

## East Devon Local Plan 2020 to 2042

### Second Regulation 19 Publication draft

### Representations on behalf of WainHomes (South West) Ltd

26 January 2026

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#### Introduction

CarneySweeney acts for WainHomes (South West) Ltd (WainHomes) in connection with Land at Barn Lane, Budleigh Salterton, East Devon which is being promoted for residential development with a live application (planning ref: 25/0086/MFUL) currently under consideration.

CarneySweeney submits the following representations on behalf of our clients which are to be read in conjunction with previous representations submitted to the Regulation 19 Publication draft in March 2025 (Reg 19 Rep) which is appended in full.

#### Scope of the Previous Regulation 19 Representation

The Reg 19 Rep commented on the following matters and policies within the draft East Devon Local Plan 2020 to 2042 (draft EDLP):

##### Policy Context for Plan Making

##### Site Allocation

- Strategic Policy SD08: Development at Budleigh Salterton

##### General Policy Comments

- Local Plan Vision Statement
- Housing Targets / Delivery
- Viability

##### Policies

- Strategic Policy CC02: Net zero carbon development
- Strategic Policy HN01: Housing to address needs
- Policy HN05: Self-build and custom build housing
- Strategic Policy PB05: Biodiversity Net Gain
- Policy PB08: Tree, hedges and woodland on development sites
- Policy PB09: Monitoring requirements for new planting schemes

## Scope of the Second Regulation 19 Representation

Where the above policies have not been amended in line with our previous comments and requested changes the previous Reg 19 reps are reiterated and should be given full weight in the Examination Process. The commentary on these policies remains valid and the suggested changes justified.

Where policies have been amended, we set out further comments including comments on Strategic Policies PB01 and PB04 and Policy TR04 which were not previously addressed.

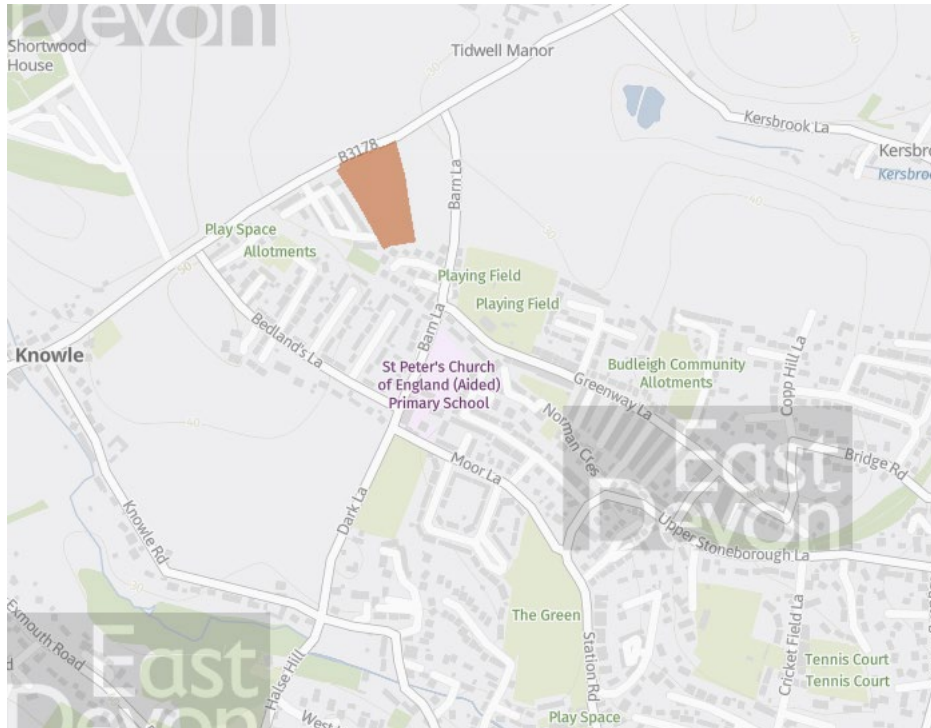
## Site Allocation Comments

Strategic Policy SD08: Development at Budleigh Salterton proposes to allocate the site – Land at Barn Close, Budleigh Salterton (Budl\_02) – for residential development of 35 new homes.

The full policy text and allocation map as amended in the Second Stage Reg 19 draft are included in full below:

### **Land at Barn Lane, Knowle, Budleigh Salterton (Budl\_02)**

This land on the northern side of Budleigh Salterton is allocated for 35 new dwellings. The site is located inside the East Devon National Landscape ~~area and particular sensitivity will need to be attached to development proposals in respect of potential adverse landscape impacts.~~ and particular sensitivity will need to be attached to development proposals to conserve and enhance the natural beauty of the site and its wider landscape setting. Additional native tree and hedge planting should be provided and maintained to screen the road frontage with the B3178. Existing hedges should be retained and enhanced and adequate buffers provided between them and private curtilages. A high standard of design and use of appropriate materials reflecting local distinctiveness is required commensurate with the location within the National Landscape. This should include avoiding the introduction of street lighting along the B3178. Site development will need to come forward with provision of safe footpath access to the Budleigh primary school. Site proximity to the Grade II\* listed Tidwell House is such that significant care must be taken to avoid potential for adverse impacts on the property and its setting.



