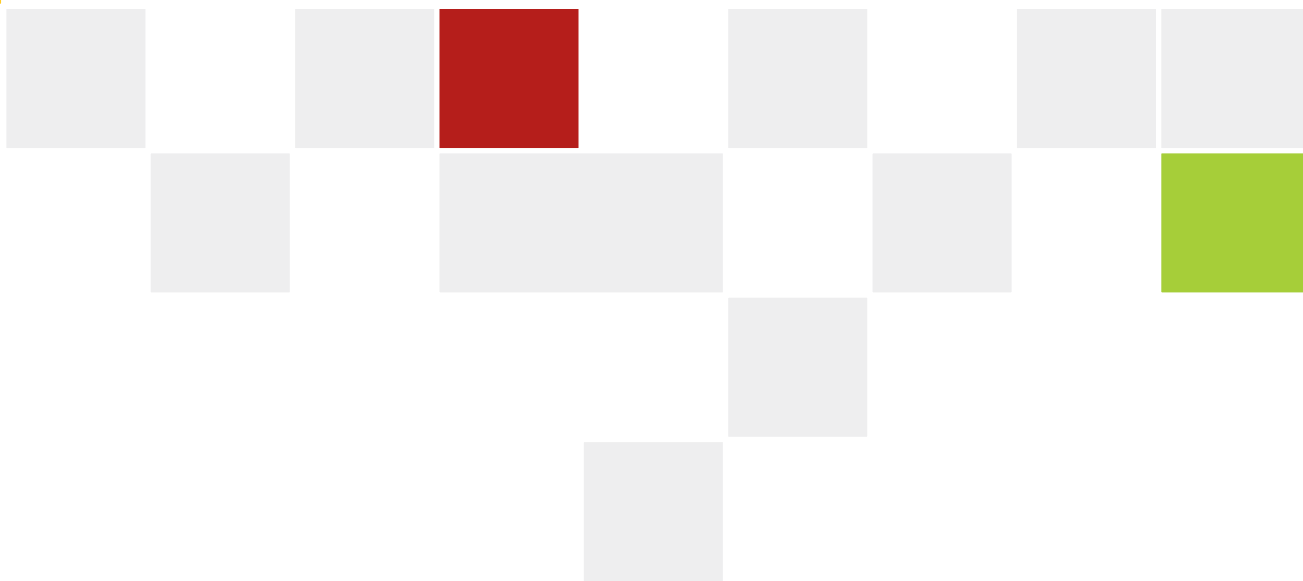


Land East of Honiton

EDDC Draft Local Plan 2020-2040 (Regulation 18) Representations



Boyer

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1. INTRODUCTION

Overview

- 1.1 These representations have been prepared by Boyer on behalf of Taylor Wimpey UK Ltd, in response to the East Devon Local Plan (Regulation 18) Consultation Document (hereafter referred to as the “Draft LP”) in promotion of land east of Honiton (the Site).
- 1.2 Taylor Wimpey previously promoted the land east of Honiton during East Devon’s previous Local Plan Review; and latterly as a strategic site within the Greater Exeter Strategic Plan.
- 1.3 The Site is dissected by the East Devon Railway Line into two parts:
 1. The land north of the railway line, which is proposed by the Council as a residential Local Plan allocation of approximately 100 homes; and referred to as ‘land off Northcote Road’ (GH/ED/39a); and
 2. The land south of the railway, which has capacity to deliver an additional circa. 240 homes.
- 1.4 Together, the Site can deliver a new sustainable neighbourhood to the east of Honiton. The Site is within the control of Taylor Wimpey and is available and deliverable; and would make a significant contribution to the Council’s housing land supply, in line with the Council’s spatial strategy. A Site Location Plan is included in **Appendix One**.
- 1.5 The Site would also provide additional benefits, including a local centre, primary school and extensive areas of public open space including allotments and areas of biodiversity enhancement, all based on the Council’s “20 minute neighbourhood concept”, which focusses development on places that can limit the need to travel to jobs, facilities, shops, schools and leisure, offering a genuine choice of transport modes. The Site meets this strategy, with Honiton Town Centre and its services and facilities within a 15-minute walk from the Site.
- 1.6 These representations refer to related policies and the development potential of this Site. Further information relating to the Site is set out in Section 2, in response to the Council’s Site Selection Document.
- 1.7 Representations have also been previously submitted as part of the Regulation 18 Consultation undertaken in 2021.
- 1.8 These representations respond to the relevant policies. Particular consideration has been given to the tests of soundness required to be met as set out by Paragraph 35 of the NPPF (2021), including whether the Local Plan is:
 - a) Positively prepared;
 - b) Justified;
 - c) Effective; and

d) Consistent with national policy.

1.9 Our comments reflect the chronological order of the sections and policies within the consultation document, and our representations are set out below.

2. DRAFT LP - RESPONSES

Chapter 2 - Vision and Objectives

- 2.1 We support the Draft LP Objectives, particularly Objective 4 which recognises the need for the Draft LP to meet future housing needs. This represents an important objective of the Draft LP and arguably should be a key focus for the Plan, particularly noting the Council's historic housing delivery and affordability issues.

Chapter 3 – Spatial Strategy

Strategic Policy 1 - Spatial Strategy

- 2.2 We agree with the overarching spatial strategy and the recognition that significant development should be promoted within the Principal Centres, including Honiton. This policy also acknowledges that the development and growth of locations, such as Honiton, allows the settlement to support the wider surrounding areas.
- 2.3 The Site offers the opportunity to deliver a sustainable neighbourhood in East Devon that would align both with the Council's spatial strategy and accord with the relevant parts of the NPPF (Paragraph 73; 2021) in terms of focusing growth in the most sustainable locations, which states:

The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).

- 2.4 It should also be recognised that new development (and its associated facilities) can enhance the vitality of a location by contributing to its existing services and facilities.

Strategic Policy 2 - Housing Distribution

- 2.5 The Council have allocated a significant amount of growth to the proposed new town (2,500 dwellings within the Draft LP period). It is understood that the precise location of this new town has not yet been identified.
- 2.6 It is noted that the Council's housing trajectory evidence is not yet available, with Paragraph 3.21 of the Draft LP stating that *the "illustrative housing trajectory and 5-year supply analysis will be included in the plan when the relevant evidence is available"*. The lack of evidence base suggests that it is not possible to ascertain whether the proposals for 2,500 homes as part of the new town can be delivered within the Plan Period.

