



**LRM**  
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LIMITED

**EAST DEVON LOCAL PLAN REVIEW  
REGULATION 18 CONSULTATION - DRAFT**

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## Report Control

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# 1 Introduction

- 1.1 This representation to the East Devon Local Plan Review Consultation (Regulation 18) is submitted on behalf of Barratt David Wilson (hereafter BDW) regarding land at Meeting Lane, Lypstone, that forms a substantive part of East Devon District Council's (hereafter the Council) favoured allocation for the settlement.
- 1.2 BDW is the nation's leading house builder, creating great new places to live throughout Britain. Their business is acquiring land, obtaining planning consents and building the highest quality homes in places people aspire to live, they have close links with Central Government, NHBC, the RTPI and the HBF.
- 1.3 BDW has a national footprint, delivering new homes throughout Britain. They operate through 6 regions and 27 operating divisions and are committed to creating Great Places through acquiring the best land in the most desirable locations where people want to live. They build both private and affordable housing and in their last financial year delivered 17,243 new homes. They have a number of national accolades and are the only major national housebuilder to retain a 5 Star rating for the thirteenth consecutive year and all of their developments must meet the Building for Life 12 design standards.
- 1.4 In the first instance, BDW welcomes the Council's confirmation that this site forms part of their favoured allocation for Lypstone. Accordingly should BDW obtain a legal interest in the site they intend to prepare more detailed proposals for the site that will be presented to the Council in due course and they confirm that it would be their intention to deliver these dwellings in the early years of the emerging Local Plan. Accordingly, BDW fully support the inclusion of Land at Meeting Road, Lypstone (GH/ED/72) as a preferred allocation under Policy 25 and anticipate submitting a planning application in order to coincide with the timings of the Plan.
- 1.5 In this regard, the Council can rely upon the proven track record of BDW in delivering new homes in East Devon to ensure that the site and the remaining part of the allocation will be delivered accordingly.
- 1.6 Given the above, it follows that BDW are pleased to see the emerging Local Plan progress to the Regulation 18 stage and are generally supportive of its content.
- 1.7 It is in this context that BDW make these representations to the latest Regulation 18 consultation. Given their interest, these representations support the continued identification of an appropriate level of growth for, in the context where the National Planning Policy Framework (July 2021) ("**NPPF**") requires: (1) as a minimum, the objectively assessed level of housing and other uses, as well as any needs that cannot be met within neighbouring authorities to be provided; and (2) local Plans to promote a sustainable pattern of development.
- 1.8 Whilst these representations are largely supportive, they do draw attention to a number of areas that we believe additional consideration may be required in order to ensure that the submission version of the Plan is sound. For instance:
  - further consideration may be required in respect of the Plan period which may need to be extended;
  - the level of housing required is likely to be higher than envisaged; and



- the Draft Policies as currently worded present a potential burden to development and should be reconsidered to improve flexibility, viability and deliverability of development over the Plan period.

1.9 These representations therefore focus on:

- Planning policy context;
- The Plan period and the timetable for its preparation;
- The emerging Local Plan's proposed Vision and Strategic Objectives;
- The emerging spatial strategy;
- The objectively assessed level of housing;
- Housing supply; and
- Development Management Policies.



## 2 The Policy Context

- 2.1 The following Section of the representation provides a summary of the policy context that will inform the emerging East Devon Local Plan.

### National Planning Policy Framework

- 2.2 The NPPF (2021) establishes the Government’s planning policies for England and how they are to be applied. It provides a framework within which locally prepared Plans can be produced (para. 1). Para. 4 confirms that it should be read in conjunction with the Government’s planning policy for waste.
- 2.3 Para. 15 of the NPPF states that the planning system should be genuinely Plan-led. Succinct and up-to-date Plans should provide a positive vision for the future of each area; a framework for addressing economic, social and environmental priorities and a platform for local people to shape their surroundings.
- 2.4 Plans should:
- be prepared with the objective of contributing to sustainable development;
  - be positively prepared, but deliverable; be shaped by effective engagement;
  - contain policies that are clearly written and unambiguous;
  - be accessible through the use of digital tools; and
  - serve a clear purpose (para. 16).
- 2.5 Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to the long-term requirements for infrastructure (para. 22). They should also provide a clear strategy for bringing forward sufficient land, at a sufficient rate, to address the objectively assessed needs of the area over the Plan period, in line with the presumption in favour of sustainable development. This should include planning for, and allocating a sufficient number of sites, to deliver the strategic priorities of the area (para. 23).
- 2.6 Para. 11 states that Plans and decisions should apply the presumption in favour of sustainable development. For Plan making this means promoting a sustainable pattern of development that seeks to: (1) meet the development needs of the area; (2) align growth and infrastructure; (3) improve the environment; and (4) mitigate climate change and adapt to its effects. As a minimum, (our emphasis) strategic policies should provide for the objectively assessed needs of the area, as well as any needs that cannot be met within neighbouring areas, unless:
- i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the Plan area; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework.
- 2.7 Para. 24 confirms that Local Planning Authorities and county councils have a duty to cooperate with each other on strategic matters that cross administrative boundaries. Effective and on-going collaborative working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy (para. 26).



- 2.8 The preparation and review of Policies should be underpinned by relevant and up-to-date evidence (para. 31). Local Plans should also be informed throughout their preparation by a Sustainability Appraisal that meets the relevant legal requirements. It should demonstrate how the Plan has addressed relevant economic, social and environmental objectives (para. 32).
- 2.9 Local Plans will be examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound (para. 35). Plans are sound if they are:
- a) **Positively prepared** – provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs and is informed by agreements with other authorities;
  - b) **Justified** – provide an appropriate strategy, taking into account other reasonable alternatives, based on proportionate evidence;
  - c) **Effective** – deliverable over the Plan period and based on effective joint working on cross-boundary strategic matters; and
  - d) **Consistent with national policy** – enable the delivery of sustainable development in accordance with policies within the NPPF.

## Summary

- 2.10 As indicated at para. 2 of the NPPF, the Local Planning Authority must, when preparing the emerging Local Plan Review, take the content of the NPPF into account. The existing Development Plan also provides important context that is material to the formation of the emerging Local Plan. Our representations are based on these key requirements for the Plan.



### 3 The Plan Period and the Length of Time for Its Preparation

- 3.1 As set out in national planning policy, strategic policies should look ahead over a minimum 15-year period from the date of the adoption of the Local Plan<sup>1</sup>. In addition, planning law requires the preparation of a Local Development Scheme, which must specify the development Plan documents that, once prepared, will comprise the development Plan for the area<sup>2</sup>. The same section of the 2004 Planning Act requires Local Planning Authorities to provide a timetable for the preparation and revision of development Plan documents and for Local Planning Authorities to provide up-to-date information showing the “*state of the authority’s compliance (or non-compliance) with the timetable...*”
- 3.2 For East Devon, the latest Local Development Scheme was adopted in April 2022. Para. 4.1 of the document shows the following stages of preparation for the emerging Local Plan Review:

**Table 1 – Local Plan Preparation Timetable as Published in the Local Development Scheme (April 2022)**

Plan-Making Stage	Date
Draft Plan	Autumn 2022
Publication Plan	Autumn 2023
Submission	Early 2024
Inspector’s Hearings	2024
Adoption	2025

- 3.3 This timeframe corresponds to that set out in para. 1.3 of the Regulation 18 consultation version of the emerging Local Plan.
- 3.4 Para. 1.4 of the emerging Local Plan confirms that it is the Local Planning Authority’s intention that the Plan will cover the period from April 2020 to the 31<sup>st</sup> March 2040. This would mean that to ensure compliance with para. 22 of the NPPF, there would be a need for the Local Plan to be adopted before 31<sup>st</sup> March 2025.
- 3.5 Working backwards, this would mean that over the 15 month period between the submission of the Local Plan and its proposed adoption, the following likely stages of Plan preparation would be required:
- The appointment of the Inspector and the Programme Officer by the Planning Inspectorate;
  - The scheduling of the Hearing Sessions;
  - The preparation of Hearing Statements;

<sup>1</sup> Para. 22 of the NPPF.

<sup>2</sup> Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).





- The Hearing Sessions;
- Proposed Main Modifications (likely to be required), with supporting technical information;
- Publication of the Inspector's Report;
- Plan recommended to Strategic Planning Committee for Adoption; and
- Plan adopted by Full Council.

3.6 It is considered highly ambitious for the stages of work listed above to be undertaken in the 15 month period allowed for in the Local Development Scheme.

3.7 The most obvious benchmark is the recently adopted Cranbrook Plan. In that case, the Local Planning Authority submitted the Plan to the Secretary of State for Examination on 2<sup>nd</sup> August 2019. The Hearing Sessions, which were divided into two stages, commenced on 21<sup>st</sup> January 2020 and ended on 20<sup>th</sup> November 2020<sup>3</sup>. A further consultation concerning viability was undertaken in July and August 2021, with the Proposed Main Modifications published in January 2022. The Inspector's Report was published in August 2022, with the Development Plan Document being adopted on 14<sup>th</sup> September 2022. Consequently, it took over three years from the Submission of the Cranbrook Plan to its adoption. Even allowing for the delays resulting from the Covid-19 pandemic, the period from the Submission of the Plan took significantly longer than the timeframe that had been allowed by the Local Development Scheme.

3.8 Consequently, to ensure that the Plan is **consistent with national planning policy** and is therefore a sound proposition, the Local Planning Authority must ensure that the Plan period covers a 15 year period from the date of adoption. This is likely to require, for the reasons set out above, the Plan period to be extended by a further year and most probably two years (i.e. to 2042).

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<sup>3</sup> It is acknowledged that the Hearing Sessions were adversely affected by the Covid-19 pandemic.