Our client continues to fully support the allocation of the site for residential development but does have some concerns with the additions to the policy as follows:

#### National Landscape Impacts

The relationship of the site to the National Landscape (NL) is fully appreciated and this relationship has been an important consideration for the layout and design in the current application.

While conserving and enhancing the scenic beauty of NL is consistent with national policy there is a concern that the additional text, which requires the natural beauty of the site to also be conserved and enhanced, would run counter to the site being developed. This is the only site proposed to be allocated in Budleigh – and noting all previous points made about the need for development to be accommodated within the NL to meet local and district wide housing needs – policies should not be drafted in such a way to conflict with the allocation.

It also noted that there is an element of inconsistency with how this matter is addressed in other site allocations proposed within or in the setting of the NL in other parts of the district. While some site policies have been amended to include reference to the need to ‘conserve and enhance’, other policies only refer to the ‘scale, design, lighting and materials of new development being appropriate for the NL’.

While the importance of the NL is fully recognised how these policies are wording in terms of the approach to development within the NL should be consistent and should not be overly prohibitive on the basis of the overriding need for such sites to come forward being accepted.

The policy is also overly prescriptive regarding certain elements references specific planting requirements, site buffers, lighting limitations etc. However, the detailed scheme should be informed by the supporting technical assessments and identified mitigation. It must also be recognised that there may be specific standards required by other agencies for example street lighting by highways adoptions team.

#### Requested Changes

The following further changes are requested to the site allocation policy (deleted text struck through and new text underlined in red):

This land on the northern side of Budleigh Salterton is allocated for 35 new dwellings. The site is located inside the East Devon National Landscape. ~~area and particular sensitivity will need to be attached to development proposals in respect of potential adverse landscape impacts. and particular sensitivity will need to be attached to development proposals to conserve and enhance the natural beauty of the site and its wider landscape setting.~~

Development proposals should therefore be landscape-led, informed by detailed assessment and design work to avoid impacts on the designated area, including scale, design, lighting and materials appropriate for the National Landscape. Additional native tree and hedge planting should be provided and maintained to screen the road frontage with the B3178. Existing hedges should be retained and enhanced and adequate buffers provided between them and private curtilages. A high standard of design and use of appropriate materials reflecting local distinctiveness is required commensurate with the location within the National Landscape. This should include avoiding the introduction of street lighting along the B3178. Site development will need to come forward with provision of safe footpath access to the Budleigh primary school. Site proximity to the Grade II\* listed Tidwell House is such that significant care must be taken to avoid potential for adverse impacts on the property and its setting.

#### **Policy Comments**

WainHomes reiterates their support for the aspirations of the plan to raise standards and deliver high quality development and good design and the need to assess and mitigate the impacts of development, subject to the following caveats:

- All proposed local policies must meet the NPPF tests of soundness by being Positively Prepared, Justified, Effective, and Consistent with National Policy.
- Potential impacts on viability and deliverability must be properly understood.
- Policies should not seek to unnecessarily replicate the NPPF or Building Regs (or other regulatory regimes).

- Policies should not be drafted in such a way that they hinder or discourage development.
- Where any standards or thresholds are set out there needs to be flexibility built into the policy to take account of site specific, technical feasibility and viability considerations.

#### *Consultation Draft NPPF (December 2025)*

It is acknowledged that the 2<sup>nd</sup> Reg 19 draft LP will be examined against the provisions of the NPPF December 2023. However, the direction of travel of the draft NPPF is material insofar as the national DM policies contained in the consultation draft NPPF will prevail if there is a conflict with Local Plan policies. There seems little point in finding local plan policies sound that we already know will ultimately attract only limited weight in the planning balance if/when the new NPPF is published – which is likely to be before the examination of this plan. A prime example of this is the proposed blanket 20% BNG requirement on all sites, as set out in Strategic Policy PB05: Biodiversity Net Gain (BNG).

### **General Policy Comments**

#### Local Plan Vision Statement

All previous comments regarding the lack of references in the Vision Statement to meeting development need, and in particular housing need, remain valid

#### Housing Targets / Delivery

The proposed housing targets and stepped trajectory have not been amended and so our previous comments regarding the validity of this approach remain valid.

While associated paragraph 3.8 has been amended to identify that the plan will be reviewed/updated if housing delivery falls short or future housing needs change, this is not considered sufficiently robust or clear as to how and when this would take place.

Paragraph 3.9 refers to addressing housing needs by establishing a clear housing requirement based on the New Standard Method. To clarify, the 2<sup>nd</sup> Reg 19 draft LP only has to meet 80% of the New Standard Method housing need as a minimum.

The identified 'headroom surplus' for housing supply has increased to 12.18% but this is due to the accounting period being adjusted to 2025 rather than additional allocations being identified. The previous comments and concerns about the identified number and stepped trajectory remain and it is considered a 20% buffer would be more robust and in line with national policy.

The previous comments about the apparent conflict between Strategic Policy HN02 (Affordable Housing), and Policy SP06 regarding the certainty of windfall development also remain valid.

Viability

It is noted that financial implications of the Building Safety Level are now addressed in Viability Addendum.