- 2.7 It is our experience, that the delivery of new towns can be a slow and protracted process, with delays to delivery of housing common place. We would expect that the delivery of a new town of approximately 8,000 homes to be guided by the preparation of a separate Development Plan Document (DPD). By way of example, the new town at Cranbrook has been delivered ahead of the adoption of the Cranbrook DPD (adopted August 2022) and, as a result, development has not benefited from the direction, coordination and guidance of a DPD, which can help facilitate the delivery and coordination of common infrastructure for the new town.
- 2.8 Whilst we do not object to the inclusion of an additional new town proposal within the Draft LP, we have significant concerns whether such a development can deliver 2,500 dwellings within the Draft LP period in the absence of a housing trajectory and details of how the new town can be coordinated through a DPD.
- 2.9 It is our view that development cannot easily progress in the absence of DPD that would ensure a Development Framework is approved and provides the parameters within which planning applications and future proposed schemes can be prepared.
- 2.10 Evidently, any DPD cannot be adopted until the Local Plan to which it relates has itself been adopted as part of the District's statutory planning framework.
- 2.11 East Devon's Draft LP is not due to be adopted until 2025, this would be the earliest opportunity for the DPD to be submitted for EiP, assuming that work on this document would be undertaken in parallel with the progression of the Draft LP itself.
- 2.12 As mentioned above, it is understood that planning applications would not be approved until such a DPD was adopted.
- 2.13 Given the scale of the development proposed, it is anticipated that the development would constitute EIA development, and therefore relevant Screening and Scoping Opinions are likely to be sought.
- 2.14 It is acknowledged that the Draft LP states that *"it is unlikely that any new homes will be completed until around 2030. On this basis, and at build out rates climbing to around 300 new homes per year, we can expect to see around 2,500 new homes built at the new town by the 2040 end date of the local plan"*.
- 2.15 It is our view that, delivery within the new town is unlikely to commence until mid-2030s and therefore the overall housing numbers allocated to the new town within this Draft LP should be reduced accordingly in order to ensure the Plan is deliverable and therefore effective in accordance with paragraph 35 of the NPPF.
- 2.16 To ensure that this policy meets the tests of soundness and is justified and effective, additional growth should be allocated across the remainder of the District to ensure the consistent delivery of dwellings across the Draft LP period.

- 2.17 At present, the Draft LP identifies the part of the Site north of the railway line (land at Northcote Road) as a preferred location for development. Together, the Site (land north and south of the railway land) has the capacity to accommodate around 340 homes, offering the opportunity to deliver a sustainable and thriving new neighbourhood for Honiton that is well integrated with its setting and surroundings and will be able to deliver housing in the short to medium term to meet the District's overall needs.

Strategic Policy 3 - Levels of Future Housing Development

- 2.18 Strategic Policy 3 sets out the Council's housing requirement across the Draft LP period and defines this as 18,920 dwellings, and an annualised district requirement of 946 dwellings per annum.
- 2.19 It is welcomed that this requirement is an uplift from that previously set out in the working Draft LP. The Council's evidence base paper, Local Housing Needs Assessment East Devon (September 2022) acknowledges at Paragraph 20; footer 1 that updated affordability ratios were published in March 2022, which evidenced a worsened affordability gap for East Devon. As a result, the District's housing need has been increased from 918 dpa to 946 dpa. We agree that the revised affordable ratios should be used and, at present, we would suggest that this policy accords with National Policy, particularly Paragraph 31 of the NPPF (2021), which requires the preparation of all policies to be underpinned by relevant and up-to-date evidence.
- 2.20 Affordability ratios are published annually. Should the affordability ratio worsen between this Draft LP consultation period and adoption of the Draft LP, the calculation should be revised accordingly. This will ensure the consistent delivery of homes throughout the Draft LP period in accordance with National Policy.
- 2.21 Paragraph 8.117 of this Draft LP states that work is being produced between East Devon, Exeter, Mid Devon and Torbay to enable the Council to reach conclusions about "*any related strategic matter raising Duty to Cooperate issues*". At present, the Council's housing requirement does not allow for any unmet need from adjoining authorities. This is reiterated in paragraph 5.10 of the Council's Housing Need, Supply and Requirement Topic Paper (2022), which states that "*to date, the Council has not received notification from other Local Planning Authorities that they have evidence which demonstrates that they have unmet housing needs and why this should be met in East Devon*". It is, however, understood that Torbay are progressing an emerging LP which does not currently meet their OAN. As such, there may be a future need for East Devon to address any unmet need from its adjoining authorities, and therefore a requirement to uplift their housing requirement beyond 18,920.

- 2.22 Strategic Policy 3 also states that the Council will provide a 10% oversupply to provide housing supply flexibility. This would result in the allocation of 20,800 dwellings. Whilst the Council's latest housing delivery test figures suggest a current housing delivery percentage of 123%, and therefore a historic housing oversupply, the Council's delivery rates have significantly reduced in recent years, partly due to the lag times associated with their existing new town allocation at Cranbrook. The over-reliance on delivery at Cranbrook as opposed to a more dispersed growth strategy has arguably also contributed to the Council currently being unable to demonstrate a five-year housing land supply.
- 2.23 It is noted that the Council are seeking to allocate a further new town through this Draft LP. Allocations of significant scale have associated lag times in their housing delivery (Colin Buchanan; 2005). This is due to the need for specific DPD/SPD to provide a framework and parameters for the development, the need to front load infrastructure and the complexities that arise from delivering a development of this scale. We have significant concerns regarding this part of the policy and disagree that 10% oversupply is sufficient. At present, we consider that this Policy is not effective as it is unlikely to be of sufficient uplift beyond the housing requirement to ensure the consistent delivery of homes through the Draft LP period.
- 2.24 To ensure the consistent delivery of dwellings, it is considered that additional sites (resulting in a 20% oversupply) should be allocated within the Draft LP to provide a contingency should some allocated sites fail to be delivered at the rate set out within the housing trajectory. This would ensure the consistent delivery of homes throughout the Plan period, as required by the NPPF (2021), therefore ensuring that the policy remains consistent with the NPPF in terms of significantly boosting the supply of housing.
- 2.25 Notwithstanding our significant concerns regarding the lack of oversupply provided for in this Draft LP (10%), supporting text to this Policy states that the Draft LP currently shows enough housing for 20,441 dwellings (Paragraph 3.17), which reflects an uplift of just 8%. The supporting text goes on to state that "*The Council will keep this matter under review, as the plan and its site allocations progress through plan-making*".
- 2.26 At present, therefore, the allocations within the Draft LP do not align with Part 3 of Strategic Policy 3.
- 2.27 For the policy to be effective, additional sites must be allocated. Land east of Honiton (both land north and south of the railway line) has the capacity to deliver upwards of 340 homes, green infrastructure (including allotments, community orchard and bee keeping), supported by necessary infrastructure (including potential for a community hub/community space) and would ensure the consistent delivery of homes through this Draft LP period.