## 4 Vision and Strategic Objectives

### Issues and Opportunities

- 4.1 Para. 15 of the NPPF establishes that local plans should provide a positive vision for the future of each area, as well as a framework for addressing needs and the economic, social and environmental priorities of, in this case, East Devon.
- 4.2 As set out at para. 16 of the NPPF, Local Plans are required to be positively prepared, in a manner that is aspirational, but deliverable. This is reiterated by the Planning Advisory Service (PAS<sup>4</sup>), who also outline that it should set out the intended character of the Plan area at the end of the plan period, based upon existing 'directions of travel', which could include current trends from key data sources. Objectives should flow from the Vision, identifying how the area's priorities will be addressed.
- 4.3 The PAS also states that the Vision and Objectives should be based on a firm understanding of the area, which can be derived from a number of sources, including community consultation, past plans and sustainability work. Moreover, engagement with neighbouring authorities under the duty to co-operate, particularly on matters that are of mutual importance, should also help to shape the Plan<sup>5</sup>.
- 4.4 Some contextual information is provided at Figure 1 of the consultation version of the Plan. This work provides a number of key facts associated with East Devon. However, a significant number of the facts provided relate to current data sources, such as the current resident population, the number of existing homes and the existing number of residents that are aged over 65. The assessment work does not provide any analysis on the 'directions of travel' referred to in the PAS guidance. It will be difficult for the Local Planning Authority to form a positive vision for the future of East Devon in the period up to 2040 and potentially beyond, without a clear understanding of the likely characteristics of the area over that duration.
- 4.5 Given the above, there is a clear necessity for the Local Planning Authority to supplement the information provided at Figure 1 of the Regulation 18 version of the Local Plan. Future versions of the Plan should provide contextual information in relation to:
- Population growth forecasts over the Plan period;
  - Whether certain demographic sectors of the community are forecast to grow in the period up to 2040 (i.e. the number of residents aged 65 plus);
  - Levels of household growth for different sectors of the community over the Plan period;
  - Existing levels of employment within East Devon and future employment growth forecasts;
  - The contribution that East Devon makes to the sub-regional and regional economy and how this will compare at 2040;
  - The employment sectors that are forecast to grow and shrink in size and how East Devon can respond to the current recession and economic uncertainty and cost of living crisis;
  - The locations where residents, services, facilities and employment opportunities are located;
  - Key sustainable transport routes, corridors and other opportunities within East Devon; and

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<sup>4</sup> Para. 1.1 'Good Plan Making Guide'.

<sup>5</sup> Para. 1.2 'Good Plan Making Guide'.



- Information related to carbon dioxide emissions for the Local Authority area.

4.6 The key themes that would result from this contextual analysis could then be used to inform a positive, but deliverable, geographically specific, long-term vision for the area.

## The Vision

4.7 As stated at para. 2.2 of the consultation version of the Local Plan, the emerging Vision is based upon work contained in the adopted Council Plan. However, the latest Council Plan only covers the period 2021-23. Therefore the document will be well on its way to being out-of-date by the time the consultation on the Regulation 18 version of the Local Plan finishes. Indeed, given the economic and cost of living crisis faced in 2022, it is most likely out of date already but will certainly be out-of-date by the time of the adoption of the Plan, which as outlined in the previous Section of these representations, is envisaged in 2025. Consequently, the Vision contained within the emerging Plan falls short of the national planning policy requirement to provide a positive vision for the **future** of the area.

4.8 Guidance from the PAS suggests that when developing a Vision for a Local Plan over such a timeframe, it should respond to the following considerations:

- A direction of travel as to how the Plan area will evolve;
- The general location of where development will take place and where it will not;
- What the nature of development activity should be in key parts of the Plan area;
- How levels and types of development will be accommodated, both within the short and longer term, in specific areas and in the most sustainable way;
- Reference to the wider context of the Plan area, introducing the connect of co-operation with neighbouring authorities.

4.9 Consequently, future iterations of the Local Plan should develop a geographically specific vision for East Devon that flows from contextual analysis and its conclusions regarding the District's strengths, weaknesses, opportunities and threats. In this way a positive vision can be developed which provides a clear understanding of the role the Local Plan will have in responding to the area's issues and threats, whilst capitalising on its strengths and opportunities.

4.10 In this regard we are strongly of the view that the Vision should reflect the future sustainability and needs of all communities and residents across the District. In recognising the locational and sustainability benefits of locating growth at existing settlements as well as at the western side of the District, this is an approach that the Plan seeks to adopt and as such we believe that it is important to reflect this in the Vision.

## Strategic Objectives

4.11 The following Section provides BDW's comments on the emerging East Devon Local Plan's strategic objectives, which should be used to help to facilitate the achievement of the aspirational, but deliverable, geographically specific, long-term vision for the area.

### Tackling the Climate Emergency

4.12 Whilst BDW acknowledge that there is an urgent need to tackle the climate emergency, they are concerned that Strategic Objective 2 seeks to ensure that ***"all new development moves the district towards delivering net-zero carbon emissions by 2040 and that we adapt to the impacts of climate change."***



- 4.13 Whilst concerns relating to net zero carbon are considered in more detail elsewhere within these representations, BDW are concerned that as written, the proposed Strategic Objective is ambiguous and does not clearly articulate the role new development will have in moving the District towards net-zero carbon by 2040.
- 4.14 Any proposed Strategic Objectives and proposed planning policy should reflect the existing legislative framework and national planning policy and guidance. In relation to climate change, Section 1 of the Climate change Act 2008 (as amended), requires the Government to ensure that the net UK carbon account for 2050 is at least 100% lower than the baseline for carbon and related emissions experienced in 1990. Moreover, national planning policy and guidance, establishes that Local Plans should only set performance standards for new housing or the adaptation of buildings to provide dwellings up to the equivalent of Level 4 of the Code for Sustainable Homes.
- 4.15 As demonstrated by the Plan's evidence base, the key method of reducing carbon and other greenhouse emissions concerns the location of development. In this regard, the identification of development at sustainable locations including existing settlements with a demonstrated need and appropriate facilities (including for example a train station) will be key.

### **Meeting Future Housing Needs**

- 4.16 The proposed Strategic Objective 3 seeks to provide high-quality homes to meet people's needs. This Strategic Objective is unobjectionable and supported by BDW.
- 4.17 As outlined in para.11 of the NPPF, there is a requirement for the Local Plan Review to provide, as a minimum, the objectively assessed level of housing, which for East Devon is currently 946 dwellings per annum. This is explored in greater detail in Section 6 of these representations.
- 4.18 Moreover, the Plan is also required by para. 62 of the NPPF to provide for the size, type and tenure of housing need by different groups of the community, including, but not limited to, those requiring affordable housing, families with children, older people, students, people with disabilities, services families, travellers, people who wish to rent their homes, and people wishing to commission or build their own homes.
- 4.19 Given the current economic circumstances and cost of living crisis it will be imperative to ensure that the planning system seeks to facilitate growth, investment and meet needs.

### **Supporting Jobs and the Economy**

- 4.20 The fourth Strategic Objective concerns providing support for business investment and job creation, whilst also ensuring that East Devon's economy is resilient.
- 4.21 Again, BDW find this emerging Strategic Objective to be unobjectionable. It broadly reflects national planning policy provided at para. 81 of the NPPF and is, to some degree, addressed in the Plan's Vision.
- 4.22 However, to give effect to this Strategic Objective and in turn to deliver the Plan's Vision, there will be a need for the Plan to provide for the objectively assessed need for employment land. Para. 81 of the NPPF confirms that 'significant weight' should be placed on the need to support economic growth and productivity.

### **Promoting Vibrant Town Centres**

- 4.23 BDW are supportive of the fifth Objective to promote vibrant town centres. This is inherently



linked to the spatial strategy and the need to ensure that proportionate growth is accommodated in all settlements. Indeed, by meeting local needs and providing new homes and jobs in suitable settlements, there is an opportunity to provide additional support to existing local and town centres by enabling more people to live and shop locally. This will assist with their long term survival given the challenges that all local businesses face.

### **Designing Beautiful and Healthy Spaces and Buildings**

- 4.24 The sixth proposed Strategic Objective concerns promoting high-quality and beautiful development that is constructed to meet 21<sup>st</sup> century needs and contains healthy spaces. Other than for residential development, which is already included within Strategic Objective 3, the vision does not provide any commentary relating to the need to ensure other forms of development are of a high-quality. This should be reflected in future versions of the Plan's Vision.
- 4.25 It is also noted that in terms of the creation of healthy spaces and buildings, there is some overlap between this proposed Strategic Objective and Strategic Objective 1 (Design for Health and Wellbeing). Operating as solely a design related Strategic Objective, it would provide a strong fit with Section 12 of the NPPF.

### **Our Outstanding Built Heritage**

- 4.26 Draft Strategic Objective 7 concerns the need to conserve and enhance the District's built heritage. This Strategic Objective accords with the legislative framework provided by the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF. It is therefore unobjectionable.
- 4.27 Notwithstanding the above, we note that the Plan's proposed Vision does not consider built heritage, focusing only on the natural environment. This should be remedied in future versions of the Local Plan.

### **Our Outstanding Natural Environment**

- 4.28 Strategic Objective 8 of the emerging Local Plan seeks to protect and enhance the District's outstanding natural environment and to increase biodiversity. This Strategic Objective is unobjectionable and forms part of the Plan's emerging vision.
- 4.29 As indicated in Sections 5 and 7 of these representations, the spatial strategy, which seeks to promote strategic levels of development in locations away from the most environmentally sensitive areas of the District, provides a robust policy response to this Strategic Objective and in turn the Plan's vision. This includes locating development away from two Areas of Outstanding Natural Beauty and principally in the western areas of the District, followed by the towns and then the villages.
- 4.30 Notwithstanding the above, whilst BDW support the aspiration of delivering a net gain in biodiversity from new development, they are concerned with the implications of the levels sought by in the Local Plan Review (20%), which is a 100% increase on the minimum level of biodiversity net gain sought through the Environment Act. The more detailed response provided at Section 8 of these representations highlights a number of concerns with the approach being adopted, including it potentially requiring additional land than would otherwise have been required to facilitate the objectively assessed development requirements and its impact on viability.

### **Promoting Sustainable Transport**

- 4.31 Strategic Objective 9 concerns ensuring that walking, cycling and public transport provision are



prioritised as modes of transportation, whilst also ensuring that there is provision for electric vehicle charging infrastructure.

