility
 - Drainage/Flood Risk Assessment
 - Ecology
 - Landscape and Visual Impact.
3. The preliminary work undertaken by PHSW has further confirmed that the site is appropriate and achievable for development and will deliver much needed new homes, including affordable homes. In addition, the site will also assist in delivering significant benefits and localised improvements for the wider area including in respect of enhancing sustainable travel modes and surface water flooding. The site is suitable and available for development and PHSW will be pursuing an application on the site later this year.
4. Accordingly, this representation is also relevant in the consideration of the emerging Local Plan's evidence base. Blue Fox Planning (BFP), on behalf of PHSW, submitted previous representations to the local plan process, specifically to the first regulation 19 consultation in



Spring 2025, which will be referred to as appropriate and should be read alongside this submission.

5. This representation addresses the following matters:
 - i. The LPA's consultation response to the first regulation 19 consultation, fails to establish the position of the authority on the matters raised, and does not provide clear reasoning or justification as to the changes made to the plan as a result of the comments.
 - ii. PHSW continue to fully support the continued allocation of this site for residential development and welcomes the adjustment of the policy to refer to '*around 160 homes*' to reflect the updated capacity of the site and afford flexibility.
 - iii. PHSW continue to consider that in order to demonstrate that the Plan is positively prepared and justified by a robust evidence base, a detailed examination of the likely delivery profile of proposed allocations of 100+ dwellings on the basis of individual circumstances should be carried out to justify the stepped housing trajectory proposed through Strategic Policy SP02.
 - iv. As currently drafted, and as with the previous regulation 19 consultation, Strategic Policy HNO2 sets the affordable housing requirement at different levels for different parts of the District. Neither the Policy nor its justification explain why the level of affordable housing required varies so greatly across the District and we continue to object to this policy and consider it to be unsound. The Plan should include a detailed analysis of the affordable housing requirement and justification of the approach taken. This should include a demonstration that site specific factors have been taken into account, as they may affect whether the requirement can be viably met.
 - v. We continue to object to the provisions of Strategic Policy PB05, which require the delivery of 20% BNG. There is no justification for this amount and given the absence of clarify the policy should adopt a minimum target of 10% BNG in accordance with the Environment Act 2021. Any exceedance of the target prescribed by the aforementioned Act is likely to cause wider viability and delivery issues for this site and other proposed allocations.

6. This representation is submitted without prejudice both to any other submissions made on behalf of Persimmon Homes, and to any submissions made by Blue Fox Planning on behalf of other clients.

Response Approach

7. The LPAs response to the first regulation 19 Consultation is contained in the separate '*First Regulation 19 Local Plan Consultation Responses and Feedback Report*'; on the LPAs website. This is arranged in a chapter-by-chapter basis with the responses summarised within the '*Draft Feedback Report*'.
8. The response from the LPA fails to establish the position of the authority on the matters raised and does not provide clear reasoning or opinion as to the changes made to the plan as a result of the comments. No clear justification is evidenced as to the reasoning for the changes proposed, or the omission of any updates. This will be referenced as appropriate in the subsequent sections of this representation with regards to specific policies.
9. The soundness of the approach taken by the LPA is therefore questioned, as there is no clear reasoning or accountability for the response and matters taken forward to this second regulation 19 consultation which should be clearly evidenced.

Strategic Policy SD06: Sidmouth and its development allocations

Land south-west of Woolbrook Road (Sidm_01)

10. Previous representations to the regulation 19 consultation, considered that the former allocation figure of 127 homes was too rigid to support sustainable development and support sustainable development. The figure also underestimated the site potential and capacity following the removal of employment uses on the site.
11. We support the change in policy wording to allocate the site at Woolbrook Road for '*around 160 homes*'. This change is supported to reflect the flexibility and updated capacity of the site so that the policy is not unnecessarily restrictive which would result in any resultant allocation and the broader plan not making the best use of the land.
12. We also note that additional text has been added referencing the Beer Quarry and Caves SAC, bat activity and the need for the development to maximise opportunities for localised

improvements/contributions to enhance sustainable travel modes. These references are, again, supported by PHSW.

