



15 March 2021
Our Ref: DS/21.134

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

SENT VIA EMAIL

Dear Sir or Madam

**East Devon Local Plan 2021 to 2040
Regulation 18 Issues and Options Consultation**

This response to the Regulation 18 Issues and Options Consultation (January 2021) is submitted on behalf of Barratt David Wilson Homes (Exeter) Ltd (hereafter BDW). BDW have an interest in land off Meeting Lane, Lypstone which is identified on the accompanying Title Plan. Please note that a response to the Local Planning Authority's (LPAs) Call for Sites has been submitted separately.

BDW are pleased to see the East Devon Local Plan progress to the Regulation 18 stage. Their responses to the specific questions posed within the consultation document are set out below.

Question 2 – The scope of the Local Plan

BDW agrees with the LPA; the most appropriate way forward is to produce a single Local Plan covering all key planning issues and opportunities within the District. The alternative approach, a plan covering strategic matters, followed by one or more additional plans covering non-strategic matters, would result in a more protracted process for delivering a complete up-to-date Development Plan for East Devon.

Question 3 – Neighbourhood Plans and the new Local plan

Neighbourhood Plans can form important elements of a Development Plan and can ensure that local priorities and aspirations are taken into account in the planning process. However, their use and scope are clearly established in legislation and national planning policy. For instance, paragraph 13 of the National Planning Policy Framework (hereafter NPPF) confirms that Neighbourhood Plans should support the delivery of strategic policies contained within local plans. In addition, the NPPF also confirms that Neighbourhood Plans should only contain non-strategic policies (Paragraph 18) and that they should not promote less development than set out in the strategic policies for the area or undermine those. Moreover, in forming a Neighbourhood Plan, it is required to meet the Basic Conditions, one of which is to be in general conformity with strategic policies contained within the Development Plan. Consequently, it is clear that a Local Plan has

primacy over a Neighbourhood Plan and that it is the role of a Neighbourhood Plan to support the delivery of the Local Plan.

The Planning Practice Guidance (Paragraph: 004 Reference ID: 41-004-20170728) advises that Neighbourhood Plans should support the strategic development needs set out in the Local Plan and plan positively to support local development. In order to meet the requirements of the Basic Conditions, Neighbourhood Plans need to be in general conformity with the strategic policies of the Development Plan. It is the role of the Local Plan Review to set the strategic policies for the District. Neighbourhood Plans are not intended to fulfil that function.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 is clear in requiring that any conflict between policies in a Neighbourhood Plan and those in a Local Plan must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the Development Plan.

At a strategic level, there is no requirement for the new Local Plan to reflect the content of the made or emerging Neighbourhood Plans and it should not aim to do so. The Local Plan should aim to meet the strategic needs for the District and specific settlements and plan for these accordingly.

If a Neighbourhood Plan has not met the strategic needs of a particular Neighbourhood Area, then the Local Plan Review should take steps to address this, for example by allocating a proportionate level of growth in sustainable locations to meet the housing needs of communities, the achievement of the overall level of housing for the District.

The Planning Practice Guidance (Paragraph: 084 Reference ID: 41-084-20180222) confirms that there is no requirement to review or update a Neighbourhood Plan. However, the Guidance does recognise that a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the Neighbourhood Plan. As explained above, in such cases, the more recent plan policy takes precedence.

Question 5 Energy efficiency of new buildings

Whilst BDW recognise the LPA's aspirations, the recent work on the Cranbrook Plan provides a useful understanding of the costs associated with the delivery of energy efficient development, including achieving zero carbon schemes. Using that as an example, the costs associated with delivering energy efficient development has had an impact on the level of developer contributions that can viably be provided, as well as levels of affordable housing.

In light of the above, before committing to a certain level of energy efficiency, it is essential to have a full grasp of costs associated with the delivery of such requirements and a strategy for achieving them. Without fully considering both, there is clearly the potential that planned developments would be stalled, undermining the delivery of housing, affordable housing and other development, including employment land.

BDW consider that, having regard to competing pressures, the most sensible option would be to adopt Option 2. It is essential that developers have sufficient time to adjust to any requirements for higher standards over and above those required by Government. It should be noted that new development would be required to deliver the standards outlined in Building Regulations. BDW are aware that these are being reviewed by Government at present through the Future Homes Standard Consultation and it is possible that more rigorous standards will be in place during the formation of the Local Plan in any event.



Question 7 – Carbon saving measures

The LPA should explore other carbon saving measures, such as those set out in paragraph 4.8 of the Issues and Options Document. However, to be reflected in policy as requirements of development, there needs to be certainty that such measures are viable propositions, both financially and technologically. There is also a need to ensure that such measures would be supported through the development management process. In forming policy around carbon saving measures, the LPA should be mindful of paragraph 16 of the NPPF which outlines that plans and therefore policies contained within them, should be positively prepared, in a way that is aspirational but also deliverable.

Question 8 – How many new homes should we plan for each year?