- 4.32 BDW support this Strategic Objective as a matter of principle, which whilst not only providing health benefits for the District's residents, will also reduce greenhouse gas emissions associated with journeys that would otherwise would have been made in private fossil fuel powered vehicles.
- 4.33 However, to ensure that this Strategic Objective is a deliverable proposition, there will be the need for a package of policy responses. Key to this will be the Plan's spatial strategy, which should focus development close to existing and proposed services, facilities and employment opportunities and existing or proposed locations with strong sustainable transport opportunities. Such an approach would limit the need to travel, whilst offering a genuine choice of transport modes.
- 4.34 For East Devon, successive planning strategies have found that the most sustainable distribution of development, which would place residential development close to strategically important employment locations, services and facilities, is the western portion of East Devon and the sustainable settlements. Indeed, this has been demonstrated through the Sustainability Assessment work undertaken in support of this consultation version of the Local Plan, which concludes at page 109 of the document, that Option C, which would result in a strategy that would focus strategic development on the western side of the District, including settlements such as Lymstone, was the most appropriate of the four options assessed. This is because the strategy would amongst other things promote "**development at existing settlements where there is a range of jobs, services, and facilities**".
- 4.35 Such an approach would provide a strong fit with para. 105 of the NPPF. This section of the Framework confirms that there are a number of benefits associated with such a strategy, which mirror those included within Exeter University's 'Low Carbon and Climate Change Evidence Base for the Greater Exeter Strategic Plan' Report (February 2020).

### Supporting Sustainable and Thriving Villages

- 4.36 BDW strongly support the need to ensure appropriate growth is provided for at existing sustainable settlements. Whilst it is recognised that the western side forms the focus for growth, it is considered that this should not be at the expense of meeting local needs associated with existing places, indeed, this will enhance facilities and resources and ensure more sustainable patterns of growth by minimising the need to travel. This will ultimately play an important role in achieving a number of the Strategic Objectives set out including meeting housing needs, promoting vibrant town centres and sustainable economic growth.

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<sup>6</sup> Page 109, East Devon Local Plan Preferred Options Consultation Draft Sustainability Appraisal Report, November 2022.



## 5 The Spatial Strategy and the Distribution of Development

- 5.1 The following Section of this representation considers the proposed spatial strategy and the distribution of development proposed within the consultation version of the Local Plan.

### The Spatial Strategy

- 5.2 The Local Plan Review's proposed spatial strategy is set out within Strategic Policy 1 and its supporting text. The strategy seeks to direct new development to the most sustainable locations within the District. The policy indicates that development will be focused at the western side of the District in the first instance. Significant development is then planned at the Principal Settlement of Exmouth and the five other Main Centres, with development that meets local needs being supported at five Local Centres. Limited development to meet local needs is proposed at 23 Service Villages.
- 5.3 BDW support a strategy approach which focuses growth in the western parts of East Devon, therefore ensuring that new homes are provided in close proximity to the services, facilities, employment opportunities and infrastructure provided within Exeter City Centre. However, in ensuring that the strategy recognises the needs of existing communities, they support the identification of five Local Centres including Lypstone that are suitable to accommodate an appropriate level of growth.
- 5.4 The proposed strategy recognises that development should be located in sustainable locations which helps to reduce congestion and emissions. In this regard, BDW welcome and fully support the approach towards identification of sustainable settlements where growth could be accommodated. As we have noted in previous representations there are settlements, including Lypstone, that provide a range of facilities and services that have not seen a proportionate level of growth to meet the needs of communities. It is entirely appropriate that such settlements accommodate a level of growth that is proportionate to their needs and level of sustainability.
- 5.5 NPPF (Paragraph 77 to 79) is clear that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Planning Practice Guidance (PPG) (Paragraph: 001 Reference ID: 50-001-20160519) also confirms that particular issues facing rural areas in terms of housing supply and affordability need to be recognised, along with the role of housing in supporting the broader sustainability of villages and smaller settlements.
- 5.6 National planning policy requires Council's to use Local Plans to "*identify opportunities for villages to grow and thrive, especially where this will support local services*". As a sustainable location it is appropriate that Lypstone, on account of the services provided (including train station, bus service, primary school shop, post office and play facilities), is identified as a local centre where suitable growth is located.
- 5.7 Further, we note that none of the other Local Centres identified except Lypstone benefit from a train station. Such a facility makes the settlement very sustainable given the potential links to Exeter and Exmouth, as such BDW strongly believe that the level of development proposed there should be a minimum as development can help enhance existing facilities and aid investment in new opportunities.



### Sustainability Appraisal

- 5.8 The Sustainability Appraisal published alongside the consultation version of the Local Plan continues to suggest that the spatial strategy adopted by the emerging Plan is the most appropriate. Page 109 of the Sustainability Appraisal confirms that Option C, which is the strategy contained within the emerging Local Plan is:

*“...preferred as it promotes development at existing settlements where there is a range of jobs, services, and facilities;”*

- 5.9 BDW consider that this is a robust finding and support the need for development to be identified at existing settlements where there is a range of jobs, services and facilities (including train stations)

### The Distribution of Development

- 5.10 In broad terms the identification of a hierarchy of settlements that form the basis for growth is supported by BDW. It is considered vital that the needs of individual settlements are met alongside strategic releases of land.
- 5.11 The proposed distribution of development also seeks to address some of the concerns raised by the Adopted Local Plan Inspector, who raised concerns about the quantum of development being proposed for the remainder of the District (ie outside of the Western Side). The Principal and Main Centres (30.1%) and specifically Exmouth have a higher proportion of development, which will help meet their needs and those of the wider hinterland to which they serve. Similarly, a greater focus of development is also proposed for the Local Centres, the Service Villages and the Countryside (15.4%). This approach is considered to be sustainable and is supported by BDW.
- 5.12 In overall terms and excluding windfall provision, the emerging Plan proposes 8,276 dwellings in the areas of the District that are located outside of the western side of East Devon. This equates to an annual average delivery rate of 414 dwellings per annum. This is a rate of delivery that has been achieved in this part of East Devon for seven out of the previous nine monitoring years. Consequently, it is a **deliverable** and therefore an **effective** proposition.
- 5.13 BDW note that of the five local centres identified, Lympstone is the only settlement that benefits from a train station (the site is less than 950m from the station). In the context of seeking the most sustainable travel options, we are strongly of the view that this not only confirms its position as a Local Centre but suggests that it is suitable for accommodating a higher proportion of growth.
- 5.14 In the context presented in Sections 6 and 7 of this representation, where there is a need for: (1) the housing requirement to be increased; and (2) further housing opportunities to be identified, we are aware of further opportunities for residential development to be accommodated in some of the service villages that are located in close proximity to the western side of East Devon. Whimple for instance, where BDW control another site, is a settlement where further growth could be accommodated in a sustainable manner, particularly given that it has a railway station which is located on the West of England Main Line, providing services to a range of destinations including Cranbrook, Exeter Central and Exeter St Davids to the west and Axminster and London Waterloo to the east. Additional provision at Whimple would respond to the spatial strategy of focusing growth in the Western Side of East Devon.

### Sustainability Appraisal

- 5.15 As outlined on page 110 of the Sustainability Appraisal, the sustainability credentials of four





options for the distribution of the objectively assessed need for housing have been considered. The closest option to that taken forward in the consultation version of the Local Plan was Option A, which was considered to be the most appreciated as it offers:

***“...the best balance of accessing jobs, services and facilities at the Western side of East Devon and the Principal and Main Centres in an environmentally acceptable way, whilst also allowing for smaller-scale growth to meet needs in more rural areas.”***

5.16 BDW support these conclusions.

5.17 However, it is noted that even Option A did not consider the sustainability credentials of the distribution of residential development within the consultation version of the Local Plan. The differences between the distribution of residential development set out within the emerging Local Plan and Option A of the Sustainability Appraisal are set out in Table 2 below.

**Table 2: Comparison between the proposed distribution of residential development within the emerging Local Plan and Option A of Page 110 of the Sustainability Appraisal**

Geographic Area	Emerging Local Plan	Option A of the Sustainability Appraisal
Western Side	54%	60%
Principal Centre (Exmouth) and Main Centres	31%	30%
Local Centres, Service Villages and the Countryside	15%	10%

5.18 As is demonstrated by Table 2, the consultation version of the Local Plan places less emphasis on the concentration of development in the western side of East Devon and a greater proportion of development at the Principal and Main Centres, as well as the Local Centres, the Service Villages and the Countryside. This distribution of development has not been assessed through the Sustainability Appraisal process. Future versions of the Sustainability Appraisal should ensure that the sustainability credentials of the proposed distribution of development is properly assessed.



## 6 The Objectively Assessed Need for Housing

- 6.1 Para. 11(b) of the NPPF confirms that, **as a minimum**, strategic policies within emerging Plans should provide for the objectively assessed needs for housing and other uses. Para. 61 of the NPPF confirms that when calculating the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the Standard Method, unless exceptional circumstances justify an alternative approach. Once this local housing need is confirmed, para. 23 states that strategic policies should then provide a clear strategy for bringing sufficient land forward, at a sufficient rate to address needs over the Plan period.
- 6.2 Strategic Policy 3 (Levels of Future Housing Development) outlines that housing provision will be made in East Devon over the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2040 for 18,920 dwellings (net). This equates to 946 dwellings per annum. This level of housing provision is based on the use of the Standard Method, as set out in the NPPF (para. 61 refers).
- 6.3 The calculation uses the 2014-based household projections and the medium workplace-based affordability ratio for East Devon, as published in March 2022.
- 6.4 The Planning Practice Guidance confirms that the 2014-based household projections are used to ***“provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes<sup>7</sup>.”***
- 6.5 The Guidance also confirms that an affordability adjustment is applied as household growth on its own is insufficient as an indicator of housing need, as: (1) household formation is constrained by the supply of housing; and (2) people may want to live in an area that they do not currently live in. It is applied to ensure that the Standard Method for assessing local housing needs responds to price signals and is consistent with the national objective of significantly boosting the supply of homes and to ensure that the ***“minimum annual housing need starts to address the affordability of homes.”***
- 6.6 It follows that a housing requirement that is lower than the level of housing need calculated using the Standard Method, could result in level of housing that does not address the affordability of homes and may even worsen it.