**Specific Policy Comments**

All previous comments on the following policies requesting either amendments or deletions and which have not been implemented remain valid:

- Strategic Policy CC02: Net zero carbon development
- Strategic Policy HN01: Housing to address needs
- Policy HN05: Self-build and custom build housing
- Policy PB08: Tree, hedges and woodland on development sites

The following policies have been amended and further comments are provided:

CHAPTER	CHAPTER 11. SUSTAINABLE TRANSPORT AND COMMUNICATIONS
Policy	Policy TR04: Parking standards and electric vehicle charging provision
Comment	<p>The previous comments about the parking standards have not been addressed so remain valid.</p> <p>Additional requirements relating to electric vehicle charging have been added cross referenced to the additional assessment work carried out in respect of the impact of vehicle emissions on the Pebblebed Heaths SAC/SPA.</p> <p>As EV charging is covered by the Building Regulations robust evidence is required to justify a higher standard. The technical assessments and preliminary mitigation strategy that have been produced by the Council have not been subject to full public consultation and there are serious concerns about such a significant piece of work being introduced almost by stealth as part of the draft EDLP evidence base. There are contradictory statements regarding the scope of impact between the technical assessment, mitigation strategy, and Strategic Policy PB04 and these need to be fully tested before being applied as policy. This is discussed further below in respect of Strategic Policies PB01: Protection of internationally and nationally important wildlife sites and PB04: Habitat Regulations Assessment (HRA) and Mitigation Strategies.</p> <p>Requirements for developers to encourage electric vehicle use are also not considered reasonable or necessary given that developers already provide EV charging in accordance with the Building Regulations and travel planning measures.</p>
Requested Amendments	Any standard needs to be properly justified.



	<p>Flexibility should be included in relation to inclusion of garages as parking spaces with reference to a minimum garage size as referred to.</p> <p>Delete reference to electric vehicle charging.</p>
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CHAPTER	CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY
Policy	<b>Strategic Policy PB01: Protection of internationally and nationally important wildlife sites and Strategic Policy PB04: Habitat Regulations Assessment (HRA) and Mitigation Strategies</b>
Comment	<p>These polices have been significantly amended.</p> <p>Strategic Policy PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations.</p> <p>Strategic Policy PB04 has been has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04).</p> <p>The additional text effectively sets out:</p> <ul style="list-style-type: none"> <li>• That development in large parts of the district could impact the Pebblebed Heaths.</li> <li>• Application of a policy break clause which could see development refused.</li> <li>• Requirements for assessment and monitoring.</li> <li>• Requirement for financial contributions to off site mitigation measures.</li> </ul> <p>The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected and there is inconsistency across the relevant documents.</p> <p>The Technical Assessment which underpins this new requirement concludes that:</p> <p style="text-align: center;"><i>“In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler.</i>”</p>



*A mitigation strategy (“ED21793\_East Devon Pebblebed Heaths\_Mitigation Strategy\_i1”) has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features:*

- *European dry heaths*
- *European nightjar *Caprimulgus europaeus**
- *Dartford warbler *Sylvia undata**

*In the following area of the site:*

- *North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14);*
- *East/West along the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8);* •
- *Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and*
- *Dalditch Common, < 150 m from the road (SSSI unit 13)”*

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, Tipton St John are likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA.

The Viability Addendum also notes that the mitigation will not be required across of all East Devon.

As such the policy wording, technical evidence, and viability assessment are inconsistent and contradictory in terms of the scope and application of this new policy requirement.

Given this uncertainty the reference to the break clause, which could effectively impose an embargo on development in the district, is alarming. How this would be applied and the impact this could have on housing supply and delivery in the district needs to be fully assessed.

Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed.

A “long list” of potential mitigation measures are identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible



	<p>for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy.</p> <p>The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested.</p> <p>There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process.</p> <p>This does not amount to “limited new material” as stated at the start of the consultation draft.</p>
<b>Requested Amendments</b>	The additional reference to the The Pebblebed Heaths Air Quality Mitigation Strategy should be deleted.
<b>Policy</b>	<b>Strategic Policy PB05: Biodiversity Net Gain</b>
<b>Comment</b>	The additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.
<b>Requested Amendments</b>	This policy should be deleted.
<b>Policy</b>	<b>Policy PB09: Monitoring requirements for new planting schemes</b>
<b>Comment</b>	<p>Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council.</p> <p>No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.</p>
<b>Requested Amendments</b>	This policy should be deleted.

**SUMMARY**

The above representations are submitted by CarneySweeney on behalf of WainHomes.

Site Allocation

WainHomes strongly supports the allocation of Land at Barn Close, Budleigh Salterton (Budl\_02) but request that the allocation policy should be worded more positively to enable much needed houses to come forward.



Policies

There are a number of policies that impose technical and other standards that while entirely laudable, have not been properly evidenced or justified and as such are, in themselves, unsound.

We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.

In the meantime, should you have any queries please do not hesitate to contact us.

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## East Devon Local Plan 2020 to 2042

### Regulation 19 Publication draft

### Representations on behalf of WainHomes (South West) Ltd

28 March 2025

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#### Introduction

CarneySweeney acts for WainHomes (South West) Ltd (WainHomes) in connection with Land at Barn Lane, Budleigh Salterton, East Devon which is being promoted for residential development.

CarneySweeney submits the following representations on behalf of our clients.