Strategic Policy 6 - Developments inside settlement boundaries

- 2.28 We agree that development within settlement boundaries should be supported in principle.
- 2.29 The policy text also states that "*neighbourhood plans that propose modest adjustments to the settlement boundaries to increase the opportunities for additional development may be considered to be compatible with this policy*".

- 2.30 Neighbourhood Plans must be in accordance with the Strategic Policies of the relevant adopted LP. There could be instances following the adoption of the LP whereby additional sites are allocated through the Neighbourhood Plans to support the viability and vitality of the District's more rural locations and to ensure the consistent delivery of homes to meet the demand. The approach to such potential future allocations should not be refused in principle but rather should be assessed on their own merits. It is not considered that the policy, as currently worded, is sufficiently flexibility to allow for this potential eventuality.
- 2.31 We are also concerned whether the policy text is effective, particularly regarding the choice of text "modest adjustments". As present, we do not consider that this policy is sound and further amendments should be undertaken to ensure that this is rectified prior to the Regulation 19 Consultation and subsequent submission for examination.

Chapter 5 - Future growth and development on the western side of East Devon

Strategic Policy 8 – Development of a second new town east of Exeter

- 2.32 We do not object to the principle of allocating a new town within the emerging Local Plan for East Devon; however, we have concerns as to whether the allocation is capable of delivering 2,500 homes within the Draft LP period; particularly, as the Council relies on the new town delivery homes from 2030, as suggested within the Council's Draft LP (supporting Paragraph 5.12). The proportion of dwellings due to be delivered within the new town during the Draft LP period represents approximately 12% of the overall housing allocations according to the Council's Housing Need, Supply and Requirement Interim Paper (Table 1; 2022).
- 2.33 Strategic Policy 8 states, "*developments shall be developed in a phased and co-ordinated manner alongside the required infrastructure and in accordance with parameter plans for the new town which will be developed in partnership with the developers and the community*", however, at present, the Plan fails to confirm the mechanism for ensuring this.
- 2.34 Indeed, supporting text at Paragraph 5.13 confirms that "*there will be a need to build up a long term strategy and vision for the development of this new town*".
- 2.35 It is our view that development of this scale would need to be secured through a DPD, or similar, that would ensure that the parameters of the development are secured in advance of any planning applications being approved. This would also ensure the early delivery of infrastructure in advance of housing delivery.
- 2.36 Evidently, any DPD cannot be adopted until the Local Plan to which it relates has itself been adopted as part of the District's statutory planning framework.
- 2.37 East Devon's Draft LP is not due to be adopted until 2025, this would be the earliest opportunity for the DPD to be submitted for EiP, assuming that work on this document would be undertaken in parallel with the progression of the Draft LP itself. It is also assumed that associated planning applications would not be submitted until the DPD was approved.

- 2.38 Notwithstanding this, given the scale of the development proposed, it is anticipated that the development would constitute EIA development, and therefore relevant Screening and Scoping Opinions are likely to be sought.
- 2.39 To ensure that this Policy meets the test of soundness, the quantum of development allocated through this Policy should be reduced and additional sites should be allocated for development to ensure the consistent delivery of homes throughout the Draft LP period.
- 2.40 Land east of Honiton is a sustainable location for development, which has been evidenced through its partial identification as an allocation within this Draft LP (GH/ED/39a), this allocation only includes land north of the railway line. Land south of the railway line is also being promoted for development, which can accommodate an additional circa. 240 dwellings. Land south of the railway line is also within the control of Taylor Wimpey and is available for development. Allocating this wider site for development would ensure the consistent delivery of homes throughout the Draft LP period and would provide a greater contingency should there be a delay to housing delivery within the proposed new second town.

Chapter 6 - Strategy for development at Principal Centres, Main Centres, Local Centres and Service Villages

Strategic Policy 21 - Honiton and its future development

- 2.41 Strategic Policy 21 confirms the level of development to be delivered within Honiton.
- 2.42 We welcome the recognition that Honiton is a Principal Town and agree that it is an appropriate location for future growth and development.
- 2.43 Land off Northcote Road (north of the railway line) (site reference - GH/ED/39a) is identified as being able to accommodate circa. 100 dwellings within the Draft LP. This allocation is supported and we can confirm that the site is both suitable and available for development. The land is within the control of Taylor Wimpey who are ready to deliver development on this site in the short-term. Pre-application discussions are underway and it is likely that the site will be able to deliver residential development within the early part of 2025, thus contributing to the Council's immediate housing land supply.
- 2.44 Taylor Wimpey are also promoting land south of the railway line, which will be able to accommodate an additional circa. 240 dwellings.
- 2.45 We also consider that land south of the railway line is suitable land for residential development. Allocation of the Site will enable land both north and south of the railway line to deliver a sustainable new neighbourhood supported by appropriate infrastructure, including extensive areas of public open space.

Chapter 7 – Tackling the climate emergency and responding to climate change

Strategic Policy 28 – Net Zero Carbon Development

- 2.46 Strategic Policy 28 requires all new residential development to deliver net-zero carbon emissions.
- 2.47 The evidence which supports this policy includes the Low Carbon and Climate Change Evidence Base for the Greater Exeter Strategic Plan. This report is greater than 2 years old and is not considered to represent a robust evidence base from which to support the Draft LP and therefore the policy fails to accord with Paragraph 31 of the NPPF (2021).
- 2.48 The requirement for all homes to deliver net-zero carbon emissions would appear to go beyond the requirements of Part L building regulations (which require a 31% reduction in CO2 emissions for new developments) and the Future Homes Standard requirements of 75% reduction in CO2 emissions beyond homes delivered under the old regulations.
- 2.49 We do not dispute the Council's climate emergency declaration and agree that there is a need for new development to contribute to significant reductions in CO2 emissions. We raise concerns, however, whether this policy requirement is supported by a relevant evidence base and appropriate viability assumptions to ensure it is justified and meets the test of soundness.
- 2.50 The policy also requires major developments to calculate 'whole life-cycle carbon emissions' and suggests within supporting text Paragraph 7.6 that there may be a future requirement for 10% of buildings on major developments to send energy performance and carbon emissions data to the local planning authority for a period of 5 years. We understand that this proposal is subject to further investigation. We object to the inclusion of such a requirement. Once homes are sold to the occupant it should not be the developer's responsibility to continue to manage energy performance, or indeed to collect energy performance of those dwellings.

Strategic Policy 33 - Heat Networks

- 2.51 Strategic Policy 33 proposes that all major developments within 1km of an existing heat network be connected, or provide a new heat network for proposals over 1,200 homes where no heat network currently exists. It is understood that Honiton does not, at present, benefit from a heat network. The allocations proposed at Honiton (including Land off Northcote Road (north of the railway line) (site reference - GH/ED/39a)) fall below the threshold of 1,200 dwellings and therefore it is not anticipated that a heat network would be required to be delivered as part of any of these aforementioned allocations. To ensure that the policy is effective we recommend that additional text is included within the policy to clarify this matter.

