

WADDETON PARK LTD
REPRESENTATIONS ON THE EAST DEVON LOCAL PLAN (2020 – 2042) REGULATION 19
CONSULTATION DRAFT (MARCH 2025) BY BELL CORNWELL LLP

INTRODUCTION

Waddeton Park Ltd is a very well-established and successful local housing land promoter and investor with considerable interest across the district. Waddeton Park Ltd has helped to facilitate new homes, affordable housing and other uses in the area. Specifically, Waddeton Park Ltd has interests in land at London Road, adjacent to the Cranbrook built-up area boundary, which they consider has potential for residential development. We attach a plan that shows this land (please refer to the Framework Plan produced by Clifton Emery Design)

Given the nature of their long-standing interests across the district, Waddeton Park Ltd is an important local stakeholder and is interested in the proposals in the East Devon Local Plan for future development in the district.

Against this background, Bell Cornwell LLP has reviewed the policies and information set out in the East Devon Local Plan (2020 -2042) Regulation 19 Consultation Draft and makes the following representations.

CHAPTER 3. SPATIAL STRATEGY

Strategic Policy SP01: Spatial Strategy

Strategic Policy SP01 sets out the approach to be taken to the location of new development across the district. New development will be directed towards the most sustainable locations in East Devon, with a focus on the West End of the district, which will include the on-going development of Cranbrook.

Paragraph 3.7 notes that sites within or adjoining the Cranbrook Plan area are not considered for allocation in the Local Plan. This is a missed opportunity. Whilst development within the Cranbrook Plan DPD area may be subject to separate policy objectives, it is not reasonable to summarily exclude sites adjacent to Cranbrook. Indeed, paragraph 1.3 of the draft Local Plan states that many policies in this new local plan will also apply within the Cranbrook Plan area and should be applied alongside Cranbrook policies so there is clearly overlap and the policies of the two plans can be applied alongside one another.

Such sites would be within the West End and by virtue of the proximity to Cranbrook would be very well located in relation to the range of uses provided at the town. Avoiding consideration of such sites precludes the consideration of sites within the Council's main growth area – the West End – in very sustainable locations. The current approach is unsound in that it is not positive or justified and runs contrary to the Council's spatial strategy. Please also see our comments on Chapter 4 of the Local Plan (Development at the West End).

Whilst the overall approach within Strategic Policy SP01 is supported, Waddeton Park Ltd OBJECTS to the preclusion of sites adjacent to Cranbrook.

Strategic Policy SP02: Levels of Future Housing Development

Strategic Policy SP02 includes a requirement for at least 29,909 dwellings (net) to be delivered within the Local Plan area in the Local Plan period. The supporting text explains that the housing provision follows the transitional arrangements set out in the National Planning Policy Framework (NPPF) (2024).

There are significant concerns that the housing figures for the district have not been positively prepared and have been contrived just to try to meet the requirement to benefit from the NPPF transitional arrangements.

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Furthermore, it is not considered that East Devon District Council (EDDC) can benefit from the transitional arrangements in any event. Paragraph 234 of the NPPF states that the policies in the 2024 version of the NPPF relating to the preparation of local plans i.e. those that require the application of the standard method for calculating local housing need, will not apply if one or more of five criteria applies (a-e). The Council is claiming that criterion a applies, which reads as follows:

“a. the plan has reached Regulation 19⁸² (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need.”

Footnote 82 reference in criterion a clarifies that:

“In this context “reached Regulation 19” refers to when Regulation 19 has been complied with (i.e. when the planning authority has made a copy of each of the proposed submission documents and a statement of the representations procedure available, and the statements required in Regulation 19(b) have been sent to consultation bodies).” [our underlining]

This means that each part of the Local Plan must have reached Regulation 19 (pre-submission stage) by 12th March 2025. The East Devon Local Plan is being prepared in two parts: full policy details on the new community, which forms a fundamental part of the East Devon Local Plan spatial strategy, and a masterplan for this area are still being worked up and Regulation 19 consultation on this part of the Local Plan is not scheduled to commence until May/June 2025.

In light of the above, it is entirely possible that the standard methodology for calculating housing need will, therefore, need to be applied, which would result in a higher overall housing figure for the Local Plan period.