#### Summary of our Representations

These representations focus on the following policies within the draft East Devon Local Plan 2020 to 2042 (draft EDLP):

##### Site Allocation

- Strategic Policy SD08: Development at Budleigh Salterton

##### Policies

- Strategic Policy CC02: Net zero carbon development
- Strategic Policy HN01: Housing to address needs
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#### Policy Context for Plan-Making

Provisions for plan-making are set out within the NPPF and NPPG. Plan makers are required to take account of the following points when preparing their Local Plan.

Under the transitional arrangements of the December 2024 NPPF, the new Local Plan will be considered under the provisions of the December 2023 NPPF.



## *National Planning Policy Framework (December 2023)*

- Paragraph 31 states that “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be ...focussed tightly on supporting and justifying the policies concerned and take account of relevant market signals.”
- Paragraph 35 identifies the tests of soundness as being:
  - a) Positively prepared: As a minimum, seeking to meet the area’s objectively assessed needs and informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with sustainable development.
  - b) Justified: An appropriate strategy based on taking account of reasonable alternatives and proportionate evidence.
  - c) Effective: Deliverable, based on effective joint working on cross-boundary strategic matters, evidenced in a Statement of Common Ground.
  - d) Consistent with national policy.

### **Site Allocation Comments**

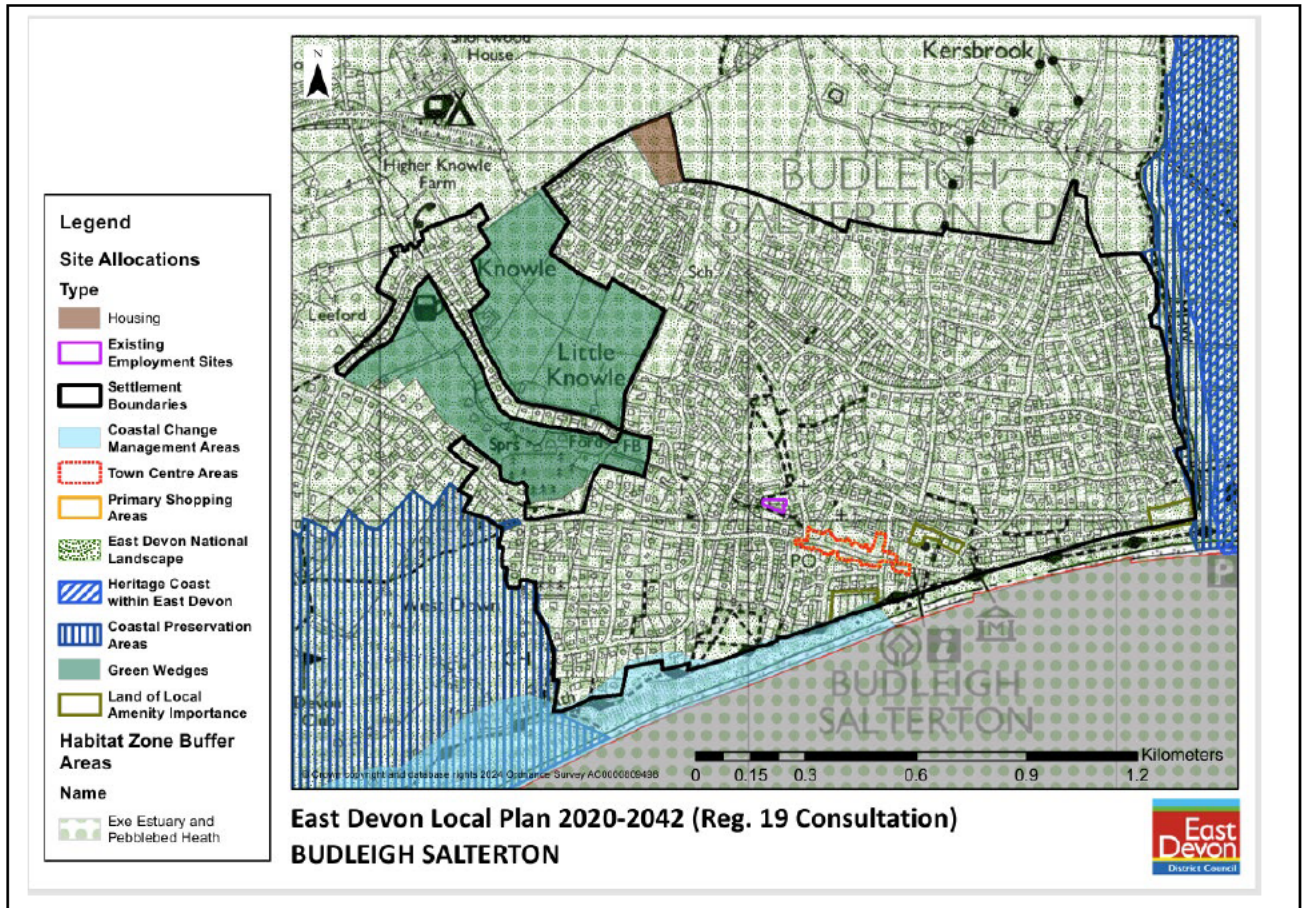
Strategic Policy SD08: Development at Budleigh Salterton proposes to allocate the site – Land at Barn Close, Budleigh Salterton (Budl\_02) – for residential development of 35 new homes.