### Alternative Approach – Reasons to Resist a Lower Local Housing Need

- 6.7 As set out above, para. 61 confirms that the Standard Method for calculating housing need should be employed, only when exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. This is also confirmed in the Planning Practice Guidance where it is stated that an alternative approach can be employed ***“if it is felt that circumstances warrant an alternative approach<sup>8</sup>...”***
- 6.8 As indicated in para. 3.5 of the ‘Housing Need, Supply and Requirement Interim Topic Paper’ the Local Planning Authority rely on the Local Housing Needs Assessment 2022 to assess whether there are any exceptional circumstances to justify an alternative approach to the Standard

<sup>7</sup> Paragraph: 005 Reference ID: 2a-005-20190220, National Planning Practice Guidance, Housing and Economic Needs Assessments, 20<sup>th</sup> February 2019.

<sup>8</sup> Paragraph: 006 Reference ID: 2a-006-20190220, National Planning Practice Guidance, Housing and Economic Needs Assessments, 20<sup>th</sup> February 2019.



Method.

6.9 The work considered a number of technical demographic data, including in relation to: (1) student population; (2) using household growth calculated over a 10 year period for the basis of a housing requirement for a 20-year Plan; (3) population change; (4) migration trends; (5) total population; and (6) housing supply, prices and affordability.

6.10 Para. 32 of the Local Housing Needs Assessment concluded that:

***“...there is no evidence exceptional circumstances apply in East Devon due to erroneous data, so there are no grounds for seeking a lower housing needs figure. Recent dwelling delivery has also been keeping pace with the LHN figure.”***

6.11 On this basis, the Local Planning Authority conclude at para 3.9 of the Interim Housing Topic Paper that:

***“the Council has no exceptional circumstances that would justify using an alternative approach that would produce a lower than the Local Housing Need level of housing need derived from the Standard Method, identified by the LHNA 2022.”***

6.12 This is a position that is supported by BDW, who also consider that there are no exceptional circumstances at the present time that would justify the calculation of the minimum level of local housing need in any other way than the Standard Method.

## Higher Local Housing Need

6.13 As outlined above, paras. 11(b) and 61 of the NPPF, require, **as a minimum**, for strategic policies to be informed by a local housing needs assessment conducted by the Standard Method.

6.14 Further guidance is provided within the Planning Practice Guidance<sup>9</sup>, wherein it states that there are circumstances where Local Planning Authorities should consider providing housing at a level above the minimum requirements as set out in the standard method. Such considerations include:

- a) Growth strategies for the area;
- b) Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or
- c) An authority agreeing to take on unmet housing need from neighbouring authorities.

6.15 The Guidance also suggests that there may, occasionally, be situations where previous levels of housing delivery in an area, or previous assessments of needs, are significantly greater than the outcome of the Standard Method.

6.16 As the Local Plan evolves, it is likely that at least three of the four circumstances present above will exist for East Devon. An analysis of each is provided below.

### Growth Strategies

6.17 As outlined in their Representations to the Issues and Options Consultation in 2021, BDW identified that the western portion of East Devon originally formed part of the Exeter and East Devon Growth Point, which had a target of delivering 25,000 new homes and 25,000 new jobs by

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<sup>9</sup> Paragraph: 010 Reference ID: 2a-010-20201216, National Planning Practice Guidance, Housing and Economic Needs Assessments, 16<sup>th</sup> December 2020.



2026. East Devon's contribution to this target was 10,000 new homes and 10,000 new jobs. Whilst the Growth Point has transitioned to the Exeter and East Devon Enterprise Zone, there remains, albeit with a greater focus on employment land provision, a clear growth agenda.

- 6.18 Indeed, as outlined in the supporting text to Strategic Policy 9 (Development within the Enterprise Zone), the western side of East Devon has been the subject of significant employment growth in recent years. This growth has been assisted by the Exeter and East Devon Enterprise Zone, which covers four geographic areas within the western area of East Devon; Exeter Science Park; Skypark; Power Park and the Cranbrook Town Centre.
- 6.19 Para. 5.16 of the Regulation 18 version of the Local Plan confirms that the Council will continue to positively support employment generating uses within the Enterprise Zone. Indeed, this intent is brought forward into policy as Strategic Policy 9.
- 6.20 The justification for Strategic Policy 9 also confirms that there will be a continued focus on developing new Local Development Orders within the Enterprise Zone, the purpose of which is to extend permitted development rights of certain forms of development which will ***“streamline the planning process, providing clarity and certainty for development and encourage investment into the area<sup>10</sup>.”***
- 6.21 As well as the four locations that form the Enterprise Zone, there are also other significant employment locations that are also located in close proximity, but outside the designation. Such locations include the Exeter Airport Business Park, the Hill Barton Business Park, the Intermodal Interchange and other employment sites that are coming forward in the area, including at the Treasbeare Expansion Area.
- 6.22 Para. 5.15 of the emerging Local Plan confirms that the proposed employment strategy will see a continuation of this pattern of development, with the western area of East Devon being the focus of strategic employment development. The Plan justifies this approach by confirming that it plays on the ***“particular strengths of this part of East Devon and market demands.”***
- 6.23 To support the economic growth ambitions of the East Devon Enterprise Zone and the growth envisaged in economic development locations in close proximity, but outside of the Enterprise Zone, there is a clear need for an appropriate level of housing provision. Appropriate levels of housing will be a key component of attracting businesses and occupiers into the Enterprise Zone. It is therefore possible that a level of housing in excess of the local housing need figure will be required to support the economic growth ambitions of the Enterprise Zone and the wider area.
- 6.24 This proposition was considered by the Local Planning Authority in their Housing Need, Supply and Requirement Interim Topic Paper (2022) and Appendix C of the 2022 Local Housing Needs Assessment. The assessment work considered whether: (1) there would be enough economically active residents within East Devon to fill the number of existing jobs, plus those forecast to be created by the end of the Plan period; (2) there is enough housing to accommodate the forecast increase in the number of economically active residents; and if not (3) there is a need to plan for a higher level of housing to fill the forecast increase in jobs.
- 6.25 In terms of economically active residents, the assessment work considered the number of additional economically active residents which would result from the Standard Method calculation. It was concluded that for East Devon as a whole, there would be an increase of 11,304

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<sup>10</sup> Para. 5.19, East Devon Local Plan Review Regulation 18 Version.



economically active residents in the period 2020 to 2040, but for the reasons set out in para. 4.8 of the Housing Background Paper, it was concluded that this did not represent the number of jobs which can be supported.

- 6.26 Further work is also being undertaken in relation to the forecast economic needs of the Local Planning Authority. At the time of writing this work has not been finalised, but will be integrated overtime into the Local Housing Needs Assessment to consider whether, for economic reasons, there is a need to plan for a higher Local Housing Need than the minimum required by the Standard Method.
- 6.27 Given the above, BDW reserve the right to comment on the implications of this unresolved evidence base document at future stages of the Plan-making process.
- 6.28 Notwithstanding the above, we note that at present, the evidence base work currently considers the implications of matching jobs and homes over the Plan period at the District geographic level. However, administrative geographic boundaries do not ordinarily follow functioning economic market areas, or indeed sub-areas.
- 6.29 In this regard we note that the PPG suggests that when determining the type of employment land required, an assessment may need to be undertaken at the functioning economic market area. At Para. 3.55 of the consultation version of the Local Plan, the Exeter Functional Economic Market Area is defined as the administrative areas of East Devon, Exeter, Mid Devon and Teignbridge. To ensure that the economic growth ambitions of the Exeter Functional Economic Market Area are not undermined, which includes East Devon, there is a need to consider whether the jobs and homes being promoted result in equilibrium.
- 6.30 This will be a matter for the Authorities within the Exeter Functional Economic Market Area to consider under the Duty to Cooperation requirement as outlined in Section 33A of the Planning and Compulsory Purchase Act 2004. Whilst this is covered in more detail in subsequent sections of this Representation, we note that Teignbridge District Council, which forms part of the Functioning Economic Market Area postponed their Full Council meeting on 15<sup>th</sup> December 2022, whilst the implications of the Secretary of State for Levelling Up, Housing and Communities' Written Ministerial Statement dated 6<sup>th</sup> December 2022, is considered, however, this statement is not in statute and not a material consideration at this point. The outcome of this review could have implications on the jobs and homes balance across the Functioning Economic Market Area.
- 6.31 In addition, the analysis presented in the evidence base relating to the balance between jobs and homes, which is undertaken at a District level, ignores the existing and proposed economic development strategy. As outlined above, the existing and proposed Local Plan seeks to focus economic development within the western portion of the District.
- 6.32 Consequently, so as to ensure that jobs and homes are located in close proximity, with the aim of reducing the length of commuting trips and encouraging sustainable modes of transport, there is a need to ensure a balance between jobs and homes in the western portion of the District. If an imbalance exists in that part of the District, there may well be justification for increasing the quantum of residential development in that spatial geography. This should however, not be at the expense of residential development at the towns and villages, which have their own housing needs. Rather, in such a circumstance, additional housing in the western areas of the District should be secured through additional housing provision at a level in excess of the Standard Method output.



### Strategic Infrastructure

- 6.33 BDW agree that there is no strategic infrastructure that either exists or is proposed within East Devon that would justify a higher level of housing than the Standard Method output.

### Housing Affordability

- 6.34 As outlined above, national planning guidance states that the use of the Standard Method in calculating household need results in a housing requirement that **starts** to address the affordability of homes. In this regard it is instructive to note that the current Standard Method output for East Devon results in a housing requirement that whilst broadly comparable to the housing requirement contained within the adopted Local Plan, is 4 dwellings per annum lower.
- 6.35 Despite the level of planned provision within the Adopted Local Plan, the house price to workplace-based earnings ratio has worsened over the first nine monitoring years of the Adopted Local Plan (from 10.00 in 2013 to 10.88 in 2021, with a high-point of 10.56 in 2019). This equates to an increase of 0.88%.
- 6.36 Whilst it could be argued that this is as a result of a shortfall in delivery, completions over the first nine years of the Plan average at 931 dwellings per annum, which is broadly comparable with the Standard Method output.
- 6.37 Consequently, if there is an ambition to address housing affordability within the District, a greater quantum of housing than 946 dwellings per annum should be planned for.