In addition to concerns about housing numbers, there are also significant concerns about the Council’s site selection process. In our view, the process was rushed and not entirely objective and led to some arbitrary decisions on locations for development. For example, only 35 new dwellings are proposed to be allocated for Budleigh Salterton, a town, and the only town identified as a Local Centre (all others are villages) whereas a number of smaller settlements have allocations for hundreds of homes. This inconsistent approach was highlighted by the Council’s own planning committee and is a consequence of a rushed approach, presumably with the intention of being able to benefit from the NPPF

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transitional arrangement summarised above. The site selection process has not been properly considered and is not sound.

CHAPTER 4. DEVELOPMENT AT THE WEST END

Waddeton Park Ltd OBJECTS to the strategy for development at the West End. This part of the Local Plan is not considered to be sound as the approach that has been taken to allocating sites for housing development to meet local needs is unjustified – there are more appropriate strategies that East Devon District Council (EDDC) could have chosen. Ultimately, the strategy for development at the West End is flawed because:

- 1. Sensible options for housing delivery around Cranbrook (but outside of the Cranbrook Plan DPD area) have not been considered.**

It is noted that there is a separate Cranbrook Development Plan Development Plan Document (DPD), adopted 2022, which will sit alongside the Local Plan. However, Cranbrook is now a substantial town in the West End of the district with all of the attributes of a main town (two primary schools, a secondary school, town centre, railway station etc). Cranbrook will, ultimately, become one of the largest settlements in East Devon. It is unreasonable and illogical to miss opportunities for the expansion of Cranbrook and discount opportunities for growth in one of the more sustainable locations in East Devon simply because the area is subject to a separate DPD. It would be inherently sensible to look for modest additional growth opportunities around Cranbrook, which could make a meaningful contribution to housing delivery early in the Local Plan period. Some additional, incremental growth is entirely suitable in Cranbrook in locations that fall outside of the Cranbrook Plan area but are very much part of Cranbrook in practical terms. Sites right on the edge of this sustainable settlement should be identified for growth.

Waddeton Park Ltd is promoting for housing development an area of land to the south of London Road, immediately adjacent to the Cranbrook Plan area and the built-up area boundary of Cranbrook. We attach a plan that shows the sustainability credentials of this land, which highlights how accessible this land within the West End is – please refer to the Sustainability Plan, produced by Clifton Emery Design. This land is available now and capable of early delivery.

The land to the south of London Road has already been subject to initial design work to consider potential constraints and opportunities, informed by technical advice on matters such as highways/access, visual impact, drainage, noise and heritage impact, and a framework masterplan for the land has been drafted – a copy of which is included with these representations. This confirms that the land is capable of delivering housing and a mixture of other benefits for the district, including on-

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site affordable housing, public open space/SANGS and biodiversity net gain. As a result of the feasibility work that has been undertaken so far, there is already considerable certainty that a housing development on the land is credible, deliverable and able to be brought forward in a way which is entirely compatible with the character and constraints of the area in which it would be located. Furthermore, because of the extent of Waddeton Park Ltd's land interests, there is the potential for any development to the south of London Road to help address any unmet need for SANGS resulting from other housing developments in the West End, which would be a significant public benefit.

However, under the current approach, this area of the West End has not been considered for housing development – sites that has been put forward in this part of the district have not been assessed as part of the Local Plan allocation process because EDDC has taken the view that this area falls outside of the remit of the East Devon Local Plan. Given the Plan's overall objective of maximising growth opportunities in the West End, a blanket refusal to consider possible growth around Cranbrook is arbitrary and inevitably pushes development pressures to other less sustainable locations. It is unsound to ignore the opportunity to bring forward growth on our client's land (or other possible locations) in the immediate vicinity of Cranbrook, which can be delivered without harming the strategic objectives of the Local Plan, just because there is a separate DPD.

It is notable that as part of the preparation of the Cranbrook Plan DPD the Council has itself previously seriously considered the merits of allocating land to the south of London Road, in the area of our client's land, for housing development. For example, as far back as 2016, the Issues and Options draft of the Cranbrook Plan DPD indicated that such growth could be possible in two of four options presented, and noted that there were a number of advantages to this approach. Furthermore, as part of the decision making on planning applications for a larger scheme on the land to the south of London Road (15/0371/MOUT and 15/1825/MOUT) EDDC's own landscape officer consultant concluded in his assessment that *"a more limited road frontage development, as indicated on figure 1, could be acceptable, as it will have a more limited impact on the character of the local landscape and would be visually much better contained. It would be more in keeping with the development form seen along this part of the London Road."* The Figure 1 referred to is included with these representations.

