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Barratt Homes (Exeter) Limited



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Contents

1	Introduction.....	3
2	The Development Opportunity at land to the west of Lilypond Lane, Whimple ...	5
3	The Policy Context.....	8
4	The Plan Period and the Length of Time for Its Preparation.....	10
5	Vision and Strategic Objectives	12
6	The Spatial Strategy and the Distribution of Development	19
7	The Objectively Assessed Need for Housing.....	25
8	Housing Supply	34
9	Development Management Policies	37
10	Evidence Base.....	48
11	Summary and Conclusions.....	52

Appendix 1: Site Location Plan
Appendix 2: Settlement Comparison



1 Introduction

- 1.1 This representation to the East Devon Local Plan Review Consultation (Regulation 18) is submitted on behalf of Barratt Homes (Exeter) Limited (hereafter Barratt Homes). As a national housebuilder, they control a number of land parcels across East Devon, including some 14.2ha of land to the west of Lilypond Lane, Whimple.
- 1.2 Barratt Homes 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, the National House Building Council, the Royal Town Planning Institute and the Home Builders Federation. Barratt Homes has a national footprint, delivering new homes throughout Britain. They operate through six 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.
- 1.3 Barratt Homes have taken an active role for a number of years in reviewing and responding to emerging planning policy within East Devon. To that end they submitted representations to the previous Regulation 18 consultation on the emerging Local Plan, which was held in 2021.
- 1.4 Given their interests, Barratt Homes are pleased to see the emerging Local Plan progress to the Regulation 18 Preferred Options stage and are generally supportive of its content. However, notwithstanding their general support for the Plan, Barratt Homes draws the Local Planning Authority's attention to a number of areas that they believe require further consideration to ensure that the Plan is a sound proposition. Such considerations include:
 - Given the likely lead-in times for its production, the timeframe that the Local Plan covers may need to be extended;
 - The spatial strategy should afford more of a role to Whimple in meeting the District's housing needs, particularly given that the settlement is one of only nine settlements within East Devon that has a railway station;
 - Having regard to levels of housing affordability, the economic development strategy for the area, unmet needs from neighbouring authorities and the existing shortfall in housing delivery compared to the current Local Plan housing requirement, there may be a need to provide a higher level of housing than is currently being planned for;
 - A greater flexibility allowance should be included (10%);
 - There is the potential for the double counting of windfall provision;
 - Some of the policies contained within the emerging Plan have not been adequately evidenced, duplicate Government policy and could adversely impact the viability and the deliverability of development sites;
 - The evidence base, particularly concerning land to the west of Lilypond Lane, Whimple, is considered deficient, which results in an *unjustified plan*.
- 1.5 In the context set out above, these representations therefore focus on:
 - The opportunity for development at land to the west of Lilypond Lane, Whimple;
 - 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 and the distribution of development;
- The objectively assessed level of housing;
- Housing supply;
- Development management policies; and
- The evidence base.

1.6 A summary of these representations is provided in Section 11.



2 The Development Opportunity at land to the west of Lilypond Lane, Whimble

Site Description

- 2.1 As set out in Section 1 of these representations, Barratt Homes control land to the west of Lilypond Lane, Whimble. The site, which measures approximately 14.2ha, is located to the south and south east of Whimble. The boundaries of the site are defined by:
- a) To the north and north west – The West of England Main Railway line and the existing built form of Whimble beyond;
 - b) To the east – Properties known as Bridgefield and Higher Slewtun, as well as Lilypond Lane;
 - c) To the south east – Mature hedgerow and trees, with fields beyond; and
 - d) To the south west – a treelined watercourse, with dwellings and allotments on Grove Road beyond.
- 2.2 The site is irregular in shape and covers an expansive area of what appears to be agricultural land made of multiple field parcels, divided by mature trees and hedgerows. The land appears to have an undulating topography. As indicated above, the site's western boundary is marked by an existing watercourse. A tributary of the watercourse runs horizontally across the southern part of the subject site. Public Rights of Way also cross the northern and southern areas of the site.