The full policy text and allocation map are included in full below:

#### **Land at Barn Lane, Knowle, Budleigh Salterton (Budl\_02)**

This land on the northern side of Budleigh Salterton is allocated for 35 new dwellings. The site is located inside the East Devon National Landscape area and particular sensitivity will need to be attached to development proposals in respect of potential adverse landscape impacts. Site development will need to come forward with provision of safe footpath access to the Budleigh primary school. Site proximity to the Grade II\* listed Tidwell House is such that significant care must be taken to avoid potential for adverse impacts on the property and its setting.





Our client fully supports the allocation.

Budleigh Salterton is classified as a Local Centre containing all 11 of the local facilities and services and three of the eight strategic facilities and services categorised by the Council. The Town has good range of services and facilities, notably more than any other Local Centre settlement and has strategic significance as a location for higher levels of future housing development. This makes it ideally placed to support additional residential development and a development of 35 dwellings, and the associated infrastructure would be fairly modest in scale and nature in terms of the Town as a whole and the scheme would be in scale with Budleigh’s role and function.

The proposal is not considered to be ‘major development in the National Landscape’ for the purposes of NPPF 2024 para 190. The Cornwall South Coast Central AONB Management Plan outlines key indicators for determining whether a development is ‘major’ in its impact on the landscape. These include factors such as visual harm to the AONB/NL’s scenic quality, erosion of its special qualities, incompatibility with the surroundings, and conflicts with the local community’s economic and social needs. A Landscape and Visual Impact Assessment (LVIA) has been conducted to evaluate the proposed development’s impact. The site, visually well-contained by its topography, existing built form, and mature vegetation, is expected to have only minor



adverse visual effects on surrounding areas. The development layout and mitigation measures, such as increased planting and buffers, are designed to soften the visual impact and blend the new dwellings with the existing settlement, particularly over time as vegetation matures.

The development, located within Budleigh Salterton, a Local Centre with a good range of services, would provide 35 new homes, including 12 affordable units. The proposal is in scale with the town's needs and would not cause significant harm to the surrounding landscape or National Landscape Designation. The development is compatible with its surroundings, with careful consideration of building materials and design to reduce visual intrusion. In addition to addressing the housing crisis in East Devon, the scheme would provide economic benefits, including job creation and increased local spending. Overall, the proposal meets the requirements of the Development Plan, and it is concluded that the development does not constitute a "major development" as defined in paragraph 190.

### Deliverability

The site is subject to a live planning application in full detail for 35 new homes. This demonstrates that the allocation is fully deliverable with a willing developer able to bring the site forward early as part of the Council's Five Year Housing Supply.

At the time of writing no technical issues have been identified through the consultation process that would prohibit delivery of the site, including no objections from County Highways to the proposed vehicular access arrangements.

Following a meeting with the Town Council the application is proposed to be amended to include provision of a footway connection across the front of the adjoining site to provide pedestrian and cycle connections to the Town and its facilities.

In terms of potential sensitive impacts on Heritage and the National Landscape (NL) the application is supported by both an Archaeological and Heritage Assessment (AHA) and a Landscape Visual Impact Assessment (LVIA).

### Heritage Impacts

No particular archaeological potential or designated heritage assets are identified within the site.

The closest heritage asset to the site is the post-medieval Grade II\* Tidwell Manor to the north east and the AHA concludes that, even in winter, trees on the edge of the site will screen it from views from the north east. Further the orientation of the Manor house is away from the site, focussed south eastwards along a shallow valley which historically contained a formal landscape. The site visit confirmed this orientation away from the site, as well as more recent trees surrounding the main house and that the site's development would not affect its significance.



Other Grade II listed buildings lie at a greater distance or are screened by surrounding structures and topography and none would be affected by change within the site.

The AHA concludes there would no adverse heritage impacts arising from the proposal.

### National Landscape Impacts

As set out above an LVIA has been completed to assess how the proposed development could potentially affect landscape and/or visual amenity and also identifies features of the proposals which will assist in mitigating adverse landscape and visual impacts.

From a visual perspective, the site is visually well-contained due to the nature of the surrounding topography, the presence of built form to the west and south, and mature boundary vegetation to the eastern boundary. Where the site is visible, it is observed within the context of existing settlement of Budleigh Salterton with housing abutting the site to the south and further houses partially under construction to the west.

The site layout, as shown below, shows an increased set back of development from the northern boundary of the site which has allowed for an increase in open space and opportunity for further tree planting to aid in filtering views of the site from the wider NL landscape to the north:



A retained buffer to the western boundary and increased buffer to the eastern boundary ensures the retention of the existing mature vegetation and creates the opportunity to enhance these boundaries with increased planting which will also particularly assist in filtering views of the site. The landscape study concludes that:

*“Visual effects have been assessed as no higher than Minor Adverse at Year 1 and Year 15 from those receptors on adjacent road routes (B3178), East Budleigh Footpath 4 and users of Bear Lane (a ‘other route with permitted access’). At Year 15, after maturation of the proposed mitigation planting, would soften the appearance of built form and help assimilate the Proposed Development into its settlement edge context.*