Housing Need

The NPPF outlines that when considering how many homes are needed, strategic policies should be informed by a local housing need assessment conducted using the standard method in national planning guidance, unless exceptional circumstances justify an alternative approach. In the case of East Devon, BDW are not aware of any exceptional circumstances to depart from the use of the standard method.

At paragraph 5.8 of the Issues and Options Document, the LPA correctly identifies that the latest local housing need figure for East Devon is 928 dwellings per annum. Paragraph 11(b) of the NPPF confirms that this is the minimum level of housing that should be provided within the emerging Local Plan. Further guidance is provided within the Planning Practice Guidance, wherein it is confirmed that there are circumstances where LPAs should consider providing housing at a level above the minimum requirements as set out in the standard method. Such considerations include:

- Where growth strategies for an area are in place; and
- Where an authority agrees to take unmet need from a neighbouring authority.

As the Local Plan evolves, it is likely that both circumstances will exist for East Devon.

Firstly, East Devon (and in particular the district's West End) formed part of the Exeter and East Devon Growth Point, which had a target of delivering 25,000 new homes and 25,000 new jobs by 2026. East Devon's contribution to this target was 10,000 new homes and 10,000 new jobs, hence the position adopted in the existing Local Plan of creating an additional job for every new home built. Whilst the Growth Point has transitioned to the Exeter and East Devon Enterprise Zone, there remains, albeit with a greater focus on employment land provision, a clear growth agenda.

Appropriate levels of housing will be a key component of attracting businesses and occupiers into the Enterprise Zone. It is possible that a level of housing in excess of the local housing need figure will be required to support the economic growth ambitions of the Enterprise Zone and wider area.

Secondly, East Devon are under a legal obligation to co-operate with their neighbouring authorities on strategic planning matters. The Duty, which inter alia relates to both sustainable development and the use of land where it would have a significant impact on at least two LPA areas, requires:

- To engage constructively and on an ongoing basis to develop strategic planning policy responses; and
- To consider joint approaches.



Further advice is provided within the NPPF. Paragraph 24 confirms that LPAs and county councils have a duty to cooperate with each other and with other prescribed bodies on strategic matters that cross administrative boundaries. Paragraph 26 confirms that effective and ongoing joint working with these parties is integral to the production of a positively prepared plan and a justified strategy. Matters relating to infrastructure and “whether development needs that cannot be met wholly within a particular plan area could be met elsewhere” are highlighted as being specific matters for consideration.

The latter point is particularly relevant in the Exeter city region. Given its tightly drawn administrative boundary, the availability of suitable land to accommodate housing and other viability concerns, it is likely that Exeter will not be able to meet its own objectively assessed need for housing in its new Local Plan. In line with their legal obligations under the Duty to Cooperate, it will be necessary for East Devon to consider a planning policy response to addressing this issue. The response would be for East Devon to meet some of Exeter’s unmet housing need in the emerging Local Plan. This would require the delivery of a higher level of housing than the standard method suggested was necessary for East Devon.

Accordingly, and for the reasons set out above, the standard method derived housing need figure for East Devon should be considered as being a starting point only and BDW consider that there is likely to be a need to plan for a higher level of housing. In light of this, BDW are not in favour of Option 1 and would therefore support Option 2 as a minimum, but would also support Option 3.

Housing Supply

Paragraph 5.3 of the Issues and Options Document outlines that the use of the annualised standard method derived figure for housing need (928 dwellings per annum) would suggest that over a 20-year plan period there would be a need to plan for 18,560 new dwellings. The document also suggests that after deducting existing commitments, windfall provision and other sources of supply from the housing requirement, there would be a need to find land to accommodate at least an extra 6,615 dwellings.

Reference to ‘at least’ is important for two reasons as follows: (1) the scale of housing need is likely to be higher for the reasons outlined above; and (2) the sources of supply are unlikely to deliver in full over the Plan period.

In terms of the latter point, the supply figure outlined within the consultation document has been taken from Section 3 of the Council’s 2020 Housing Monitoring Report. If the supply figure derived from the Monitoring Report represents all commitments and other components of supply and does not include a non-implementation rate, then this would be unrealistic. For reasons that are well rehearsed, not all planning permissions and commitments translate into a residential completion.

We note that in order to provide flexibility, the existing Local Plan identified a supply of housing that was over 7% higher than the objectively assessed level of housing need. A similar non-implementation rate should be applied to the identified local housing need figure in the emerging Local Plan.

Question 9 – Sites for small scale housing developments

Paragraph 68 of the NPPF identifies that small and medium sized sites can make an important contribution to meeting housing needs and can often be built-out relatively quickly. Whilst these benefits are acknowledged, too great a reliance on such sites could have other unintended consequences. Often such sites do not deliver the infrastructure that is capable of being delivered by strategic scale developments. This places increased strain on the capacity of existing



infrastructure and services. Accordingly, the approach adopted in the NPPF, for Local Plans to meet 10% of their requirements from such sites, is appropriate. BDW therefore advocate Option 1.

In addition, while noting the LPA's justification for promoting small scale development at paragraph 5.7 of the Issues and Options Document, BDW consider that these are all matters which are capable of being controlled by the LPA; employment skills strategies and housing mix can be conditioned or form an obligation of a legal agreement and planning permission can be refused for sub-standard design.