### Affordable Housing Need

- 6.38 As outlined above, national planning guidance confirms that the affordability adjustment is made within the Standard Method to ensure that the minimum annual housing need starts to address the affordability of homes.
- 6.39 However, since the adoption of the Local Plan, which contains a housing requirement which is broadly consistent with the Standard Method output for East Devon, levels of affordable housing need have grown. When considering the now adopted Local Plan, the Inspector concluded that the need for affordable housing across the District was 272 affordable dwellings per annum<sup>11</sup>. In comparison, para. 5.51 of the 2022 Local Housing Needs Assessment confirms that the overall housing need for affordable housing within East Devon is 8,011 dwellings over the period 2020-2040, which provides an annual average of 401 dwellings per annum. This represents an increase of 47% over the intervening period since the 2014 Strategic Housing Market Assessment was published.
- 6.40 The Housing Background Paper acknowledges at Table 3 that the identified need for affordable housing is unlikely to be met by the emerging Local Plan as currently drafted. The Table identifies that 3,551 affordable homes could be delivered in East Devon across the Plan period. Should this affordable housing provision come forward, it would result in a shortfall of 4,460 affordable dwellings (i.e. 56% of affordable housing need would not be met, or to put in another way, housing would only be provided for one in every two households in need of affordable housing)<sup>12</sup>.
- 6.41 Notwithstanding the above, the overall level of affordable housing need is further refined by the Local Planning Authority to being only: (1) those who are unable to afford to rent or own market

<sup>11</sup> Para. 18, Report on the Examination into the New East Devon Local Plan 2006 to 2026.

<sup>12</sup> It is acknowledged that this forecast provision excludes exception sites and affordable housing provision that could be delivered through Neighbourhood Plans.



housing, or to those who cannot afford to buy but where there is a realistic prospect of them being able to access an affordable homeownership product (i.e. it excludes households which the Local Planning Authority acknowledges who cannot afford to buy a home, but which it considers does not have a realistic prospect of them being able to access an affordable home ownership product). This reduces the affordable housing need significantly from 401 dwellings per annum, to just 177 households per annum (i.e. 56% reduction).

- 6.42 However, the methodology employed by the Local Planning Authority effectively dismisses the housing aspirations of 224 households per annum (4,480 households), that have expressed a desire to own their own affordable housing product. The methodology does not consider how the planning system could intervene to make affordable home ownership a more realistic proposition for these households. The delivery of a greater proportion of affordable home ownership products that is currently anticipated could help to make this aspiration a more realistic prospect.

## Shortfall in Housing Delivery

- 6.43 BDW are aware that the Standard Method for calculating housing need should factor in past under-delivery of such housing as part of the affordability ratio<sup>13</sup>. However, as outlined above, this cannot be the case for East Devon, where the objectively assessed need for housing within the District using the Standard Method is lower than the current housing requirement within the Adopted Local Plan.
- 6.44 Given this unique circumstance for East Devon, the shortfall in housing delivery since the start of the current Local Plan period should be taken forward and form part of the housing requirement for the District going forward. The Local Planning Authority's latest Housing Monitoring Report suggests that this shortfall was 138 dwellings over the period 2013 to 2022.

## Unmet Needs from Neighbouring Authorities

- 6.45 Para. 11(b) of the NPPF confirms that, as a minimum, strategic policies in Local Plans should provide for the objectively assessed needs for, *inter alia*, housing, as well as any needs that cannot be met within neighbouring areas, unless parts (i) and (ii) of the same paragraph apply. Footnote 6 of the NPPF confirms that whether any unmet needs from neighbouring areas exist should be established through a statement of common ground. This is also reiterated at para. 61.
- 6.46 Whilst falling short of the requirements set out in national planning policy regarding the statement of common ground required by footnote 6 of the NPPF, helpfully, at Section 5 of the Local Planning Authority's Housing Background Paper a summary of the Plan-making stage that each neighbouring Planning Authority has reached and whether they are planning to meet, as a minimum, their objectively assessed need for housing is provided.
- 6.47 Of relevance, the work confirms that Teignbridge District Council are currently working on the next stage of their Local Plan review and clarification on their housing requirement is awaited. Whilst the Local Planning Authority correctly conclude that there is no evidence available at this time to indicate that Teignbridge will have unmet housing needs, it is equally correct to conclude that there is no evidence to suggest that they will plan to meet their full objectively assessed needs for housing. Indeed, the Full Council meeting which was scheduled for 15<sup>th</sup> December 2022 was postponed "**following the announcement by the Secretary of State for Levelling Up, Housing and**

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<sup>13</sup> Para. 031 Ref IA: 68-031-20190722, National Planning Practice Guidance, Housing and Supply and Delivery, 22<sup>nd</sup> July 2019.



**Communities, Michael Gove MP, regarding proposed changes to the Levelling Up and Regeneration Bill relating to housebuilding targets.** Officers intend to review the details of the proposed changes and identify any implications before the Local Plan is published for consultation. Should Teignbridge District Plan for a level of housing less than their objectively assessed needs, under the Duty to Cooperate arrangements, there will be a need for East Devon to consider, through the application of tests (i) and (ii) of para. 11(b) of the NPPF, whether it can accommodate some of this unmet need. This could well result in the need to provide a higher housing requirement for East Devon than the Standard Method output would suggest.

- 6.48 In addition, we are aware that Torbay Council, who whilst not being a neighbouring authority, adjoin the Exeter Functional Economic Area and the Greater Exeter Housing Market area, which overlaps and abuts with Torbay, have confirmed that the delivery of their local housing need **“is proving to be very difficult.”** They have requested that East Devon take into account any unmet housing needs from neighbouring authorities when considering cross boundary matters.

## Written Ministerial Statement

- 6.49 On 6<sup>th</sup> December 2022, the Secretary of State published a Written Ministerial Statement relating to a consultation on proposed amendments to the NPPF. This Written Ministerial Statement has been considered by the Planning Inspectorate, who, on behalf of the Secretary of State, will Examine the emerging Local Plan. In a letter published on 8<sup>th</sup> December 2022, they confirmed that:

**“No action is required in any casework areas, at present, as the WMS sets out proposals for consultation rather than immediate changes to government policy. Consequently, the starting point for decision making remains extant policy, which we will continue to implement and to work to until such time as it may change.”**

- 6.50 Whilst the NPPF Prospectus has since been published, it again sets out proposal for consultation, rather than immediate changes to government policy. The conclusions of the Planning Inspectorate’s 8<sup>th</sup> December 2022 letter therefore remain valid.

## Theoretical Housing Supply

- 6.51 Table 1 of the 2022 Housing and Economic Land Availability Assessment (HELAA) confirms that there is a theoretical supply of housing land sufficient to accommodate 39,888 dwellings. This comprises the following sources of supply:

**Table 3: HELAA Conclusions**

Source of Supply	No. of Dwellings (approx.)
Available, Suitable and Achievable	27,088
Completions 1 <sup>st</sup> April 2020 to 31 <sup>st</sup> March 2022	1,906
Commitments at 31 <sup>st</sup> March 2022	4,389
Cranbrook DPD	4,170





Windfall Allowance	2,335
<b>TOTAL</b>	<b>39,888</b>

- 6.52 We are aware that the above analysis underplays the true potential housing land within East Devon. For instance, we are aware that 4,544 dwellings are currently proposed from the Cranbrook Expansion Areas, whereas the table only identifies 4,170 dwellings (i.e. there is an increase of 374 dwellings).
- 6.53 Notwithstanding the above, even using the Local Planning Authority's own analysis, there would be a sufficient supply of housing land to meet East Devon's objectively assessed need for housing, with an additional uplift of up to 111%.

## Sustainability Appraisal

- 6.54 The Regulation 18 Sustainability Appraisal considered two options for the level of future housing development within the District. The first was the minimum local housing need as calculated via the Standard Method (18,920 dwellings over the 20 year Plan period, or 946 dwellings per annum), whilst the second alternative was the local housing need plus a 20% uplift.
- 6.55 Whilst the first option was considered to be the most appropriate, major positive effects were noted for the second option, particularly in relation to housing. It was however dismissed due to the environmental effects resulting from it.
- 6.56 BDW consider that an uplift of 20% over the local housing need for East Devon is an unreasonable alternative. This has been borne out through the conclusions of the assessment work. However, there is a significant gap between both options and the Sustainability Appraisal should have considered a number of other options for an uplift over the local housing need figure, including a 5%, 10% and 15% uplift. These reasonable alternatives might strike a more appropriate balance between environmental effects and the benefits of an increased housing provision and should be considered in future iterations of the Sustainability Appraisal.
- 6.57 It is instructive to note that in the 'outline of reasons for selecting the alternatives' provided on page 121 of the Sustainability Appraisal, the Local Planning Authority conclude that a 20% uplift on the local housing need figure to 1,135 dwellings per annum is a deliverable proposition, as it is only "*slightly above*" the highest annual dwelling completions in recent years. It follows that the uplifts proposed in the paragraph above, would also therefore be a deliverable proposition.

## Requirement in Policy

- 6.58 As set out above, the NPPF requires, **as a minimum**, for the objectively assessed needs for housing to be provided. Over the Plan period this equates to a minimum requirement of 18,920 dwellings (net). Given the wording in national planning policy, it is right that the requirement is expressed in Strategic Policy 3 as a minimum.

## Summary

- 6.59 The analysis presented above indicates that due to the growth strategy in operation in the western area of East Devon and to address housing affordability and the need for affordable



housing, consideration should, in accordance with national planning guidance, be given to planning for a level of housing in excess of the local housing need as calculated by the Standard Method.