*Views from private residential dwellings have not been tested in the field and therefore this LVIA has provided a commentary on the predicted magnitude of change as a result of the Proposed Development. The greatest change is expected to be experienced by those adjacent to the boundary of the main development area (dwellings at Hooker Close to the direct south of the Site, and dwellings at Evans Field to the direct west of the Site) who will experience a Moderate change.*

*Regarding the East Devon National Landscape, the extremely limited spread of landscape and visual effects identified within the LVIA and summarised above would result in a negligible effect (emphasis added) upon the National Landscape Designation whilst the relevant special qualities would also be unaffected as a result of the Proposed Development.”*

Visually, the proposed dwellings at the site would be characteristic of other housing in the locality, including scale and massing, with careful choice of materials, which would ensure that the new dwellings blend well into their surroundings. Each dwelling is to be set within substantial grounds, assisting in creating a low-density development. Substantial planting as part of the scheme would help to provide a soft transition between the urban form and the rural setting beyond. It is therefore considered that the new housing would be in-keeping with their surroundings. The site would be seen in the context of the surrounding development, with the backdrop of vegetation, which would reduce the visual appearance of the site on the surrounding landscape.

Based on the assessment in the LVIA the scheme complies with the other part of NDP Policy H4 in that the proposal would conserve and enhance the NL.

#### Justification for Development within the National Landscape

The whole of Budleigh Salterton, including the application site is within the East Devon NL. There are no sites in the Town capable of delivering market and affordable housing of anywhere near the scale required to address identified needs. Therefore, any development seeking to meet the housing needs of the town would have to be located on a



greenfield site adjoining the BUAB and would, by definition, be within the NL.

An Affordable Housing Statement submitted with the application identifies an acute affordable housing need for both East Devon – with 5,939 households on the housing register as of 1 October 2024 – and Budleigh Salterton – 76 households on Devon Homes Choice seeking affordable housing in Budleigh with 25 in priority bands A, B and C. Analysis of waiting times and bid levels for affordable housing in Budleigh, together with higher house prices in Budleigh compared to other locations in the District, demonstrates there is an ‘exceptional need’ for the provision of new affordable homes at Budleigh within the NL. On the basis of the emerging affordable housing policy requirements the site would provide 12 new affordable homes which would make a modest but nonetheless important contribution to this deficit.

If sites within the NL were excluded from allocation in the emerging local plan not only would overall housing numbers fall short of the required figures, but future development would also be disproportionately located across the district and would not meet local need at those settlements within the NL.

WainHomes fully endorses the Council for acknowledging the need to allocate sites within the NL.

## **Policy Comments**

The following section contains general and specific policy comments and follows the order of the draft plan.

Our client fully endorses good design and the need to assess and mitigate the impacts of development.

However, proposed policies need to be fully justified, the potential impacts on viability and site deliverability must be fully understood, they should not seek to unnecessarily replicate the NPPF or Building Regs (or other regulatory regimes), and should not be drafted in such a way that they hinder development. Where any standards or thresholds are specified there needs to be flexibility to take account of site specific, technical feasibility and viability considerations.

## **General Policy Comments**

### Local Plan Vision Statement

It is notable that the Vision does not refer to the allocation and delivery of sufficient land to meet housing needs, reflecting section 5 of the Framework and the Written Ministerial Statements of 30 July 2024 (Angela Rayner MP) and 12 December 2024 (Matthew Pennycook MP), which are material considerations.

This indicates that the draft LP places higher priority on environmental considerations than on addressing the national housing crisis. Indeed, many of the policies and provisions reflect this imbalance.



It is considered that the Vision should be re-balanced to acknowledge the need to address the housing crisis by providing a choice of decent housing for all, and this new balance should then be reflected in the policies and provisions of the plan, in accordance with our representations.

#### Housing Targets / Delivery

Up to 2031/32, the Council indicate a trajectory to deliver 850 dwellings per year on average, with the remaining plan period from 2032/33 onwards to deliver an annual average of 1,070 dwellings per year. Whilst this averages out to provide for the required housing need, it means that for the first part of the plan-period, the LPA will be under-delivering against their identified housing need and more than likely unable to demonstrate a five-year housing land supply within the early parts of the plan-period, as evidenced by Appendix 1 of the Draft Local Plan. This approach appears to be at odds with the Framework, in particular, the requirement to “meet the area’s objectively assessed needs”.

It is, effectively, a workaround, where the LPA will only be delivering 70% of the housing requirement, which would be averaged out by delivery later in the plan period, for the Plan to continue to be assessed against the previous version of the Framework and therefore requiring 80% of the housing requirement to be planned for.

Elsewhere in the Draft Local Plan, notably in Strategic Policy HN02 (Affordable Housing), it is referenced that 35% affordable housing would be a target for windfall development outside settlement boundaries. This appears at odds with Policy SP06 which restricts development outside settlement boundaries, presenting concerns about the level of contribution that windfall sites will provide to meeting housing need. Paragraph 75 of the Framework is clear that there should be “compelling evidence” that windfall sites will provide a reliable source of supply. The current wording of Policy SP06 does not provide confidence that development on windfall sites will be a reliable source of supply.