13. However, additional text is also proposed relating to the site's location within the East Devon National Landscape. Whilst this is a statement of fact, the text states that the *"...development should be informed by detailed design work to conserve and enhance the natural beauty of the site and its wider landscape setting."*

14. Whilst PHSW is fully committed to delivering a high-quality development which will conserve and enhance the natural beauty of its wider setting including in terms of the National Landscape, it must nevertheless be accepted that the site will be subject to built development. In that context, there is concern that the requirement to enhance the natural beauty of the site itself (as opposed to its wider setting) could be considered to be an unachievable and/or unrealistic bar to set.

15. PHSW therefore request that the Authority clarifies its intentions for this wording and consider amending the text to read:

"...development should be informed by detailed design work to conserve and enhance the natural beauty of ~~the site and~~ its wider landscape setting."

Strategic Policy SP02: Levels of future housing development

16. In previous representations to the Plan, PHSW considered that the proposed approach to housing trajectory should be fully justified and based on robust and relevant evidence including that derived at a local level. Objection was not raised to the stepped trajectory approach, but rather that there was no evidence that the Local Plan had attempted to consider the deliverability of proposed allocations on the basis of individual circumstances. The evidence base was based on a generic approach taken by Litchliff's findings that nationally, sites of 100+ dwellings had a median time frame from just under 5 to nearly 7 years from application validation to first completions.

17. In the case of the proposals at *'land south west of Woolbrook (Sidm_001)'*, PHSW submitted a proposed reasonable delivery programme for the site which considered that an application would be submitted in mid-2026, with first completions at the end of 2028. Based on the first completions on the site would therefore be achieved approximately 4 years before the date

assumed by the Plan and in HOU_001. PHSW has instructed a project team in order to bring the site forward for development as envisaged by the emerging Local Plan and will be pursuing an application on the site later this year in accordance with the predicted timescales.

18. Policy SP02 has been updated as part of this second regulation 19 consultation, with new figures to take account of the April 2025 base data (rather than April 2024). It is not clear within the consultation information and summary of changes, if any other considerations have been taken into account when updating the delivery figures.
19. Whilst the Housing Delivery Paper (HOU-001 rev) has been updated with a November 2025 date, section 5 of the report outlines the approach taken to justify the '*Stepped Delivery Requirement*' and continues to reference research conducted by Litchfields, but fails to specifically name the source of information used by Litchfields. The relevant information also does not appear to form part of the plans' evidence base. The evidence base continues to rely on the Litchfields generic findings, and the associated generically derived median time frame referred to in paragraph 16 of these representations.
20. The LPA's consultation feedback report fails to consider or indeed justify why this approach has been taken forward, or why the delivery trajectory of allocated sites has not been considered, particularly when evidence has been provided to the Local Plan process which provides detail and information which would be of benefit to the plan making process.
21. PHSW continue to consider that in order to demonstrate that the Plan is positively prepared and justified by a robust evidence base, a detailed examination of the likely delivery profile of all proposed allocations of 100+ dwellings should be carried out.

Strategic Policy HN02: Affordable housing

22. PHSW previously raised comments regarding the Local Plans' approach to affordable housing. Whilst Persimmon fully supports the provision of an appropriate level of affordable housing as an important and integral part of new development, the prescription of any such requirement must be supported and justified by a robust evidence base.
23. As currently drafted, (and as with the previous regulation 19 consultation), policy HN02 sets the affordable housing requirement at different levels for different parts of the District. For example, 35% affordable housing is required at the West End, Sidmouth and Budleigh

Salterton whilst 30% is required on all other local plan allocated sites. Further, 25% is required at Axminster, and an aspirational 40% at Marlcombe new community.

24. Whilst the references to viability contained within the policy are welcomed, neither the Policy nor its justification explain why the level of affordable housing requires varies so greatly across the District. This position has not changed since the previous regulation 19 consultation.
25. The *'Draft Feedback Report'* does not clarify the LPA's position with regards to the approach taken to the requirements for affordable housing. Whilst the report notes that responses call for the plan to *'Provide flexibility in tenure mix and allow market evidence to justify alternative mixes'* the report but does not include the LPA's response to this matter.
26. Some supporting evidence has been revised. HOU-001 (rev) and HOU-002 (rev) have been updated in Autumn 2025 to update the assessment of local housing need and housing delivery. The updated LHNA assesses the housing need for the entire plan area and provides no justification as to the different needs or viability across different locations in East Devon. Whilst the updated Housing Delivery Paper (HOU-001) notes at paragraph 3.6 that *"A degree of flexibility has been incorporated to reflect potential viability challenges and delivery risks"*, no evidence or detail of what the viability or delivery risks are considered to be or to which settlements or areas of East Devon they apply (either individually or collectively) has been provided..
27. Likewise, the *"key supporting document"* East Devon Housing Need, Supply and Requirement Interim Topic Paper (KSD-017), dated November 2022, appears to rely on the previous 2022 LHNA and does not explain how the affordable housing requirements were arrived at. KSD-017 has not been updated. It is thus not clear that the policy HN02 is supported by a robust and up to date evidence base.
28. We consider that on this basis the policy may be unsound and the Plan should instead include a detailed analysis of the stepped/area specific affordable housing requirement, along with a justification of how each of affordable housing requirements were arrived at. This justification should seek to demonstrate that site specific factors that may affect whether the requirement can be viably met have been fully taken into account.