- 6.60 Moreover, there exists the potential that neighbouring authorities will not be able to accommodate their local housing need. As confirmed in paras. 11(b) and 61 of the NPPF, East Devon should consider whether they are able to meet any shortfall from neighbouring authorities.
- 6.61 From a delivery perspective, the evidence suggests that a requirement above the local housing need figure for East Devon is a deliverable proposition and there is an adequate quantum of housing land to achieve this.
- 6.62 Further environmental work should be prepared to consider the impact of a 5%, 10% and a 15% uplift over the local housing need requirement for East Devon. These uplifts should be considered in the context of tests (i) and (ii) of para. 11(b) of the NPPF and through future iterations of the Sustainability Appraisal. This will confirm whether the proposed distribution of development is appropriate and therefore ***justified***.



## 7 Housing Supply

7.1 The following Section of this representation provides a broad assessment of the proposed housing land supply contained within the East Devon Local Plan. It specifically concerns:

1. Role of non-strategic sites;
2. Flexibility allowance;
3. Windfall Development; and
4. Affordable Housing.

7.2 Each consideration is addressed in turn below.

### Role of non-strategic sites

7.3 It is evident that the strategy will rely upon a significant number of non-strategic sites being brought forward in sustainable locations. Whilst we may consider the lead in times associated with strategic sites in future iterations of the Plan, we note that it is important that the Council are assured of the delivery of non-strategic sites.

7.4 Indeed any slippage or delays will mean that it will be very difficult for the required delivery rates to be achieved. In this regard the Council will need to consider the delivery of each site and we will review delivery at the next stage, however, BDW as national housebuilders with a proven track record of delivery in East Devon would assure the Council that they are committed to the delivery of their site at Meeting Lane early in the Plan period. In this regard they are preparing more detailed proposals and intend to prepare a planning application to align with the timetable of the Plan.

7.5 Indeed, it is likely that the site could deliver between 130 and 150 dwellings by 2026/2027 (on the basis of a two year build out period with between 65 and 75 dwellings per annum)

### Flexibility Allowance

7.6 BDW consider that the Local Planning Authority has rightfully identified the need for a flexibility allowance to be included within the emerging Local Plan, but consider that the allowance made in the emerging Local Plan to be too low.

#### Purpose of a Flexibility Allowance

7.7 The use of a flexibility allowance is a well-established tool in Plan-making. The use of a flexibility/non-implementation rate has been used to reflect the fact that not all sites identified for housing will be developed, will only be developed in part, or may achieve planning permission for alternative use. As outlined in para. 6.5 of the 2016 Local Plan, a flexibility allowance was included within that Plan.

7.8 The use of such an allowance provides a suitable response to the Government objective of significantly boosting the supply of homes<sup>14</sup> and helps to ensure that, in line with national planning policy, objectively assessed needs for housing are met<sup>15</sup>. In doing so, they help ensure that a Local Plan is **positively prepared, effective and consistent with national planning policy**.

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<sup>14</sup> Para. 60, NPPF, 2021.

<sup>15</sup> Para. 11(b), NPPF, 2021.



## The Most Appropriate Flexibility Allowance

- 7.9 Limb 3 of Strategic Policy 3 of the emerging Local Plan identifies that provision is to be made for a supply headroom of approximately 10%. However, when comparing the objectively assessed need for housing as outline in Strategic Policy 3 (18,920 dwellings), with the planned provision contained within Strategic Policy 2 (18,167 dwellings plus a windfall provision of 2,355 dwellings, giving a total supply of 20,503 dwellings), the flexibility allowance is only 8.5%. BDW consider this flexibility allowance to be too low. Research suggests that between 10-20% of planning permissions do not materialise<sup>16</sup>. The same paper identifies that for southern regions of England, including the South West, the proportion of completions relative to permissions is between 75% and 85%, suggesting a non-implementation rate of between 15% and 25%.
- 7.10 Consideration should therefore be given to increasing the flexibility allowance contained within Strategic Policy 3 to, as a minimum, the 10% level referred to in the same Policy. This would require an increase in the planned provision to 20,812 dwellings (i.e. an increase of 310 dwellings).

## Windfall

- 7.11 Strategic Policy 2 of the emerging Local Plan identifies that 2,335 dwellings are projected to come forward over the Plan period. BDW have two principal concerns about this projected windfall allowance, as follows:

- **Potential for double counting:** Appendix 3 of the Housing Background Paper confirms that the windfall analysis provided within the East Devon Monitoring Update 2022 is used for the period up to 2030/31, after which an average of 158 dwellings per annum will be applied. As set out in para. 3.8 of the Housing Monitoring Update, the windfall allowance of 158 dwellings is used as it reflects the average rate of windfall completions from April 2017 to March 2022. To avoid double counting, a comparison is then made between windfall development that already has the benefit of planning permission and the average historic levels. If projected completions from windfall sites that benefit from planning permission is higher than the average long-term, then no additional windfall provision is made. An adjustment is only made if forecast completions are less than the historic annual average.

On the basis of the above methodology, Appendix 3 of the Housing Background Paper confirms that a windfall provision is only included from 2024/25. To avoid double counting of provision between commitments and the windfall allowance, this work will need to be updated at all stages of the Plan-making process.

- **Compelling evidence for their inclusion:** Para. 71 of the NPPF confirms that in order for a windfall allowance to be included within the housing provision, there should be “**compelling evidence**” that they will provide a reliable source of supply. Such evidence should include: (1) evidence presented within the strategic housing land availability assessment; (2) historic rates of windfall delivery; and (3) expected future trends.

Care should also be taken to ensure that the anticipated level of future windfall provision (158 dwellings per annum) is not over inflated. This is important as the definition of windfall development included within the consultation Local Plan and the NPPF is “**sites not specifically identified in the development plan.**”

In this regard, limb 7 of Strategic Policy 3 of the emerging Local Plan, anticipates additional allocations to be made in Neighbourhood Plans. Whilst they could be capable of being

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<sup>16</sup> Page 22, “Taking Stock”, Lichfields, 2021.



considered as being windfall sites at the time of writing, the allocation of sites through the Neighbourhood Plan process would, on the basis of the above definition, rule them out of being capable of being considered as windfall development. This may reduce the potential supply of windfall sites to below historic levels.



## 8 Development Management Policies

### Strategic Policy 4 – Employment Provision and Distribution Strategy and Strategic Policy 5 – Mixed Use Developments

- 8.1 Strategic Policy 4 seeks a net increase in sufficient new employment floorspace over the Plan period. An Economic Development Needs Assessment will inform the scale of economic development to be delivered in the Plan period. As confirmed in the emerging Policy, this work is not available at the present time and therefore a specific requirement is not included.
- 8.2 Emerging Strategic Policy 5 requires that other in in certain circumstances, in Tier 1 and 2 settlements, 0.4 hectares of employment land provision is to be provided for each 100 homes, and in Tier 3 and 4 settlements, 0.1 hectares is to be provided for each 25 homes. Absent an understanding of the specific employment land requirements for the District, there can be no certainty that this level of employment land provision is required.
- 8.3 In this regard, BDW also note that para. 23 of the NPPF states ***“strategic policies should provide a clear strategy for bringing sufficient land forward...this includes planning for and allocating sufficient sites.”***
- 8.4 As outlined in para. 3.57 of the consultation Local Plan, the employment land requirements will be determined by the forthcoming Economic Development Needs Assessment. That work will ***“understand current and potential future requirements. Based on PPG 2019, it will assess the stock of employment land, pattern of supply and loss, market demand, wider market signals and any evidence of market failure, in East Devon district. The EDNA will translate employment and output forecasts into related offices, industry and warehousing land need. Then by taking account of existing supply, it can identify any shortfall in supply compared to District need.”***
- 8.5 Consequently, as acknowledged in the Local Plan, the employment requirements will be met through allocations in the Local Plan. Through the Plan-making process, the Local Planning Authority therefore are able to ensure that a sufficient quantum of employment land provision is allocated at each settlement to secure a sustainable pattern of development. It is therefore inappropriate and unnecessary for the Policy to concern residential allocations proposed within the Plan. Should adequate provision be made, which as set out above, is a requirement of the NPPF, then it is questionable as to whether the application of the Policy for allocated sites ***“serves a clear purpose”***.
- 8.6 As indicated above, part of the role of the Economic Development Needs Assessment will, in forming an employment land requirement, consider existing employment sites and pipeline supply. It is therefore instructive to note that the most recently available Employment Land Review for the year ending 31st March 2021 was published in Spring 2022. It indicates that 103.45 ha of employment land is currently available, which, based on the ratio of 1ha for each 250 homes embedded in the adopted policy, means that a sufficient quantum of employment land is currently available to support more than 25,850 homes. This is a level of housing that is significantly above the objectively assessed need for East Devon. We therefore question, given the existing availability of employment land provision, whether the policy is required in any event.
- 8.7 The only exceptions to the emerging Policy requirement are as follows:
- ***“Specific employment only allocations at that settlement provide a quantum of employment***



*land that exceeds the ratio of 0.25 hectares of employment land per 100 houses allocated (0.1 hectares per 25 homes) when taking into account firstly total quantum needs generated by the level of housing allocations proposed for a settlement in the local plan and in addition to this the quantum needs generated by the proposed scheme.*

- *It can be clearly demonstrated that off-site provision of employment land at a settlement and at a quantum to meet or exceed above thresholds, will be delivered and is better located to meet needs.*
- *The nature of the housing being proposed (for example elderly person housing) will not generate the need for employment provision.*
- *The site, by way of non-typical characteristics or clear constraints, is wholly unsuited to provide for employment needs.”*

8.8 Additionally, where sufficient viability or other evidence precludes the employment provision sought, developers will be required to make a financial contribution for off-site employment provision to a comparable degree.

8.9 Whilst it is appreciated that the intention of the policy is to secure sustainable patterns of development and settlement self-containment, its current approach is too rigid in its application.

8.10 In the adopted Local Plan, Strategy 31 seeks 1ha of employment land for each 250 homes, the same equivalent ratio to that proposed. However, the adopted policy Strategy 31 applies to large scale major housing proposals, the scale of development that would be strategically planned for. It is also more positively worded as it does not include a list of specific exceptions, it simply adds that **“employment land evidence will be taken into account on suitability of existing available and unused or underused employment sites and the ability of these to meet the needs for proposed development”**.