In combination, the restrictive nature of Policy SP06, and the reliance of larger sites to deliver the required housing need later in the plan-period cemented by Policy SP02, presents the prospect of a deteriorating housing supply position from the point of adoption within the first half of the plan period. The Framework is clear that planning policies “should identify opportunities for villages to grow and thrive, especially where this will support local services”. The restrictive nature of Policies SP02 and SP06 is at odds with the clear intention of what the Framework is aspiring to achieve. Furthermore, the Framework is clear that strategic policies should provide for objectively assessed needs “as a minimum”.



Viability

The Three Dragons Viability Assessment does not appear to have taken account of the pending Building Safety Levy due to come into effect from Autumn 2026. The rate per sqm in East Devon is currently indicated to be £34.06/sqm so would be £3406 for each 100sqm open market dwelling.

This so would represent a significant additional cost that needs to be taken into account in assessing the viability of the local plan.

We would also question if sufficient allowance has been made for future inflation.

**Specific Policy Comments**

<b>CHAPTER</b>	<b>CHAPTER 5. MITIGATING CLIMATE CHANGE</b>
<b>Policy</b>	<b>Strategic Policy CC02: Net zero carbon development</b>
<b>Comment</b>	<p>Part A requires compliance with the Future Homes Standard 2025 or successors or if not implemented, the Future Homes and Buildings Standards 2023.</p> <p>The Written Ministerial Statement dated 13 December 2023 in respect of energy efficiency standards states that:</p> <p><i>The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government’s commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:</i></p> <ul style="list-style-type: none"> <li><i>That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.</i></li> <li><i>The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).</i></li> </ul>



	<p>Based on current experience the values put in the Three Dragons Viability Assessment for the additional costs associated with achieving Future Homes standards are too low. However more fundamentally as the government are still consulting on the various options for how Future Homes could be achieved it is impossible to properly cost achieving this at this time. As such the viability impacts of the policy cannot be tested as is required by the above WMS and so the policy should not be retained.</p> <p>The Council should not seek to pre-empt national standards.</p> <p>The policy is also not expressed in such a way that complies with the second bullet.</p> <p>Even if the policy is found sound, it must be applied flexibly where the applicant can demonstrate that meeting the higher standard is not technically feasible in relation to the availability of appropriate local infrastructure, in accordance with the WMS.</p> <p>Part C: New homes to be designed to avoid temperature discomfort. Temperature discomfort is not defined.</p>
<b>Requested Amendments</b>	Policy should be deleted.

CHAPTER	CHAPTER 8. MEETING HOUSING NEEDS
<b>Policy</b>	<b>Strategic Policy HN01: Housing to address needs</b>
<b>Comment</b>	<p>While the general aims and objectives of Strategic Policy HN01 are supported, the approach to self and custom build housing (SCB) raises concerns.</p> <p>General aims:</p> <p>E – This section refers to meeting identified local demand for self and custom build (SCB) but Policy HN05 (discussed further below) mandates a blanket requirement of 5% of plots on schemes of 20 or more to be provided as SCB plots. Any requirement for SCB plots should be based on up-to-date needs evidence and a blanket approach does not align with this.</p> <p>Housing mix:</p> <p>D. It is not considered that serviced SCB plots on larger housing developments is the most effective way to meet any identified SCB need (discussed further below).</p>
<b>Requested Amendments</b>	<p>Required change:</p> <p>General aim criteria E – No specific changes requested</p> <p>Housing Mix criteria D – Amend to refer to suitable sites rather than serviced plots of land.</p>



Policy	Policy HN05: Self-build and custom build housing
<p><b>Comment</b></p>	<p>A set out in respect of Strategic Policy HN01: Housing to address need, imposing a mandatory percentage requirement for self and custom build (SCB) plots on larger residential schemes is not considered the right approach:</p> <ul style="list-style-type: none"> <li>• Provision of SCB plots should be based on up to date evidenced need both in terms of numbers and location, rather than imposing a blanket requirement on all sites. The latest Self Build Demand and Supply Monitoring Report from 31/10/23 to 30/10/24 (reported to SPC on 4 February) at para 3.4 identifies that even with a noted decrease in the number of consented plots “the supply meets both the ‘residual’ demand from the 31/10/21-30/10/2022 (3 plots) and covers all the demand from the 31/10/2022-30/10/2023 base period (9 plots), with a surplus of 3 plots.” As the identified need is being met currently without a bespoke SCB policy this does not justify the policy approach now proposed.</li> <li>• If there is local demand the required plot sizes may not be in keeping with rest of the development accounting for local characteristics and density requirements.</li> <li>• If there is local demand the required plot sizes may not be in keeping with rest of the development accounting for local characteristics and density requirements.</li> <li>• Delayed build out of SCB plots by private individuals / separate companies creates considerable logistic and safety issues for developers in terms of construction phasing, safety for plot occupants and established residents, and residential amenity impacts. Leaving plots unfinished for completion for potentially up to 2 years risks considerable disturbance to new residents and ongoing management for developers/management companies.</li> <li>• Providing SCB plots in this way also means more creative solutions for SCB provision do not need to be pursued. It is envisaged that the majority of people wanting to build their own home will not want to be on a modern housing estate limited by plot passports or design codes (noting the requirement of this and Policy DS02). If the need is met by serviced plots on larger schemes this could stifle community led or individual schemes in other locations and stifle design and creativity which are specifically noted as benefits of SCB housing in the policy justification.</li> </ul> <p>There are also concerns with the following policy requirements:</p> <p>B – This may lead SCB plots to need be delivered in early phases where road access is provided which in turn will be more visually prominent. As above visually prominent serviced plots left undeveloped for up to 2 years will have a detrimental visual impact on schemes.</p> <p>C – Specifically requires plot sizes to meet local demand but if there is no local demand this cannot be complied with.</p>