Strategic Policy 34 – Embodied carbon

- 2.52 Whilst we do not disagree with the principle of new developments needing to demonstrate that actions have been taken to reduce embodied carbon, we object to the policy text which relates to the need to retain existing habitable buildings with new development (except for in exceptional circumstances).
- 2.53 At present, this policy is not justified. There may be instances whereby retrofitting and converting an existing building is less sustainable than its demolition and rebuild as a new build property, that would accord with the building regulations and relevant updated sustainability requirements. In such instances, where it is demonstrated that this is the case, the proposals for demolishing and rebuilding the dwelling should not be resisted.

Strategic Policy 35 – Flooding

- 2.54 A number of the criteria set out within this policy are agreed, including reference to ensuring that development does not increase flooding elsewhere, and ensuring that any flooding measures respond to the specific requirements of the site and respect the character and biodiversity of the area.
- 2.55 At present, however, the policy appears to repeat existing legislation and does not appear to be specific to the districts. As currently worded, it would therefore not align with National Planning Policy and specifically Paragraph 16.f, as it unnecessarily duplicates other policies and legislative requirements.

Strategic Policy 39 - Housing to address needs

- 2.56 We agree with criterion 1 of this policy which states that new housing should contribute to creating sustainable, inclusive and mixed communities in East Devon, which would appear to accord with the key tenet of the NPPF (2021). Criteria 3 and 4 also recognise that local housing need assessments and local market evidence can represent appropriate evidence from which to determine a suitable housing mix. We welcome this level of flexibility, which enables developers to deliver schemes that represent the needs of the location within which they are proposed.
- 2.57 Criteria 4d) and e) relate to the provision of serviced plots (for self-build/custom-build) and Gypsy and Travellers and Showpeople accommodation. We recognise that there is a demand for certain types of specialised housing, however, self-build/custom-build customers often have specific location requirements and criteria and it should be acknowledged that not all developments are in locations that are suitable for accommodating such specialist housing. To ensure that the policy is justified, the policy text should be clarified to state that such specialised housing will be sought on new developments where there is an evidenced market demand.

Policy 40 - Affordable Housing

- 2.58 It is known that East Devon has a worsening affordability gap, which is now understood to be one of the highest in Devon, well above the national average and the south west average (Paragraph 8.13). It is welcomed that the Council recognise that new developments can contribute to addressing this issue through increasing housing supply and the provision of specific affordable housing on new development sites.
- 2.59 The increase of affordable housing requirement on sites of 10 or more dwellings from 25% (current adopted Policy) to 35% (emerging Policy) is not disputed and it is understood that this is supported by robust evidence. We also agree with the need for affordable housing to be pepper-potted across new development and for the dwellings to be tenure blind so that they are indistinguishable from market dwellings (criterion 4d).
- 2.60 Table 1 in the policy sets out a prescription for tenure mix split for affordable housing, which is disputed. The policy, and specifically table 1, is too prescriptive and does not provide sufficient flexibility or allow for any changes in the market post-adoption of the Draft LP, particularly in respect of the tenure breakdown of affordable housing that may be required.
- 2.61 Criterion 4 provides a mix of property sizes and types based on the LHNA (2022). Whilst we agree that, at this present time, the LHNA (2022) represents the most up to date evidence base for affordable housing provision, the policy fails to recognise that local market evidence can also be used as a tool to inform affordable housing tenure mix. At present, the tenure breakdown provided at criterion 4 is considered to be overly-prescriptive and does not allow sufficient flexibility should there be changes in the market post-adoption of the Draft LP or should more up to date evidence become available.
- 2.62 The Council should acknowledge that there should be flexibility in the tenure breakdown of affordable housing and developers can depart from the tables set out within Policy 40 where this is robustly evidenced. Moreover, the tenure mix within Policy 40 is to be used as a guidance and starting point only.

Policy 41 - Housing to meet the needs of older people

- 2.63 As currently worded, Policy 41 is unclear. Criterion 4 suggests that suitable locations for specialist older person accommodation will be at “*settlements in tiers 1-4 of the settlement hierarchy and where the site is **within 400m** walking distance of local shops **and** easily accessible by walking or by public transport to town centres and to health, care and community facilities*” [Own Emphasis]. Criterion 6 however, assumes that (subject to viability) “**all** development proposals for between 20 and 199 dwellings” should include at least 20% of those dwellings to be specialist older persons dwellings.
- 2.64 The Policy is therefore in conflict. Criterion 6 should state, “*where there is up to date evidence, subject to viability, and in locations defined within Clause 4, proposals development will be required to deliver one or more of the specialist types of accommodation for older people as follows:*”.

- 2.65 As currently worded the policy is not effective or justified and therefore not sound as it will lead to a lack of clarity for the decision maker, applicants and local community.

Policy 42 - Accessible and Adaptable Housing

- 2.66 Policy 42 is not disputed and the need to provide 100% of new dwellings to meet building regulation M4(2) would seem justified.
- 2.67 It is also understood that 10% of all market housing will need to meet M4(3), as well as 15% of affordable housing for rent, and 10% of affordable housing for homeownership (shared equity).
- 2.68 It is welcomed that the policy also acknowledges that this provision will be subject to site suitability and site viability, although this could be made clearer in the policy text to ensure that it will not lead to a lack of clarity for the decision maker, applicants and local community. Whilst it is acknowledged that this policy is at present supported by the LHNA 2022, consideration should also be given to future market demand and should there be more up to date local evidence that contradicts this breakdown of provision, then this will also be considered when determining planning applications.

Policy 43 - Market housing mix

- 2.69 We agree with Policy 43 which, despite providing a prescriptive market housing mix, acknowledges that there are instances where this can be departed from, if supported by more up to date and relevant local housing need, which could be informed by up-to-date sales and market information.

Policy 44 – Self-Build and Custom Build Housing

- 2.70 Whilst it is acknowledged that, in certain instances, there is a demand for self-build and custom-build plots, we are concerned by the prescriptiveness and lack of flexibility within the policy.
- 2.71 Self-build and custom-build customers often have specific criteria in respect of their locational requirements. As such, not every development site is suitable to accommodate these specialised plots. Additional flexibility should be included within the policy text to reflect this.
- 2.72 We do not support the marketing period set out within the policy. The policy requests self-build and custom-build plots to be marketed for at least 24 months from being fully serviced and developable before being made available to the open market.