8.11 This adopted policy approach is much more flexible than that proposed and has better regard for existing and underutilised employment land. There appears to be no rationale for changing the approach in adopted policy. Indeed, this approach is more consistent with Government policy for calculating employment land requirements and the approach advocated in para. 3.57 of the Plan.

8.12 Other things to consider are *inter alia*:

- The changing nature of employment and the role of the internet and home working;
- Accessibility to existing employment uses and major centres, including via public transport, including the railway network, or active travel; and
- Uses other than employment that contribute to sustainable neighbourhoods.

## Strategic Policies 27 and 28 – Climate Zero and Net Zero Carbon Development

8.13 We appreciate East Devon have a target to become carbon neutral by 2040, in line with a ‘Climate Emergency’ declared by the Council in 2019. Policy 28 seeks all new residential development to deliver net-zero carbon emissions. Developers are expected to submit a Carbon Statement to demonstrate how this will be achieved. In addition homes are to be future proofed to avoid temperature discomfort and there is also a requirement for major development to calculate the whole life-cycle carbon emissions through a nationally recognised Assessment.



- 8.14 As set out in the NPPF<sup>17</sup>, the planning system should support the transition to a low carbon future in a changing climate. However, any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Moreover, the Planning Practice Guidance<sup>18</sup> confirms that:

***"The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building's sustainability to do so in a way consistent with the government's zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability. In this respect, planning authorities will need to take account of government decisions on the Housing Standards Review when considering a local requirement relating to new homes."***

- 8.15 Moreover, Planning Practice Guidance confirms that locally set energy performance standards should not exceed the equivalent of Level 4 of the Code for Sustainable Homes and any requirement for a proportion of used energy to be from renewable and / or low carbon energy sources should be reasonable<sup>19</sup>.
- 8.16 BDW are aware that the Government has, for residential development, established a clear road map for achieving zero carbon ready homes. This is set out in the 'Future Homes Standards', which is due to be implemented in 2025. The Future Homes Standards will require carbon emissions produced by new homes to be 75-80% lower than those built to current standards. Any new homes built under these new Building Regulations standards will therefore need to be zero carbon ready, which means that they will immediately be able to benefit from the decarbonisation of the electricity grid.
- 8.17 Given the above, whilst the Local Planning Authority's proposed approach is commendable, there is a clear disconnect between emerging Policy 28, which requires all developments to be net zero carbon immediately and to maximise opportunities for renewable energy, and the Government's forthcoming Building Regulation standards and policy, which require a new home to be zero carbon ready and for requirements for renewable energy to be reasonable. Accordingly, as drafted Strategic Policy 28 cannot be considered as being ***consistent with national planning policy***.
- 8.18 Notwithstanding the above, national policy expects any local requirements relating to such matters to be consulted upon, based on robust and credible evidence and be subject of viability testing. Consequently, whatever standards are adopted in future iterations of the Plan, their costs should be properly reflected in a viability assessment, which is subject of consultation.
- 8.19 As set out above, the emerging Policy also requires a consideration of temperature discomfort. Again, this is a matter controlled by Building Regulations<sup>20</sup> and therefore we question whether the inclusion of this element of the policy ***serves a clear purpose***.
- 8.20 BDW also note that emerging Policy 28 requires the in-use performance of a building to be as close to its design intent as possible. Para. 7.6 suggests that the performance gap could be monitored by requiring 10% of buildings on major development to send energy performance and carbon emissions data to the Local Planning Authority for a period of five years. A similar requirement exists in the Cranbrook Plan, but discussions have been held with the Local Planning

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<sup>17</sup> Para. 152.

<sup>18</sup> Paragraph: 009 Reference ID: 6-009-20150327, National Planning Practice Guidance, Climate Change, 27<sup>th</sup> March 2015.

<sup>19</sup> Paragraph: 0012 Reference ID: 6-012-20190315, National Planning Practice Guidance, Climate Change, 15<sup>th</sup> March 2019.

<sup>20</sup> Overheating: Approved Document 0, which took effect on 15<sup>th</sup> June 2021.





Authority about: (1) how a developer could compel a homeowner to provide the information; (2) how the Local Planning Authority would process and manage that data and what steps they would take if a performance gap existed; and (3) the implications on homeowners if remedial action was required. BDW echo these concerns and consider the Buildings Regulation process to be sufficient.

## Policy 40 – Affordable Housing

8.21 Table 1 of Policy 40 proposed the following affordable housing requirements:

- Second new town – at least 15%; and
- Rest of East Devon (excluding Cranbrook and other existing commitments) – at least 35%.

8.22 No viability work has been provided with the consultation version of the Local Plan to assess whether these affordable housing levels are viable propositions. This will need to be undertaken in due course to ensure that the Plan is **deliverable** and therefore **effective**.

8.23 Other than where it is demonstrated that the proposal would be unviable, the tenure requirements for the remainder of East Devon are fixed. Whilst responding to para. 65 of the NPPF and the May 2021 Written Ministerial Statement, consideration should be given to allowing for other forms of affordable housing as defined in Annex 2 of the NPPF to come forward.

8.24 The mix of property sizes and types outlined in limb 4 of the emerging Policy is acknowledged. However, this reflects needs as established in the latest Housing Needs Assessment. The policy test should be clear that up-to-date evidence, including information contained within updated of the Housing Needs Assessment, may demonstrate an alternative mix is more appropriate over the course of the Plan period.

## Policy 41 – Housing to Meet the Needs of Older People

8.25 BDW strongly oppose limb 6 of emerging Policy 41.

8.26 As part of this strategy it is proposed that specialist accommodation for older people comes forward through site allocations and be delivered on site; on sites for 20-199 dwellings at least 20% specialist older person dwellings (use class C3); and on site for 200 or more dwellings the same 20% requirement but as either under C3 or C2 use classes.

8.27 These requirements provide an additional obstacle to conventional residential development. As is the case with employment land, instead of properly planning where specialist accommodation for older people should come forward, there is an automatic dependence on housing developers to contribute towards the overall level of specialist affordable accommodation needed. Indeed, the same policy states at paragraph 4 that suitable locations for specialist older person accommodation will be within 400m walking distance of local shops and easily accessible by walking or public transport to town centres and to health, care and community facilities. Whilst new housing allocations will be within sustainable locations, they will not necessarily meet these specific accessibility requirements, and as such the Council should consider specifically allocated specialist accommodation in the right locations rather than rely on all housing allocations to deliver 20% specialist older person accommodation.



## Policy 42 – Accessible and Adaptable Housing

- 8.28 The Planning Practice Guidance<sup>21</sup> states that Local Planning Authorities should set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and/or M4(3) (wheelchair user dwellings). It suggests a range of factors which should be taken into account and which include:
- 1) The likely future need for housing for older and disabled people (including wheelchair user dwellings);
  - 2) The size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes);
  - 3) The accessibility and adaptability of existing housing stock;
  - 4) How needs vary across different housing tenures; and
  - 5) The impact on viability.
- 8.29 The evidence base supporting the Plan<sup>22</sup> suggests that the combined need for both Category M4(2) and M4(3) housing, having regard to the accessibility and adaptability of the existing housing stock, would be:
- Affordable Housing – 1,047 dwellings; and
  - Market – 4,072 dwellings.
- 8.30 The assessment work concludes that ***“the evidence suggests that East Devon should plan for a minimum of 30% of the LHN to be both M4(2) Category 2 or M4(3) Category 3 housing.”***
- 8.31 However, as drafted, the emerging Local Plan seeks all new dwellings to meet Category M4(2) Building Regulation standards, with at least 10% of all market and affordable housing being built to Category M4(3) standards. For the reasons set out above, this is not a ***justified*** proposition.
- 8.32 Future iterations of the Plan should reduce the requirements to the emerging Policy.

## Policy 43 – Market Housing Mix

- 8.33 BDW object to emerging Policy 43. The needs of those looking to purchase an open market home or rent in the privately, are often difficult to predict and in many cases are financially driven, rather than being reflective of the most appropriate property size for that household. Accordingly, and unlike for affordable housing provision, it is considered that the market housing mix is most appropriately left to developers to determine, having regard to the location, site characteristics and market conditions at the time that the site is brought forward.

## Policy 44 – Self-Build and Custom Build Housing

- 8.34 Whilst BDW commend the Local Planning Authority for seeking to increase the supply of self and custom build housing within the District, they are however concerned with the implications of limbs b and c of the emerging Policy. For large, strategic sites, which are often subject to phasing, it could be impractical to provide road access at an early stage of the development or to make the self-build provision available for sale before 50% of the dwellings on the site have been commenced. A more practical approach would be to require a developer to make available the self

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<sup>21</sup> Paragraph: 007 Reference ID: 56-007-20150327, National Planning Practice Guidance, Optional Technical Standards, 27th March 2015.

<sup>22</sup> Figure 70, East Devon Local Housing Needs Assessment.



and custom housebuilding for sale before 50% of the dwellings had commenced in a phase containing self and custom build housing.

## Policy 62 – Design and Local Distinctiveness

- 8.35 Limb 6 of emerging Strategic Policy 62 requires all new residential development to meet the nationally described space standards. No evidence is provided within the emerging Plan or its accompanying evidence base to justify the requirement of these optional standards. This falls short of the evidence required by national planning policy<sup>23</sup>. At the present time, the policy is therefore **unjustified** and **inconsistent with national policy**.

## Policy 63 – Housing Density and Efficient Use of Land

- 8.36 BDW note that through emerging Policy 63 of the Local Plan, the Local Planning Authority intends to set minimum density standards. Whilst the intent is to make effective use of land, often density standards impede good design. The density of development should be the outcome of a detailed design process and not the starting point.
- 8.37 The Policy also requires all major development proposals and developments in environmentally or heritage sensitive locations to be supported by a Design Code. This element of the policy should be reconsidered, as worded it would suggest that a design code is required for a ten dwelling scheme or even less than ten dwellings if in a sensitive location. Significant time and resource is required in preparing and agreeing design codes, adding a financial burden and potential delay to development. It is an unreasonable policy burden to require them for non-strategic sites.
- 8.38 The implication of the requirement for a Design Code will also need to be reflected in the forthcoming viability work. Often Local Planning Authorities will use design codes to ensure high-quality materials are used.

