

Filtered Data Export

Full name: John W Thorne

Organisation (where relevant): JWT

Other party name (if relevant): Mr & Mrs S Anthony

Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP02

1(b). Does your comment relate to one of the changes listed in the table above?: No

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: East Devon Local Plan – January 2026

The following representations are made on behalf of *** Personal details have been removed *** in relation to:

Policy SP02 – Levels of future Housing Development SD10 – Development Allocations Policy

Issue - Unsustainable and unacceptable failure to address the matter of Brownfield land in the Plan. The consequent approach to designation of housing sites is thereby over-reliant on greenfield open space and farmland to the detriment of the natural environment and the rural character of the district.

Following examination of the Council's website in February 2025, it was apparent that the East Devon District Council published register of Brownfield Land, an annual statutory requirement pursuant to The Town and County Planning (Brownfield Land Register) Regulations 2017, was stated as having most recently been reviewed in 'December 2021'.

Having received no response to two separate requests for inclusion of sites on the register, a Freedom of information Request to the Council dated 3rd March 2025 posed the following questions and received the perfunctory responses appended in bold:

“1.How many requests have been received since December 2021 to include land on the register? - 1 but not progressed further than enquiry stage

2. On which dates has the yearly review referred to on the Council's website taken place, since December 2021? - Yearly, end of April

3. Why does an up to date register not appear on the Council's website? - Due to technical issues

4. When will an up-to-date register be published? - End of April 2025

5. Where in the Regulation. 18 and Regulation 19. Consultation drafts of the EDDC Local Plan 2020-2042 is account taken or reference made to housing sites included on the register? -

Please refer to the below:

The Regulation 18 plan - commonplace-reg-18-final-071122.pdf includes refence at para

17. 12 onward and in chapter 19 – Glossary of terms.
<https://eastdevon.gov.uk/media/3724891/commonplace-reg-18-final-071122.pdf>

The Regulation 19 plan - regulation-19-plan.pdf – includes reference in Chapter 17.

Implementation and Monitoring.

<https://eastdevon.gov.uk/media/gtimzhle/regulation-19-plan.pdf..>”

As the replies to questions 2. 3. 4. and 5. Were cursory and appeared to be untrue, a formal complaint was submitted to the Council on 30th April 2025 stating the following:

“With regard to these responses, no sites have been added to the register in the last four and a half years. No evidence has been forthcoming to demonstrate that the register has

received any attention whatsoever in the last four years; The failure to publish it ‘Due to Technical Issues’ is not explained and is an unsatisfactory response. It does not take four years to update a web page or publish a register; It is now the end of April 2025 and no updated register has been published (Ref a screenshot of the webpage in question taken today 30th April); The references to Brownfield Land in the Regulation 18 and 19 Local Plan consultations merely refer to completions on Brownfield sites forming part of the HMU process and include the term Brownfield land and the criteria for registration in the glossary of terms. Brownfield land does not feature until page 302 of the Reg 18 document and page 264 of the Reg 19 consultation draft which states:

“...To achieve this, the council will monitor and publish the following reports, fulfilling the need for an Annual Monitoring Report. Housing Monitoring Update (HMU): Tracks housing completions, projections, and land supply. This includes: • Total net and gross completions by district, parish, settlement, and Built-up Area. • Breakdown of completions on brownfield and greenfield sites.

and

Brownfield Land Register: Lists suitable brownfield sites for development. To be included, sites must be:

- Suitable for residential development according to Local Plan and NPPF policies. East Devon Local Plan 2020 to 2042 – Regulation 19 Plan – February 2025 265
- Free from adverse impacts on the natural environment, habitats, or built heritage.
- Viable and deliverable within 5 years.
- At least 0.25 hectares in size or capable of supporting five or more dwellings.
- Available for residential development without ownership or legal constraints.

Nowhere else in the emerging local plan is the matter of Brownfield Land engaged with, incorporated or acknowledged as a means of delivering sustainable housing development and contributing towards the preservation of greenfield sites and the natural environment.

- First it therefore appears prima facie that the Local Planning Authority has failed to discharge its statutory responsibility under The Town and County Planning (Brownfield Land Register) Regulations 2017.

- Secondly the Local Planning Authority has completely failed to include and promote development of Brownfield land as an important and environmentally sustainable alternative to housing development on greenfield and agricultural land in preparing its emerging local plan. There has been no attempt to assess, update, analyse and include the potential contribution to housing delivery of brownfield land within the district.”

It was therefore requested that the Council should revisit the emerging local plan and include the contribution that brownfield sites can make to the sustainable delivery of housing in East Devon District

A response to this Stage 1 Formal Complaint was received on 16th June 2025 from the Assistant Director – Planning Strategy and Development Management (Appended to this submission in full).

This response advanced reasons why the inclusion of the objectors' land on the register of brownfield sites was declined but upheld the complaint, apologised and acknowledged that the authority had "...failed to undertake the annual review of the register.."

On the matter of the Local Plan Process the responses stated:

"In respect of the local plan there are references in the plan itself to brownfield land but more importantly site allocation assessment work considered the brownfield status of sites alongside a wide range of other considerations in drawing up recommendations and conclusions on site choices for allocation for development..."

And

"In terms of the local plan the Council is planning an amended version to form a second round of Regulation 19 consultation later this year. It is important to note that the Inspector undertaking Examination into the local plan will consider all representations received in his/her deliberations and as such matters raised in responses will be up for consideration and will inform final recommendations of the inspector. Concerns regarding the Local Plan should be pursued through this route..."

With respect to the Assistant Director it is submitted that the two parts of the response quoted above do not add up. On the one hand between December 2021 and the complaint of March 2025 the Council, by its own admission, took no action whatsoever to identify or register brownfield land within the district, or to publish a register. It cannot therefore have been possible to have at the same time "...considered the brownfield status of sites alongside a wide range of other considerations in drawing up recommendations and conclusions on site choices for allocation for development..." as part of the Local Plan preparation process, because no work to identify, promote, or register such sites took place.

The perfunctory references to Brownfield Land appear on Pages 299 and 307 of the Regulation 19b draft and do not in any way advance or address the importance of this issue.

- On behalf of the objectors it is therefore submitted that, within the new Local Plan the Local Planning Authority must address its failure to include and promote development of Brownfield land as an important and environmentally sustainable alternative to housing development on greenfield and agricultural land. This should take the form of an amendment to Policy SP02 or an additional policy prioritising the identification, registration and development of brownfield sites and declaring them to be sequentially preferable to development of open space and agricultural land.

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Representations on Reg 19b - Brownfield land and Housing.pdf: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1770739240/projects/68caca5749c1b0125abb2dae/respondent-upload/htevy0ls1sbdq58qf9gc.pdf>