Sustainability

- 2.3 In terms of its location, the site is well related to the services and facilities in Whimble, and the settlement benefits from having a train station with direct services to East Devon's West End, Exeter and London. The Railway Station, which is only one of nine within the District, is located on the West of England Main Railway line, which generally is served by twice hourly services. There are proposals to increase the frequency of services on this line, which will be facilitated by the proposals for a passing loop between Cranbrook and Whimble stations. The provision of a railway station in the settlement is a key facility that is found in only two of the five Main Centres and one Local Centre as defined by Strategic Policy 2 of the emerging Local Plan. There are also bus services from Station Road to Sidmouth. The settlement also lies circa 7km to the north-east of Cranbrook and the cluster of existing and proposed employment sites found within the settlement and adjacent to it. Consequently these employment sites are within a comfortable cycling distance of the site. It is instructive to note that environmental improvements are proposed to London Road, which via, one other road, connects Cranbrook and its other employment opportunities to Whimble.
- 2.4 In addition, and as set out in the Local Plan's evidence base, Whimble has the following services and facilities:
- A primary school;
 - A convenience store/shop;
 - A post office;
 - A doctor's surgery;
 - A community hall;
 - Two public houses;



- Allotments;
- Sports provision; and
- Children's play provision.

2.5 Many of these services and facilities are located within 500m of the centre of the site, including: (1) allotments; (2) a community hall; (3) the primary school; (4) the railway station; (5) a church; and (6) a public house.

Development Proposals

2.6 Barratt Homes have commissioned a number of technical assessments to support the promotion of land to the west of Lilypond Lane. This work includes: (1) transport and access; (2) ecology; and (3) masterplanning. Together, this work has demonstrated that the site is suitable for residential development, which could be accommodated on the site in a technically achievable manner. As demonstrated through this representation, Barratt Homes are making the site available for residential development, so it follows that the site is also available. Importantly, it has the ability to come forward in the next five-year period and is therefore a ***deliverable proposition***.

2.7 As is demonstrated within other sections of this representation, there is a need for the Local Plan to identify additional housing land. In accordance with national planning policy¹, the Plan should focus significant development at locations which are or can be made sustainable. For East Devon, the spatial strategy that has been found to be the most sustainable is to focus development in the western portion of the District.

2.8 The emerging Policy Map confirms that whilst Whimble is not located within the 'Western Side of East Devon,' it is located within the 'West of the District'. In comparison to other areas, this area of the District is technically unconstrained and is in reasonable proximity to the services, facilities and employment opportunities found within the District's West End and Exeter to the west. As set out above, importantly, the settlement is linked to many of these services and facilities by the West of England Mainline Railway, as well as housing many of its own services and facilities.

2.9 Building on these locational advantages, the technical work prepared on behalf of Barratt Homes has indicated that land to the west of Lilypond Lane could be brought forward in the following manner:

- For between 150 and 250 dwellings, which could include market, affordable, self-build housing and specialist accommodation for the elderly;
- Green infrastructure provision, including equipped play, natural public open space, structural planting, allotments and potentially the reinstatement of the orchard in the western area of the site;
- A sustainable drainage system;
- Subject to agreement with Network Rail, the construction of a developer funded lightweight overbridge to connect the site with land to the north, including the railway station and beyond. the bridge would be ramped for cycle and disabled access;
- The potential for a car and cycle park to be provided to the south of the West of England Main Line, which would serve Whimble Railway Station;
- New pedestrian and cycle connections to a range of destinations including: (1) Lilypond

¹ Para. 105 of the NPPF.



Lane; and (2) via the proposed bridge, to the north;

- Vehicular access to be provided via a priority T-junction onto Lilypond Lane in the north east corner of the site;
- Potential off-site highways improvements, including a scheme for passing points on roads in the surrounding environs;
- The potential opportunity to improve the railway overbridge to the north east of the site, which would provide a significant community benefit;
- The retention of the existing Public Rights of Way that cross the site;
- Travel planning measures; and
- A policy compliant provision of biodiversity net gain on-site.

2.10 Where necessary and viable, financial contributions could also be provided towards the passing loop proposed on the West of England Railway Line between Cranbrook and Whimple² and environmental enhancements to the Whimple Railway Station.

² See Policy 66 of the emerging Local Plan.