- 2.73 For many sites, the site could be developed within this 24 month period, which would require developers to pause building on a development, with the potential need to revisit the site to complete the build should the custom-build and self-build plots not be sold. This is not considered to be sustainable. We would suggest that a marketing period of 12 months is more appropriate and would ensure that the plots are being marketed for a sufficient period, whilst also ensuring that, should the plots not be desirable, they can be appropriately developed for market housing. To ensure that the policy is effective, it is recommended that this amendment is adopted.

Chapter 10. Designing beautiful and healthy spaces and buildings

Policy 62 – Design and Local Distinctiveness

- 2.74 We agree with the principle of Policy 62 and the various criteria that are included.
- 2.75 Criterion 2 requires new developments to include measures to secure the management of waste in accordance with the waste hierarchy during the construction and operational phases. It should be noted that, whilst developers can put measures in place to promote certain waste management strategies, the developer cannot control the behaviour of future homeowners.
- 2.76 We would suggest that more effective wording of criterion 2 would be to “*include measures to promote the management of waste...*”. This would ensure that the policy is effective and meets the tests of soundness.

Policy 63 – Housing Density and Efficient Use of Land

- 2.77 We support Policy 63, which relates to the effective use of land and agree that the densities of developments should be in accordance with the local vernacular and settlement to which they relate.

Chapter 11. Prioritising Sustainable travel and providing the transport and communications facilities we need

Strategic Policy 65 – Walking, cycling, and public transport

- 2.78 We support the promotion of the 20 minute neighbourhood concept, which is sought through this policy. Land east of Honiton is within a circa. 15 minute walk of Honiton Town Centre and its associated services and facilities. The development of the wider site (including land south of the railway line) would therefore accord with this policy.

Policy 67 – Travel Plans, Transport Statements, Transport Assessments

- 2.79 We acknowledge Policy 67 and the need for development schemes that could generate substantive scales of additional vehicular movements to be accompanied by a Transport Assessment. This would appear to align with Paragraph 113 of the NPPF (2021).

Policy 68 – Parking standards

- 2.80 Policy 68 states that new residential developments will be required to provide parking provisions to an average of not less than 1.6 car parking spaces per dwelling. It is considered that this policy would be more effective if suggested requirements were provided for the number of spaces per tenure/bedroom sized properties, particularly as it is noted that there is no SPD that offers further guidance beyond the wording of the policy.

Policy 70 – Safe vehicular access to sites

- 2.81 We do not dispute Policy 70, although note it would appear to reiterate Paragraph 110 b) of the NPPF (2021) which requires safe and suitable access to the site to be achieved for all users. This appears to be a duplication of existing National Policy.

Chapter 12. Caring for our outstanding landscape

Policy 74 – Landscape Features

- 2.82 Policy 74 states that development will only be permitted where the applicant is able to demonstrate that it will protect and enhance features that contribute to the nature and quality of East Devon's landscapes. A number of landscape features are subsequently noted within the policy, including the need to protect and enhance trees and aesthetic and perceptual factors such as tranquillity, wildness, intactness, rarity and enclosure. The latter are characteristics rather than physical features of the landscape and the policy should be renamed to Landscape Features and Character to account for this. Specific reference should be made to published landscape character assessment which should be used as a baseline for consideration of such issues; and also to the use of landscape character assessment as a tool for more detailed or localised study where relevant.
- 2.83 Whilst we agree with the importance of a number of the features and characteristics within the policy, we do not consider that failure to protect or enhance existing features such as trees is of sufficient grounds to prevent development from being permitted. It is also clearly the case that development can deliver substantial quantities of new green and blue infrastructure features, including planting of different types; and enhancement of positive characteristics, both of which can provide a notable betterment to the existing landscape. The policy should be amended to embrace this potential.
- 2.84 Given the opportunity for creation of new features in the landscape, the final point relating to compensatory planting should relate not only to hedgerows but to any features of demonstrable quality where retention is not feasible.

Policy 75 – Areas of Outstanding Natural Beauty

- 2.85 Policy 75 gives the highest level of protection to the landscape and scenic beauty of the Areas of Outstanding Natural Beauty (AONBs) within East Devon and addresses development outside but affecting its setting or appearance. Here the policy only permits development that conserves and enhances the natural beauty and character of the AONB. Consideration is also given where development could affect the special qualities of an AONB, including the setting, at an individual or in combination with other development.
- 2.86 Given that AONBs account for two thirds of the district we consider the inclusion of a relevant policy that protects the landscape and scenic beauty appropriate to ensure their character and natural beauty is conserved and enhanced. However, the current policy appears to refer to development affecting an AONB's setting within the same policy clauses as development within an AONB, despite being outside of the AONB. Whilst the setting of AONBs requires a careful and sensitive approach to development to avoid or minimise impacts on the designated landscape, as set out in NPPF paragraph 176, land outside of an AONB but within its setting should not be given the same weight and level of protection as land contained within an AONB. The policy should recognise this. It should also be recognised that development within the setting of an AONB or indeed change to the setting of an AONB will not necessarily cause harm to its character and natural beauty. This should be reflected in the policy wording.
- 2.87 We agree with the inclusion of a proportionate LVIA to support development proposals that could affect the special qualities of the AONB.
- 2.88 Reference should be made to relevant landscape character assessments, or to the use of landscape character assessment as a tool for more detailed or localised study where relevant, to consider the extent to which the character of the AONB or its setting may be affected by development.

Policy 77 – Areas of Strategic Visual Importance

- 2.89 We agree that the visual integrity, identity and scenic quality of the District should be protected.
- 2.90 We also acknowledge the importance of views from publicly accessible areas and from recreational destinations. It should be acknowledged, however, that it is not always possible for new development to conserve and enhance views of important features in their entirety and/or from every location within a development site from which the view may be obtained; but that also development can open up new opportunities for views of important features to be experienced by the public. The policy should be reworded to reflect these considerations.
- 2.91 Furthermore, it is noted that a change in a view will not necessarily cause an adverse effect. We consider that the policy wording should recognise this and should be revised to state that development which adversely affects key views of local landmarks will not be supported.

- 2.92 Finally, it is noted that views from public rights of way and other publicly accessible areas are not by definition views of any particular quality or of any particular feature of merit. The policy should be reworded to note that the types of views mentioned are only subject to the policy where they are publicly accessible; and the policy should be amended so that it doesn't apply to a view simply because it is publicly accessible.

Policy 82 – Control of Pollution

- 2.93 Policy 82 seeks to address a range of pollutions including gas/particulates, surface and underground waters, noise and vibrations, light intrusion, fly nuisance, odour, and pollution of sites of wildlife value.
- 2.94 We agree that new development should not result in an unacceptable level of pollution, which would appear to align with the NPPF (2021). New development should, on its own, not cause an unacceptable impact on these receptors, however, it is not the responsibility of the new development to rectify existing pollution issues that have derived from other existing uses and developments.
- 2.95 Greater detail is provided within Policy 82 surrounding light intrusion and the control of light overspill. The supporting text goes further to explain the requirements of external lighting to consider the needs of security, work, and light pollution from glare and spillage in addition to amenity and highway safety. This detail would suggest that light pollution could warrant a separate policy of its own within the East Devon Local Plan update, especially given the designated dark skies across the district.
- 2.96 It is also noted that supporting text 12.31 repeats elements of supporting text 12.30.