Strategic Policy PB05: Biodiversity Net Gain (BNG)

29. PHSW supports the ambition of achieving Biodiversity Net Gain (BNG) based on the requirements of the Environment Act 2021. However, the proposed requirement within the plan that major development will need to deliver BNG of "at least" 20% is not justified and is not supported by a robust evidence base. This position has not changed since the previous regulation 19 consultation.
30. The *'Draft Feedback Report'* notes the *'Widespread objection to the 20% BNG requirement as unjustified and inconsistent with national policy'* with responses calling to *'Align BNG requirement with the statutory 10% unless robust local evidence is provided.'* However, there is no response from the LPA with regards to this matter, or its consideration and justification for the requirement to remain as 20%.
31. Without such justification, or any update to the evidence base the approach is considered unduly onerous to the extent that it may render some development opportunities undeliverable/unviable and the policy is therefore unlikely to be effective.
32. The Environment Act 2021 is clear that the starting point for BNG is 10%. Neither Strategic Policy PB05 nor its justification explain why the Plan is seeking 20% or present any evidence as to why this level of gain is considered appropriate and achievable.
33. With regard to the Sidm_01 site, the provision of a Biodiversity Net Gain of 20% on site would likely require additional tree planting or the provision of soft landscaping features which are known to score highly in the DEFRA matrix. The provision of any non-native features or contrived planting would likely have a detrimental effect on the character and appearance of the National Landscape area which the site is located within. In short, regarding this site in particular, any request for additional biodiversity net gain could adversely affect the landscape character of the area, thus causing any proposed development to be considered harmful and unacceptable.
34. Given the absence of clarity and justification, Strategic Policy PB05 should adopt a minimum target of 10% BNG in accordance with the Environment Act 2021.

Conclusion

35. Persimmon Homes South West (PHSW) continues to fully support the continued the proposed allocation of allocation Sidm_01 'Land south-west of Woolbrook Road' under **Strategic Policy SD06**. Specifically, PHSW welcomes and supports the adjustment of the policy to refer to 'around 160 homes' to reflect the updated capacity of the site as requested at the previous Regulation 19 consultation stage.
36. Notwithstanding the above, PHSW requests that the Council give further consideration to the reference to the site within the National Landscape consistent with paragraphs 14 and 15 of these representations.
37. continue to consider that in order to demonstrate that the Plan is positively prepared and justified by a robust evidence base, a detailed examination of the likely delivery profile of proposed allocations of 100+ dwellings on the basis of individual circumstances should be carried out to justify the stepped housing trajectory proposed through **Strategic Policy SP02**.
38. As currently drafted, and as with the previous Regulation 19 consultation, **Strategic Policy HN02** sets the affordable housing requirement at different levels for different parts of the District. Neither the Policy nor its justification explain why the level of affordable housing required varies so greatly across the District and we continue to object to this policy and consider it to be unsound. The Plan should include a detailed analysis of the affordable housing requirement and justification of the approach taken. This should include a demonstration that site specific factors have been taken into account, as they may affect whether the requirement can be viably met.
39. We continue to object to the provisions of **Strategic Policy PB05**, which require the delivery of 20% BNG. There is no justification for this amount and given the absence of clarify the policy should adopt a minimum target of 10% BNG in accordance with the Environment Act 2021. Any exceedance of the target prescribed by the aforementioned Act is likely to cause wider viability and delivery issues for this site and other proposed allocations.
40. PHSW requests that it be allowed to attend and present its position as set out above at the forthcoming Local Plan Examination. Persimmon Homes is a national home builder and also controls the proposed allocation known as 'Land south-west of Woolbrook Road' and is therefore uniquely placed to assist the appointed Inspector(s).