## Strategic Policy 68 – Parking

- 8.39 Policy 68 requires all new residential developments to provide electric vehicle charging points in accordance with Building Regulations standards. As this policy requirement duplicates Building Regulations, it **does not serve a clear purpose**. It is therefore **inconsistent with national planning policy** and should be removed from future iterations of the Plan.

## Strategic Policy 72 – Digital Connectivity

- 8.40 The Strategic Policy confirms that planning permission will not be granted for new development unless the scheme provides access to superfast broadband and high-quality communications.
- 8.41 However, as of the 26<sup>th</sup> December 2022, developers are required, through Approved Document R of the Building Regulations, to provide: (1) gigabit-ready physical infrastructure necessary for gigabit-capable connections up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to that distribution point; and (2) subject to a costs cap, a functioning gigabit-capable connection.
- 8.42 As such it is considered that the policy requirement duplicates Building Regulations and therefore it **does not serve a clear purpose**. Accordingly, it **conflicts with national policy** and should be removed

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<sup>23</sup> Paragraph: 020 Reference ID: 56-020-20150327, National Planning Practice Guidance, Optional Technical Standards, 27<sup>th</sup> March 2015.



from future iterations of the Plan.

## Strategic Policy 87 – Biodiversity Net Gain

8.43 Strategic Policy 87 requires development proposals to result in a biodiversity net gain of at least 20%. This is to be calculated in accordance with best practice and local and national guidelines. BDW object to this level of biodiversity net gain, which, for the reasons set out below, they considered to be **unjustified** and could potentially result in an **ineffective** Plan. Their concerns, which are set out below, are as follows:

- 1) Consistency with national policy;
- 2) Practical implications on developments;
- 3) Viability; and
- 4) Consistency with evidence.

### Consistency with National Policy

8.44 Any requirement that was higher than the minimum 10% would result in a conflict with the Environment Act, which seeks a 10% biodiversity net gain. Should a higher level be advocated, it would lead to a situation where planning applications could be refused on the grounds of the local policy framework, despite according with national legislation.

8.45 It should also be noted that the mandatory net gain requirement proposed by the Environment Act is expressed as a minimum. As is demonstrated in Table 6 below, applications have been submitted in East Devon which provide a higher net gain than the minimum requirements.

### Practical Implications on Developments

8.46 Policy CB26 of the recently adopted Cranbrook Plan requires, amongst other things, developments at Cranbrook to deliver at least a 10% biodiversity net gain.

8.47 Pursuant to the Cranbrook Plan, planning application 22/1532/MOUT was submitted to East Devon District Council in July 2021. As set out in the Planning Statement Addendum, the application, which was made on a site measuring 91.28ha, provided the following green infrastructure provision:

**Table 5 – Green Infrastructure Provision Including in Application 22/1532/MOUT**

Land Use	Area (Ha)
Sports Hub	7.29
Indicative Attenuation Basins	3.69
Public Open Space	15.25
Suitable Alternative Natural Green Space (SANGS)	19.46
Allotments	0.61
<b>TOTAL</b>	<b>46.3</b>



8.48 The application therefore proposes that approximately 51% of the site will come forward as green infrastructure provision. Excluding the sports hub, this would reduce to 43%. Despite this generous level of green infrastructure provision, the metric provided with the application demonstrates that the following biodiversity net gains will be provided:

**Table 6 – Biodiversity Net Gain Proposed in Application 22/1532/MOUT**

Unit Type	Onsite Baseline Units	Onsite Post-Development Units	Net Unit Change	Percentage Change
Habitat	214.58	240.08	+25.5	+11.88
Hedgerow/Linear	161.63	182.03	+20.41	+12.63
River/Stream	5.68	9.15	+3.47	+61.14

8.49 The table demonstrates that despite providing over half the site as green infrastructure, other than for river/stream units, the application would fall well short of the emerging policy requirement contained within the consultation version of the Local Plan.

8.50 This principal reason for the lower than expected outcome is due to the way that Natural England and the Local Planning Authority require Suitable Alternative Natural Greenspace (SANGS) to be treated within the metric. The applicants were unable to include the full net gain to be provided from SANGS land and instead, they included the additionality from the SANGS land, beyond that required to mitigate the impact of the proposed development on Habitat Sites.

8.51 Consequently, to have achieved a higher biodiversity net gain outcome, it would have been necessary for the applicant to have reduced the quantum of development from the application site and increase the provision of green infrastructure.

8.52 The lessons learnt from planning application 22/1532/MOUT should be carefully considered by the Local Planning Authority when considering the most appropriate level of net gain to be included in the emerging Local Plan, particularly as the emerging Local Plan seeks to focus development within the Western Side of East Devon, which will also have to provide similar mitigation. Should the 20% level remain in future versions of the Local Plan, it could necessitate additional land to be identified to deliver the objectively assessed need for housing, or an increase in density. Both could result in undesirable outcomes.

### **Viability**

8.53 A net gain requirement of 20% will have direct and indirect impacts on development viability. Work undertaken by Swale Borough Council has demonstrated that a 20% Net Gain requirement would add c.19% to the net gain costs.



8.54 In addition, and as outlined above, any increase over that required by the Environment Act would impact on the quantum of developable land, which could worsen the viability of development proposals.

8.55 For the above reasons, Section 6.11.2 of the DEFRA 'Biodiversity Net Gain and Local Nature Recovery Impact Assessment' concludes that:

***"While this suggests that varying the level of net gain between 5% and 20% has very limited impact on the outcome, there is a trade-off between cost implications for developers and the likelihood of net gain being delivered at a national level (e.g. less costly/likely at 5% net gain compared to 10%, and vice versa for 20%). Our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues."***

8.56 No viability work has been provided with the emerging Local Plan consultation at the present time. To ensure that the allocations proposed within the Plan are **deliverable** and therefore **effective**, the viability implications of this higher net gain should be fully considered.

## Strategic Policy 97 – Open Space and Recreation

8.57 We have reservations that this policy seeks large amounts of open space to be delivered on-site, with little room for variation and no option for off-site delivery embedded within the policy text.

8.58 Whilst the draft policy reflects the adopted policy (Strategy 43) in terms of expectation for on-site delivery – i.e. schemes for 10-49 dwellings are expected to provide amenity open space on site, rising to the additional requirement of children's and youth play space for schemes of 50-199 dwellings and all types of open spaces (including allotments and playing pitches) expected to be delivered on site for schemes of 200 dwellings or more - the draft policy states that developments that do not meet the policy requirements 'will be refused planning permission though there will be scope through negotiation to vary types and quantities of space if net benefits achieved can be clearly shown to be greater than the tabulated need figures'.

8.59 This wording implies that variation to standards can be negotiated, however only providing that an overall increase to standards is achieved. This offers no flexibility for scenarios where minimum standards cannot be achieved. As worded there is also no mechanism for off-site contribution.

8.60 Compare this to the adopted Policy Strategy 43, which provides a more flexible approach:

*'It may be necessary or desirable to provide more of certain typologies and subsequently less of others depending on site specifics and an appropriate layout and arrangement will be considered during the planning application process. Where a developer considers an alternative mix is more appropriate evidence should be submitted with an application to demonstrate the justification for an alternative approach. Provision of new off-site open space or enhancement of existing off-site open space will be funded through the Community Infrastructure Levy (CIL) if considered necessary. Until adoption of CIL, off-site open space will be funded through financial contributions as part of a Section 106 Agreement where on-site provision is impractical or non-viable'.*

8.61 Without allowance for exception to on site provision, the policy as worded is too rigid and presents an additional burden to developers. The level of open space required on site will not be feasible for every site, there is no consideration towards individual site constraints or viability. We would recommend that the policy is revised to allow more flexibility, as is established in the adopted Policy.



## Viability

8.62 The emerging Local Plan includes a number of strategic allocations. Whilst, at the present time, an Infrastructure Delivery Plan has not been prepared to support the emerging Local Plan, a number of emerging policies contain requirements that will have financial implications on development. Such requirements include:

- The requirement for net-zero carbon development and the need to maximise the use of renewable energy;
- Levels of affordable housing;
- The need to include specialist housing for older people;
- The requirements for accessible and adaptable housing;
- The perspective housing market mix;
- Self and custom build housing;
- Employment skills strategy;
- Higher construction costs resulting from the requirement for Design Codes;
- Nationally described space standards;
- Electric vehicle charging points;
- Digital infrastructure;
- Biodiversity net gain;
- Open space and sports provision;
- Transport mitigation;
- Social and community infrastructure;
- Gypsy and Traveller mitigation; and
- Mitigation for internationally protected sites.

8.63 Para. 34 of the NPPF establishes that Plans should set out the contributions expected from developments and that such policies should not undermine the deliverability of the Plan. To ensure that the allocations proposed within the Plan are deliverable propositions and therefore are effective, the financial implications of these policy requirements should be considered in a detailed viability assessment.



## 9 Summary and Conclusions

- 9.1 Summarily our clients, BDW, are supportive of the overall approach taken within the Plan and in particular they support the proposed allocation land at Meeting Lane, Lympstone (GH/ED/72) that forms a substantive part of the Council's favoured allocation for the settlement. In this regard, they are in the process of preparing more detailed proposals that will be submitted to the Council in due course and anticipate submitting a planning application in order to coincide with the timings of the Plan.
- 9.2 In this regard, the Council can rely upon the proven track record of BDW in delivering new homes in East Devon to ensure that the site and the remaining part of the allocation will be delivered accordingly.
- 9.3 Notwithstanding the general support for the Plan and the proposed allocation of land at Meeting Lane, Lympstone, they do draw attention to a number of areas that they believe additional consideration may be required in order to ensure that the submission version of the Plan is sound. These include in respect of the period of the Plan, housing numbers and draft policies. These comments are intended help the Council shape the next version of the Plan.

*LRM Planning*  
*January 2023*