Policy 83 – Development on High Quality Agricultural Land

- 2.97 We support Policy 83 where it recognises the need to balance the protection of the best and most versatile land against the overriding need for development. Part 2 of Policy 83 requires this overriding need for development to be justified and supported by benefits of the development that clearly outweigh the loss of high quality agricultural land.
- 2.98 The Policy text states that if best and most versatile land needs to be developed and there is a choice between sites in different grades, land of the lowest grade available must be used. The policy text does not confirm whether this assessment needs to be undertaken by the applicant or the decision maker. It is also unclear what radius is to be adopted to undertake this sequential test. Further clarity is required to ensure that this policy is effective and therefore meets the tests of soundness.

Chapter 13. Protecting and enhancing our outstanding biodiversity and geodiversity

Policy 85 – Protection of irreplaceable habitats and important features

- 2.99 It is agreed that irreplaceable habitats should be protected.

2.100 Hedgerows across the district are often located along field boundaries and adjacent to highways land. It is therefore not uncommon for parts of these historic hedgerows to need to be partially removed to deliver suitable access points into a development. This cannot always be avoided and this should be recognised in this policy. It is noted that the loss of an important hedgerow is not, in itself, a reason to prevent development from coming forward subject to a robust justification and appropriate mitigation, which is welcomed.

Policy 87 – Biodiversity Net Gain

2.101 It is acknowledged that there is a need for new developments to ensure a biodiversity net gain is delivered as part of future schemes however we do not support Policy 87 and the requirement for developments to deliver a biodiversity net gain of 20%. This requirement is double the percentage net gain required under The Environmental Bill (2021).

2.102 Supporting text 13.43 references the overall DEFRA Evidence Base and Impact Assessment Report (2017) which estimates that increasing the net gain percentage to 20% from 10% results in an increase in initial biodiversity net gain delivery cost of ~18%, and a corresponding 29% increase in the area (ha) of habitats created.

2.103 This evidence is not specific to East Devon and does not form part of the East Devon evidence base. It should also be noted that the evidence base is greater than 5 years old. We therefore question whether the 20% requirement set out within this policy has been viability tested.

2.104 Moreover, supporting text 13.44 goes on to reference Swale Borough Council and their use of the DEFRA viability study which suggests “10% BNG costs developers approximately £948/dwelling, and 20% costs approximately £180/dwelling more”.

2.105 We do not consider that this is a sufficiently robust and justified evidence base to base the policy requirement of 20% BNG and therefore the policy fails to accord with Paragraph 31 of the NPPF (2021) and cannot, at present, be considered sound.

Policy 89 – Ecological Impact Assessment

2.106 We agree with the principle of Policy 89, however, we do not support the inclusion of policy text which requires surveys to be secured via planning condition. It should be recognised that there may be instances whereby updated surveys are required due to the length of time that has passed between application preparation/submission and determination. In such instances, it should be acceptable that these further updated surveys are secured via a Planning Condition in liaison with LPA officers.

2.107 It should also be acknowledged that licenses are required prior to commencing works that would affect a protected species.

2.108 We support the mitigation strategy outlined in this policy.

Policy 92 – Tree policy

- 2.109 We do not object to the principle of the inclusion of a tree policy within the Draft LP, however, note that the policy currently references a future District wide strategy which does not yet appear to have been prepared. It is therefore unclear how this policy can, at present, be justified or effective without the publication of the relevant supporting Tree Strategy.
- 2.110 We also consider that the policy text should note that there may be instances where the development of sites requires the removal of certain trees. In such instances, the proposed development should not necessarily be resisted if suitable mitigation can be delivered or indeed if the planning balance falls in support of the delivery of the development.

Chapter 14. Open space and sports and recreation facilities

Policy 97 – Land and buildings for sport, recreation and open space areas in association with development

- 2.111 We note the open space typologies and requirements set out within Policy 97 and that these requirements are similar to those already set out within the adopted Local Plan.
- 2.112 It should be acknowledged that, where on-site provision is not possible, financial contributions can be made to off-set pressures on existing sports and recreational facilities.

3. CHAPTER 4 - ADDRESSING HOUSING NEEDS AND IDENTIFYING SITES FOR DEVELOPMENT

Site Selection for the emerging East Devon LP 2020-2040 – Interim findings at Tier 1 and Tier 2 Settlements

- 3.1 Chapter 4 of the Draft LP discusses the evidence base that underpins the allocations, including the Site Selection Interim Findings Paper.
- 3.2 Land east of Honiton (including land north and south of the railway line) is identified collectively as GH/ED/39. Our response to the relevant site assessment is set out below.

Infrastructure Implications

- 3.3 The infrastructure implications section of the assessment state *“The site is accessed via either Northcote Hill or Northcote Road/Tunnel Lane, which are narrow country lanes leading from the A30/A35 junction at the eastern end of Honiton. Access to the majority of the site is constrained by relatively narrow roads under railway bridges. Access improvements and associated traffic management may be required.”*
- 3.4 We disagree with this summary, which suggests that the site is poorly connected.
- 3.5 The proposed development at land north of the railway line has been subject to pre-application discussions with Officers at Devon County Council (DCC) who acknowledge that the Site has good links with Honiton Town Centre. The proposed scheme also includes widening Northcote Road in places to a width of 5.5 metres to accommodate additional traffic trips from the future development.
- 3.6 The development proposals will improve pedestrian and cycle routes into the town. DCC Officers have also confirmed that Monkton Road junction has capacity to accommodate additional traffic, having only recently been the subject of road improvement works.
- 3.7 Should development south of the railway line also be identified as part of the allocation, there is additional capacity for the Northcote Road junction to be signalised, which will assist with existing traffic movement under the railway bridge.
- 3.8 The Site as a whole is approximately 15-minute walking distance from Honiton Town Centre and its associated facilities and services. Development of this site would, therefore, accord with the Council’s overarching objective to deliver the 20-minute neighbourhood concept.
- 3.9 DCC Education also state *“Honiton primary schools have a small amount of capacity left, but not enough to serve the scale of development proposed by the site promoter”*. Should land south of the railway line be identified as an allocation, a future scheme would be able to include land for a primary school, helping to accommodate any surplus local school place demand.