The previous consideration that has been given to development in this area must reflect the merits of this approach.

2. The strategy for housing delivery is too heavily reliant on the timely delivery of a new settlement.

The strategy for development at the West End is too heavily reliant on the proposed new settlement for housing delivery early in the Local Plan period. There is real uncertainty on the delivery of this settlement and on the timing of delivery – there is still a lot of work that needs to be done to understand whether it is feasible for the new settlement to deliver 8,000 new homes on the land that has been earmarked and it is recognised widely that there will be significant challenges due to the number of different land ownerships, the topography of the land, highways constraints etc.

Whilst it is sensible to forward a second new community in the location proposed, we would suggest that there is a lot of merit in making provision for bringing forward some additional land adjacent to Cranbrook, which is capable of early delivery. It is noted that in addition to the 8,000 homes proposed for the new community, Strategic Policy WS01: *Development of a Second New Community East of Exeter* sets out that at least an additional 2,000 new homes will need to be accommodated here after 2042 – the policy acknowledges that how this might be delivered will need to be determined through further work. Whilst it makes sense to maximise opportunities at the new community, if there is a need for an additional 2,000 homes to be provided that is not being met in the 2020 to 2042 Local Plan then the Council should be looking at other sites now.

A far more sensible, and safer, strategy would be to plan to bring forward more housing in the West End of the District, to the south of London Road, next to Cranbrook, early in the plan period. Adopting this strategy would help to boost housing supply and relieve early pressures on the new settlement when there is still a lot of uncertainty over its deliverability.

In light of the significant concerns outlined about, the approach to allocating sites for development in the West End of the district requires further detailed consideration and, as drafted currently, this part of the Local Plan is not sound. Land to the South of London Road should be included in the Local Plan as an allocated for housing development in the West End.

Strategic Policy WS09: Clyst Valley Regional Park

The draft East Devon Local Plan 2020 – 2042 provides for the expansion of the existing CVRP. The additional land to be allocated is shown on the draft Local Plan Policies Map.

Strategic Policy WS09 sets out the requirements for development proposals within and adjacent to the expanded CVRP. As drafted currently, the policy dictates that any schemes that do not contribute

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to the objectives for the CVRP, or which would frustrate their implementation, will be refused planning permission.

It is recognised that there is some justification for the delivery of a regional park to support strategic growth in the West End of the district that is proposed in other parts of the Local Plan. However, the extent of the allocation as drafted currently is inappropriate and unjustified, for the reasons set out below. Ultimately, there has been a lack of consultation with affected landowners and the proposed expansion is not based on objective evidence or detailed analysis.

Parts of our client's land to the south of London Road have been included within the boundary for the proposed extension to the CVRP. Our client OBJECTS to this inclusion and the Local Plan Policies Map in its current form. The decision to include this land within the boundary is not justified as this approach is not based on solid evidence, nor is it the most appropriate strategy to meet the objectives of the CVRP area. First and foremost, it must be noted that there is no public access to this land at present, nor would any be permitted, so key objectives of the CVRP would not be met by designating this land.

A CVRP boundary assessment was undertaken by EDDC early in 2024. Our clients' land makes up a small part of expansion area G2 – Rockbeare and Rockbeare Manor. Area G2 covers a very large area, which stretches from the London Road in the north west all the way down to the A30. As part of the assessment, officers identified this area as 'Green' i.e. *"the area significantly contributes to, or has potential to significantly contribute to, the achievement of the objectives within this criteria."*

Officers' reasoning for including this area in the CVRP designation appears to be due to the extensive Registered Historic Park and Garden surrounding Rockbeare House (Listed Building) and remnant historic parkland at The Grange, which fall within this area, and the area's rural character. No particular reason is given for including the land immediately to the south of London Road, which has no heritage value and is viewed very much in the context of the Cranbrook new town – the inclusion of the two small areas of land has not been justified and is not based on solid evidence. As a result, Strategic Policy WS09 and the Local Plan Policies Map as drafted are not considered to be sound. If the CVRP boundary remains as shown on the draft Policies Map, the application of Strategic Policy WS09, which requires all development proposals within the CVRP to integrate green infrastructure and contribute to the objectives of the CVRP Management Plan, could prevent development coming forward in the immediately vicinity of Cranbrook, in a very sustainable location, which could otherwise be delivered without harming the strategic objectives of the Local Plan.