Question 23 – Promoting access to facilities

As alluded to in Question 23, the spatial strategy adopted in the emerging Local Plan will be a key determinant to promoting sustainable modes of travel, including walking and cycling.

The spatial strategy adopted in the current Local Plan was considered at Examination to be the most appropriate when considered against reasonable alternatives. It also strongly aligns with national planning policy, for example paragraph 103 of the NPPF. The strategy seeks to place the majority of development in the western area of the District, closest to the greatest number of services, facilities, jobs and public transport opportunities. In doing so there is a greater probability that these services and facilities and job opportunities will be accessed by sustainable transport modes, including public transport, walking and cycling.

BDW are not aware of any reason to pursue an alternative strategy, which would be less sustainable and more likely to encourage longer journeys and less sustainable commuting patterns. Accordingly, BDW advocate a continuation of the current spatial strategy; the focus of new development at a small number of growth areas, located in the western part of East Devon, adjacent to and accessible from Exeter.

Question 27 – Retaining and refining the existing settlement hierarchy

As outlined in the emerging Local Plan, the spatial strategy adopted in the existing Local Plan recognises that "Exeter is a vibrant city that supports many jobs, with many East Devon residents travelling into the City for work and also for the services and facilities". The document also confirms that by focusing residential development in the parts of the district close to Exeter, it means that people can benefit from shorter journey distances. For these reasons, the LPA continues to conclude that "the importance and draw of Exeter provides a sensible planning reason to seek to accommodate growth in close proximity to the City boundary".

BDW broadly agree with these conclusions and would advocate that there are legitimate planning reasons to continue with the current strategy which focuses growth within the western portion of East Devon, in close proximity to Exeter.

The Local Plan strategy should generally support new development in sustainable locations. The Issues and Options consultation recognises that a number of locations in the District that are not currently identified as location for future growth, are sustainable. There are settlements, including Lypstone, that are currently identified as villages that provide a range of facilities and services that have not seen a proportionate level of growth to meet the needs of communities.

The NPPF (Paragraph 77 to 79) is clear that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Planning Practice Guidance (Paragraph: 001 Reference ID: 50-001-20160519) also confirms that particular issues facing rural areas in terms of housing supply and affordability need to be recognised, along with the role of housing in supporting the broader sustainability of villages and smaller settlements.



National planning policy requires Council's to use Local Plans to "identify opportunities for villages to grow and thrive, especially where this will support local services". As sustainable locations, there are villages, including Lymptone, that on account of the services they provide, should be added to the list of locations that may be appropriate to accommodate development. These sustainable locations should therefore accommodate allocations for a proportionate level of growth.

There is a clear rationale for considering the allocation of a proportion of growth to the most sustainable villages. Of the designated villages identified in the Local Plan, Lymptone is one of the settlements that is particularly well placed in terms of its access to the District's primary route network, public transport connections and its proximity to the employment opportunities and other services and facilities in Exmouth and Exeter.

In light of the above, of the options set out in the Issues and Options Consultation, BDW support Option 2 or Option 3.

Question 28 – Broad distribution of housing development

In response to previous questions, we have outlined that the emerging Local Plan should continue to focus growth within the western areas of East Devon and close to Exeter. The sustainability benefits of adopting such a strategy, together with the added advantages of delivering growth in areas where there is most demand, as well as environmental constraints contained within other areas of the District, mean that this is a strategy that should be continued. However, BDW also support the distribution of a proportion of development to sustainable villages. Whilst maintaining the focus of development in the West End, there may be a need to increase the proportion of development in villages.

Question 29 – Future options for the type and location of development

So as to ensure that the development needs of East Devon are met, there will inevitably be the need to plan for a variety of sizes of development and for it to be focused at various locations. This should include large-scale urban extensions / new towns on the edge of Exeter, through to smaller scale sites within and on the edge of the District's towns and villages. In line with their responses to other questions above, BDW strongly support a strategy that includes building houses on the edges of East Devon's villages.

Question 31 – Planning for development beyond 2040

If the results of the technical work underpinning the emerging Local Plan consider that the most appropriate long-term strategy for accommodating growth within the District is to focus development at a new town or a large-scale urban extension, then the LPA should consider planning beyond 2040. This view receives support from the current consultation version of the NPPF which states "Where larger-scale development such as new settlements form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery."

Summary and Next Steps

The representations outlined above provides BDW's response to the Regulation 18 version of the emerging East Devon Local Plan. The response is accompanied by a response to the Call for Sites promoting land off Meeting Lane, Lymptone for residential development.

BDW will continue to progress with the necessary technical information to support their promotion. They would, in due course, welcome the opportunity to meet with the LPA to discuss their development opportunity.



Should you require any further information, please do not hesitate to contact me.

Yours sincerely,



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H.M. LAND REGISTRY		TITLE NUMBER
		DN 118054
ORDNANCE SURVEY PLAN REFERENCE	SX 9984	Scale 1/2500
COUNTY DEVON	DISTRICT EAST DEVON	© Crown copyright

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