- 3.10 Overall, we consider that the Council's infrastructure implications summary is not a fair and accurate assessment of the Site characteristics. This should be updated to reflect the latest advice and commentary from DCC Highway officers, which confirms that the Site is in a sustainable location; and that there are opportunities to improve connectivity through the future scheme.

Landscape Sensitivities – Summary of Findings

- 3.11 The Site's landscape sensitivities are noted as follows:

“Landscape sensitivity: High. The site is outside but abuts the Blackdown Hills AONB, which wraps around the eastern end of Honiton and is in close proximity to the East Devon AONB which starts further up Tower Hill. Parts of the site have significant intervisibility with the Blackdown Hills AONB to the north of the A30, where they would highly likely be visible from key vantage points such as Dumpdon Hill. However, the site may be seen in the context of the existing settlement, A30 and A35 to an extent.”

- 3.12 Taylor Wimpey have commissioned a landscape assessment for both land north and south of the railway line.
- 3.13 The assessment notes that the Site is well contained as a result of the mature hedgerows around its periphery and is low lying within the wider landscape context, being set on the southern flanks of the deep valley of the River Otter.
- 3.14 The settlement of Honiton is well-established as an urban area within the setting of the Blackdown Hills AONB and the East Devon AONB as a result of its historic evolution along the southern valley flanks.
- 3.15 Land east of Honiton is a continuum of the existing built up area of Honiton and would continue this approach to development and will reflect the established settlement pattern.
- 3.16 The Site lies outside the boundary of the AONBs and has a strong relationship with the existing settlement of Honiton, notably in the form of Otter Valley Park to the north; through enclosure by the rail line to the south; and as a result of the north-west facing landform in this area which reflects the topographic pattern on which Honiton has continued to develop.
- 3.17 The most sensitive parts of the Site lie to the east and it is intended that this land will be kept free from development and accommodate green infrastructure and biodiversity enhancements. This will also ensure a suitable setting for the AONB.
- 3.18 There are also opportunities to enhance the Site's boundaries, through additional planting along the peripheries as well as within the development itself to minimise visual impact.
- 3.19 It is considered that land east of Honiton (including land north and south of the railway line) can be developed in a manner that responds positively to the Site's landscape context.

Ecological Impact – Summary of Findings

- 3.20 The site assessment states that the Site is “*covered by unimproved grassland, including overgrown grass, trees and vegetation on the edge of the site boundary. No ecological designations within 100m of site. minor adverse effect predicted (not significant)*”.
- 3.21 Most of the Site comprises habitats of low ecological value, including poor semi-improved grassland, marshy grassland and dense scrub.
- 3.22 Habitats with the highest ecological value, including broadleaved woodland, will be retained as part of a future scheme. The proposed development provides an opportunity to enhance existing ecological receptors and the future scheme will include a net gain in biodiversity.
- 3.23 An Extended Phase 1 Ecology Survey and subsequent targeted surveys have been undertaken and reports will be submitted with the application that identify appropriate mitigation work that can be undertaken to ensure that the proposed development results in no substantive impact on ecology. We agree with the assessment that the proposed development of both land north and south of the railway line will not result in significant effects.

Other known site constraints

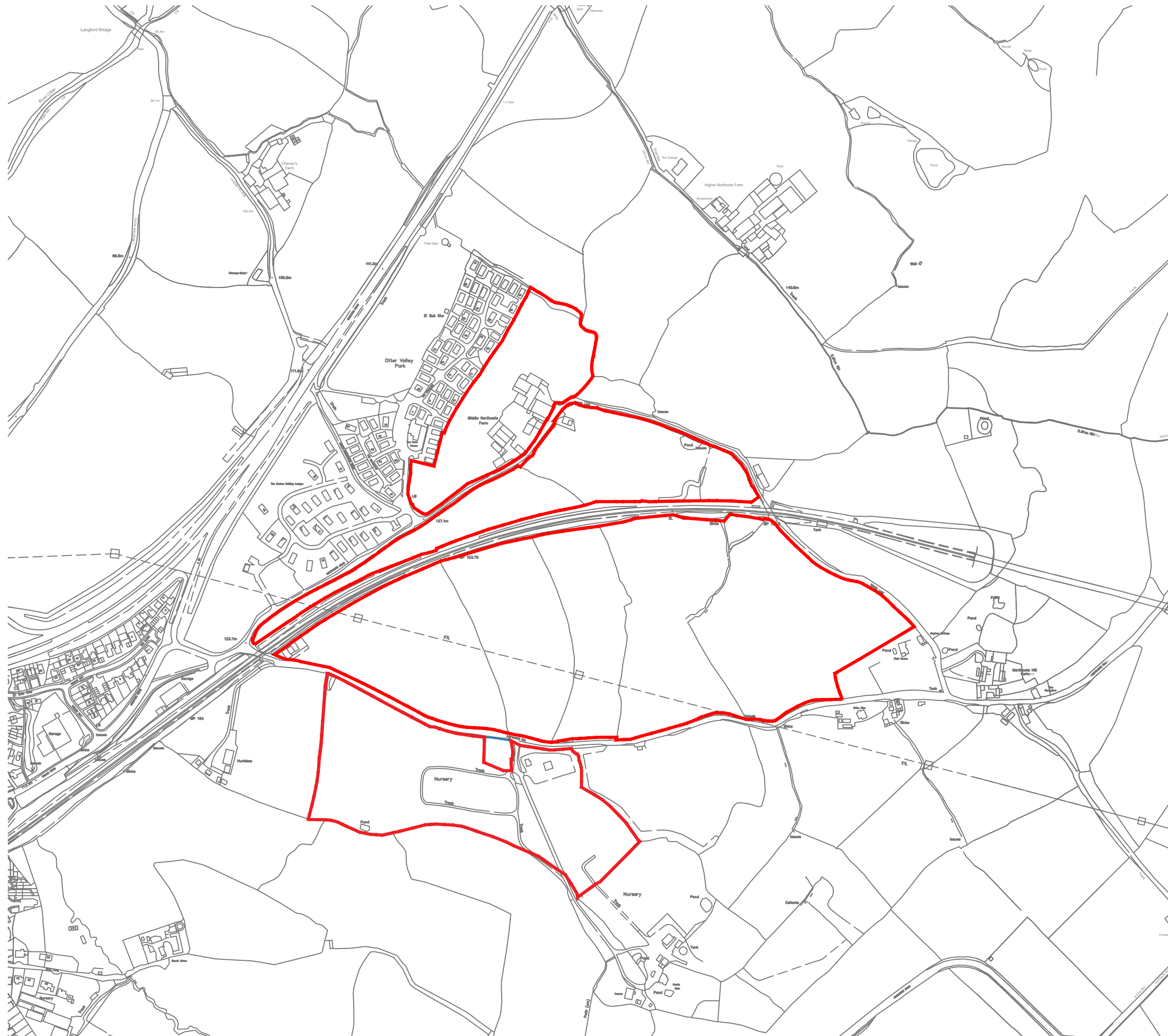
- 3.24 The site assessment notes that the Site includes some areas within Flood Zone 3 and a small part of the site within Flood Zone 2.
- 3.25 It should be noted, however, that the proposed residential area of the Site can be accommodated entirely within Flood Zone 1. The proposed foul pumping station, attenuation basin / pond along with all other SuDS features area can also be located within Flood Zone 1.
- 3.26 To accompany any future Outline Planning Application, a site-specific Flood Risk Assessment (FRA) will be produced in accordance with the requirements of the NPPF, Planning Practice Guidance, EA advice notes, and Lead Local Flood Authority Requirements.
- 3.27 It is acknowledged that the Council's site assessment also notes that the Site has some surface water flooding.
- 3.28 Soakaways are not proposed following on site testing demonstrating that infiltration rates are not suitable. It is therefore proposed that Surface Water will discharge to the Watercourse to the North with flow limited to Q_{bar} (reduced Q_{bar} to suit LLFA requirements) for events up to and including the 100 year event with a 45% allowance for climate change. Attenuation will be provided within either Ponds or Detention Basins.
- 3.29 Foul drainage will discharge into the existing South West Water network via a proposed pumping station and rising main.