End.



Annex A – Site Location Plan
A069155drgA01v1

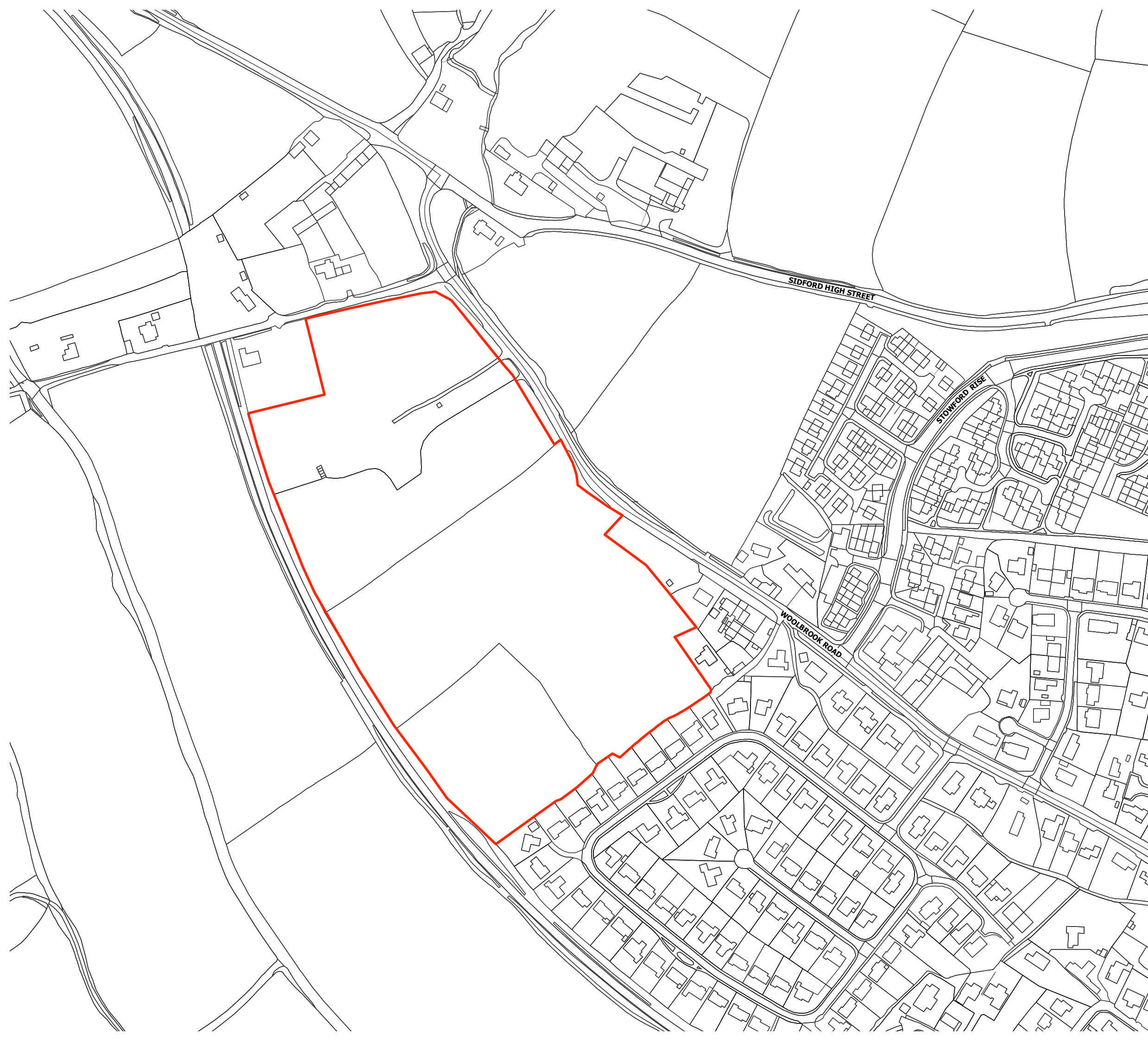


**Woolbrook Road: Phase II
Sidmouth
Site location**

A01

Key

 Site boundary



North

A069155drgA01v1

Scale 1:2500@A3

File: A069155drf03v4.mcd

creative minds safe hands

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