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It is clear from a review of representations made to the Regulation 18 draft of the Local Plan that objections were made to the expansion of the CVRP relating to the inclusion of freehold owned land and the lack of objective evidence and assessment to inform the additional areas to be included.

Subsequently, when EDDC consulted on a further draft of the Local Plan (May- June 2024) requests were made by third parties for clarity and better consultation on the proposed expansion, which EDDC has not adhered to. Complaints were also made by third parties about the lack of clear information about the proposals and lack of direct contact with affected property owners. These concerns remain valid and have still not been resolved.

For all the reasons set out above, the strategy for the CVRP is not sound and the boundary needs to be amended to exclude land that immediately adjoins London Road (to the south) so that its potential to provide development in a very sustainable location can be realised.

CHAPTER 8: MEETING HOUSING NEEDS

Strategic Policy HN02: Affordable Housing

Strategic Policy HN02 sets out the Council's proposed approach to the provision of affordable housing as part of new development. In summary, it proposes that affordable housing be provided on housing schemes of six or more dwellings. The amount of affordable housing to be sought is to vary according to the location. For most sites within the West End area, the policy seeks 35% affordable housing.

Waddeton Park Ltd OBJECTS to Policy HN02 and considers that it is unsound. In formulating the policy, and identifying the levels of affordable housing needed, the Council has relied on the evidence provided by the *East Devon Local Housing Need Assessment (LHNA) (2022)*. Much of the analysis used in the LHNA is based on data which is now quite old, being largely from 2020 or 2021. It is, therefore, unlikely to take account of the substantial changes which have affected the housing market in the last five years including post pandemic effects and other economic shocks and which collectively have substantially increased borrowing and construction costs. It is well recognised that these impacts, along with much the increased technical requirements (notably in relation to, for example, biodiversity net gain and flood risk) and significant delays in the planning process have had direct effects on the viability of housing schemes. The cost of undertaking housing development is unquestionably higher than it was when the information used to inform the LHNA was being drawn up.

Our client recognises the wider social imperative of delivering affordable housing and that this is an issue of particular importance in East Devon. However, it is important to ensure that housing development is viable and able to come forward as this will also ensure the delivery of the affordable housing which will be provided as part of such development. Given ongoing viability issues, we would suggest that requiring 35% for development within the West End part of the district is not justified. A lower level is likely to be more appropriate in order that housing can come forward in a viable manner.

There is a clear track record in the West End of it being very difficult and unusual for housing developments to be able to deliver 35% affordable housing, which demonstrates that this is an unattainable level to seek. A far more realistic proposition would be to seek a lower percentage. We would suggest that the West End affordable housing requirement be brought into line with the policy's approach for the other parts of East Devon i.e. that 30% affordable housing be sought for schemes in the West End. A district wide approach will also remove any ambiguity about which policy level should be applied between different locations. The 'West End' is not a clearly defined location and this introduces an element of unhelpful ambiguity to the policy which needs to be addressed and a single,

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lower policy requirement would address this. Such a change in approach is likely to be needed to make Policy HN02 more effective and justified and to allow developments to come forward whilst still delivering a good level of affordable housing, which is essential to increase the supply.

CHAPTER 12. OUR OUTSTANDING LANDSCAPE

Policy OL05: Green Wedges

The Local Plan Policies Map identifies a number of Green Wedges in the district. Policy OL05: Green Wedges provides the policy for these designated areas.

Paragraph 12.16 of the supporting text to the policy explains that Green Wedges are a long-standing local landscape designation, in place to maintain open green networks between settlements to prevent coalescence and preserve local identity. New buildings are not prohibited in such areas, but are restricted to ensure the openness, role, and function of these landscapes are not adversely affected.

Land to the south of London Road, next to Cranbrook, is shown on the Local Plan Policies Map as lying within the Green Wedge between Cranbrook and Rockbeare.