- 3.30 There are no flooding or drainage constraints to this Site that would prevent it from coming forward and accommodating residential development.

Summary

- 3.31 Taylor Wimpey are supportive of the proposed allocation on land north of the railway line, which has capacity to deliver the full allocation of 100 homes and agree that the Site can come forward in the short to medium term. The Site is within the control of Taylor Wimpey who are currently preparing an Outline Planning Application.
- 3.32 Taylor Wimpey are also promoting land south of the railway line to deliver an additional circa. 240 homes as part of a wider sustainable neighbourhood. Land south of the railway line is also within the control of Taylor Wimpey and could come forward in the medium term to contribute to the Council's housing delivery and would accord with the Council's spatial strategy.
- 3.33 Both land north and south of the railway line would provide additional public benefits including a potential local centre or primary school, extensive areas of public open space and an area for allotments/community garden. The proposed development will be based on local living and the 20-minute neighbourhood concept, the central neighbourhood hub could provide flexible working space or retail uses and will be surrounded by a network of permeable green links and spaces, bringing amenity and recreational opportunities for the enjoyment of the new and existing communities.
- 3.34 The overall vision is to create a sustainable, healthy, and thriving new neighbourhood for Honiton that is well integrated with its settling and surroundings, has excellent local connections and the provides a range of usable green spaces for the enjoyment of the whole community.

APPENDIX ONE – SITE LOCATION PLAN



Project
Land East of Honiton

Drawing Title
Red Line Boundary Plan

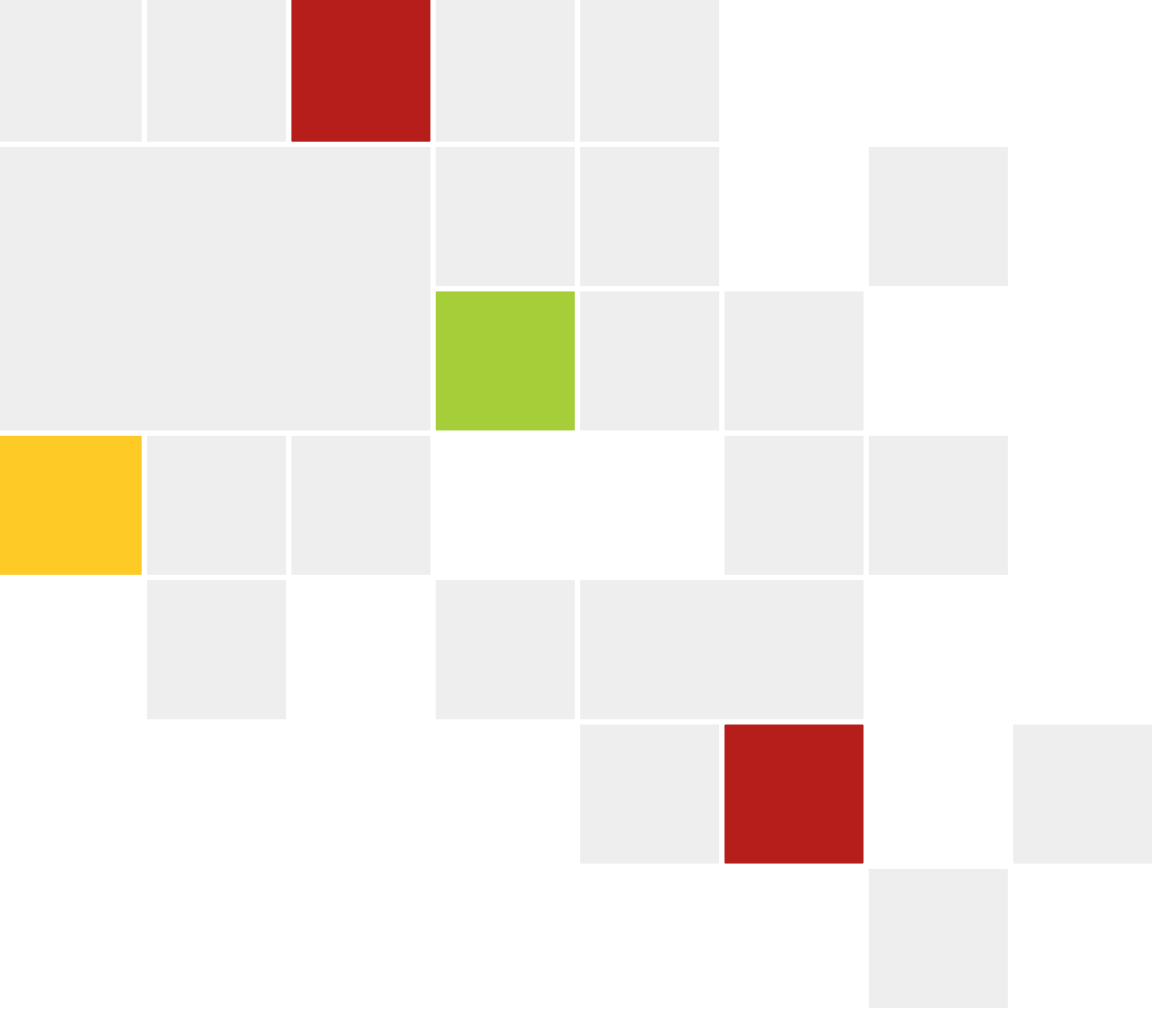
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