	<p>Regarding the provision of affordable SCB plots for schemes over 250 dwellings it is not clear how this would be delivered.</p> <p>The policy states that schemes over 100 dwellings should use a design code but this conflicts with Policy DS02 which requires design codes on all major schemes or those in environmentally or heritage sensitive locations. There needs to be consistency where Design Codes are required.</p> <p>Finally, the policy states that all plots must be completed within 3 years of the plot purchase. This is not reasonable requirement as time limits for development commencing are set in the relevant permission and once implemented there is not requirement to complete a scheme. Further the policy does not set out what would happen if it not completed within 3 years from the plot being purchased.</p>
<b>Requested Amendments</b>	A better and more proactive approach would be for the Council to allocate sites specifically for SCB housing in locations where need and demand is evidenced with reasonable contributions from certain scale developments to be collected towards the delivery of these plots.

<b>CHAPTER</b>	<b>CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY</b>
<b>Policy</b>	<b>Strategic Policy PB05: Biodiversity Net Gain</b>
<b>Comment</b>	<p>The requirement for at least 20% BNG is double the statutory requirement of 10%. It has not been justified in terms of any local evidence demonstrating a significant biodiversity deficit in East Devon or that the mandatory regime is not adequate. Reference is made in the support text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Reference is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 10% BNG target but this is not set out in this document. As such, it is unjustified and unsound.</p> <p>Those proposals that cannot achieve 20% BNG will be required to submit viability appraisals. These will be costly and time consuming to produce and audit. They will place heavy resource and financial burdens on both applicants and developers and will at the very least delay housing delivery.</p> <p>The viability testing for the proposed 20% increase in the Three Dragons Viability Assessment, which estimates a per unit additional cost of £1,188 for greenfield sites and £321 for brownfield sites, is disputed. These figures are based on the MHCLG BNG Impact Assessment from 2019 but on reviewing this document it gives an estimated figure of £11,000 per offsetting unit which is significantly lower than current offsetting unit prices (which vary depending on the type of habitat but on average are around £25,000 plus per unit). This in turn casts doubt on the robustness of this earlier assessment as a basis for current costings.</p>



	<p>The land take implication of increasing the BNG requirement does also not appear to have been assessed. For larger residential sites there is a real push to achieve the BNG mitigation on-site, as per the guidance and hierarchy. More land set aside for BNG mitigation will reduce the number of homes achievable on the allocations. While the cost of delivering the BNG mitigation might decrease proportionally, the reduction in units is a crucial element. Has the Council run any assessments on their allocated sites having for example a 5% reduction in unit numbers to account for the additional BNG land?</p> <p>Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.</p> <p>A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application.</p> <p>It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site.</p> <p>In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires <i>a gain</i> to be achieved.</p>
<p><b>Requested Amendments</b></p>	<p>This policy should be deleted.</p>
<p><b>Policy</b></p>	<p><b>Policy PB08: Tree, hedges and woodland on development sites</b></p>
<p><b>Comment</b></p>	<p>Policy PB08 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted.</p> <p>Mandated tree replacement standards, not based on the specific site circumstances or the composition of trees lost, could be particularly onerous if a large number of trees were to be lost on a site for example if a site had significant amounts of ash dieback.</p> <p>Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application.</p>



	<p>Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology.</p> <p>Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a local plan.</p>
<b>Requested Amendments</b>	The policy should be significantly simplified.
<b>Policy</b>	<b>Policy PB09: Monitoring requirements for new planting schemes</b>
<b>Comment</b>	<p>The introduction of a requirement for a developer to place a bond equal to 25% of the calculated planting cost of the scheme is unreasonable, unevidenced and has not been tested in terms of scheme viability and the implications on housing delivery. It also imposes additional administrative burdens on the Council and the applicant at a time when local authorities are under increasing financial and resourcing pressures.</p> <p>The requirement for a 25% bond has not been explained or justified in terms of challenges with the existing system of a standard landscape condition and monitoring by the council as enforcement authority. The bond will be potentially significant for larger strategic schemes and its implications on cash flow and wider scheme viability has not been assessed. This process will also require additional administration from the applicant and the Council. The retention of the bond for what in effect will be 5 years after construction has been completed is unreasonable.</p> <p>A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, no evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.</p>
<b>Requested Amendments</b>	This policy should be deleted.

**SUMMARY**

The above representations are submitted by CarneySweeney on behalf of WainHomes.

Site Allocation

WainHomes strongly supports the allocation of Land at Barn Close, Budleigh Salterton (Budl\_02). The site is evidenced to be deliverable and there are not adverse impacts/technical issues identified that would preclude the site form coming forward. Development of sites within the NL is justified to meet local and district wide housing need.



## Policies

There are a number of policies that impose technical and other standards that while entirely laudable, have not been properly evidenced or justified and as such are, in themselves, unsound.

We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.

In the meantime, should you have any queries please do not hesitate to contact us.

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