Firstly, it is our view that the northern part of the Rockbeare to Cranbrook Green Wedge land i.e. that is approximately in the area of our client's land – should not be designated as Green Wedge. It is our view that the land, by virtue of its context, being alongside the Cranbrook built up area boundary, does not meet the requirements for Green Wedge designations. In coming to this conclusion, we note EDDC's own landscape officer's views to this effect when assessing planning applications 15/0371/MOUT and 15/1825/MOUT (for a larger scheme on land to the south of London Road), which were that *"a more limited road frontage development, as indicated on figure 1, could be acceptable, as it will have a more limited impact on the character of the local landscape and would be visually much better contained. It would be more in keeping with the development form seen along this part of the London Road."* A copy of the landscape officer's response with the Figure 1 referred to is included with these representations.

It is also very notable that as part of the preparation of the Cranbrook Plan DPD, the Council itself, when considering the potential for development along the southern side of London Road close to Rockbeare, concluded in the DPD Issues and Options Report (2016) that development north of Rockbeare is not visible as the village is protected by the sharp ridgeline that runs through the landscape at this point. The report also states that it is an option for some limited development to the south side of London Road that would not encroach on the setting of Rockbeare village to be considered for the longer term development of the town.

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A key evidence document for the Cranbrook Plan DPD was the Landscape and Visual Appraisal Consultation Draft, produced by Hankinson Duckett Associates in November 2017. This report is a detailed assessment of the landscape in the area local to Cranbrook. The report concludes that beyond the hills to the north (of Rockbeare), the village has a low sensitivity to additional development.

It is clear from an extensive review of documentation that there has been a consistent message from the Council and its professional advisors that there is scope for some limited development to the south of London Road, without undermining the function and purpose of the Green Wedge. Given the wider growth requirements established in the draft Local Plan and in national policy, it is vital that the designation of land as Green Wedge is undertaken very carefully so as to ensure that any designation does not sterilise development opportunities which might otherwise apply to the land.

The best strategy to meet the ambitious housing delivery objectives for the district would be to allow some careful loss in certain locations. In relation to the Rockbeare and Cranbrook Green Wedge, we suggest that our client's land to the south of London Road should not be designated.

There is clearly a balance to be struck between designating land which truly meets Green Wedge purposes and not prohibiting low value land, which does not have the same degree of importance in relation to Green Wedge purposes, from being developed. We note that the Council has taken this pragmatic approach in other areas of East Devon; at Seaton, for example, where sites Seat_02, Seat - 03 and Seat_13a were released from the Green Wedge designation in order that they could be allocated for housing. It is our client's firm view, supported by previous analysis from the Council's own landscape officer, that their land at London Road is not needed to serve as Green Wedge. In light of this, the land should be removed from the Rockbeare and Cranbrook Green Wedge boundary so that its potential to provide development in a very sustainable location can be realised.

Finally, it is noted that there is no definition of the word 'intrinsic' in the context of draft Policy OL05. This is an addition to the current policy wording (Strategy 8) and must, therefore, either be defined so that it is clear what the implications of this insertion are, or removed.

CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY

Policy PB05: Biodiversity Net Gain

Strategic Policy PB05 requires that 20% biodiversity net gain (BNG) should be provided as part of all forms of major development. Where this level of provision is unviable, clear evidence to this effect needs to be provided. Any off-site provision should be provided in the immediate locality of the proposed development.

The policy also stipulates that any development which is currently exempt from BNG will still be required to provide an ecological enhancement, commensurate to the scale of development involved.

The requirement to provide 20% BNG is extremely onerous and the Waddeton Park Ltd OBJECTS to the policy as currently worded. Experience of the current, nationally mandated requirement to provide 10% BNG already demonstrates how difficult the process of delivering BNG is, with very high levels of bureaucracy and delay associated with the process. Doubling this requirement to 20% is only likely to add to the complexity and degree of difficulty with achieving the required level of BNG and to act as a particular disincentive to the delivery of much needed development. It is also considered that the additional requirement; to compel currently exempt forms of development to also provide a level of BNG is also unreasonable and will add to an already complex process especially given the ambiguity regarding the degree of enhancement required in such circumstances.

Waddeton Park Ltd considers that this policy has not been positively prepared, is not justified and given the uncertainties surrounding the BNG process and is not effective. Seeking as it does to double the current national requirement, we would also suggest that the policy is not consistent with national policy. BNG is already required to be delivered as a result of national legislation. Given that this requirement will remain and within the context of the concerns outlined above, we would suggest that this policy is unnecessary, unsound and should therefore be deleted.