3 The Policy Context

- 3.1 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

- 3.2 The National Planning Policy Framework (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 should be produced (para. 1).
- 3.3 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.
- 3.4 Plans should: be prepared with the objective of contributing to sustainable development; be positively prepared, but deliverable; 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).
- 3.5 Development plans must include strategic policies to address an area's priorities for development and the use of land (para. 17). Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for *inter alia* housing; employment; retail; leisure; other commercial development; infrastructure; community facilities; and the conservation and enhancement of the natural, built and historic environment and measures to address climate change (para. 20).
- 3.6 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).
- 3.7 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, 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.
- 3.8 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).

- 3.9 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).
- 3.10 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** – enabling the delivery of sustainable development in accordance with policies within the NPPF.

Summary

- 3.11 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.



4 The Plan Period and the Length of Time for Its Preparation

- 4.1 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 Plan³. 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 area⁴. 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...”*
- 4.2 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

- 4.3 This timeframe corresponds to that set out in para. 1.3 of the Regulation 18 consultation version of the emerging Local Plan.
- 4.4 Para. 1.4 of the emerging Local Plan confirms that it is the Local Planning Authority’s intent that the Plan will cover the period from April 2020 to the 31st 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 31st March 2025.
- 4.5 Working backwards, this would mean that over the fifteen 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 examining Planning Inspector(s) and the Programme Officer by the Planning Inspectorate;
 - The scheduling of the Hearing Sessions;
 - The preparation of Hearing Statements;

³ Para. 22 of the NPPF.

⁴ 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;
- To seek the recommendation of the Strategic Planning Committee for the Plan to be Adopted; and
- The Plan to be adopted by Full Council.

4.6 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.

4.7 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 2nd August 2019. The Hearing Sessions, which were divided into two stages, commenced on 21st January 2020 and ended on 20th November 2020⁵. 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 14th 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 has been allowed by the Local Development Scheme.

4.8 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). This would mean, that amongst other things, additional housing land would need to be identified.

⁵ It is acknowledged that the Hearing Sessions were adversely affected by the Covid-19 pandemic.



5 Vision and Strategic Objectives

Issues and Opportunities

- 5.1 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.
- 5.2 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 (PAS⁶), who also outline that local plans 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.
- 5.3 The PAS also state 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 plan⁷.
- 5.4 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.
- 5.5 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;
 - The locations where residents, services, facilities and employment opportunities are located;
 - Key sustainable transport corridors and opportunities to enhance them and further their use;
 - Information relating to carbon dioxide emissions for the Local Authority area; and

⁶ Para. 1.1 'Good Plan Making Guide.'

⁷ Para. 1.2 'Good Plan Making Guide.'



- Opportunities presented within the District to reduce greenhouse gas emissions, including by promoting sustainable modes of travel.

5.6 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. We note that a significant amount of this information already exists, for instance within the Sustainability Appraisal.

The Vision

5.7 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. It 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.

5.8 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 concept of co-operation with neighbouring authorities.

5.9 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.

5.10 Moreover, Barratt Homes also note that para. 22 of the NPPF suggests that where new settlements or significant extensions to existing villages or towns are being proposed, such as within the consultation version of the Local Plan, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timeframe of delivery.

Strategic Objectives

5.11 The following Section provides Barratt Homes 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.

Design for Health and Wellbeing

5.12 Strategic Objective 1 seeks to encourage healthy lifestyles and living environments for the District's residents.



- 5.13 Whilst this objective is unobjectionable, it is difficult to see how this objective would help to facilitate the achievement of the Vision, for the emerging vision is silent on these matters. Moreover, other than reference to 30% of residents in the District being aged over 65, the contextual information provided within the Plan does not suggest that health and wellbeing is an issue worthy of being addressed through the Plan, or a strength that should be built upon.
- 5.14 It is noted that Health and Wellbeing is a Strategic Objective of the Cranbrook Plan. However, the 'issues and summary commentary' information provided in that Plan highlight a range of issues using available sources of information and identify how that Plan could help tackle those identified issues. The evidence/information provided within the Plan include the Joint Strategic Needs Assessment (2017, which has since been updated), census data relating to causes of sick leave in employment and academic research.
- 5.15 This level of information should be included within the context section of the Plan. Health and wellbeing outcomes should form a part of the emerging Plan's vision, with the strategic objective then demonstrating how the Plan will be used to deliver that element of the vision.

Tackling the Climate Emergency

- 5.16 Whilst Barratt Homes 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."***
- 5.17 Whilst concerns relating to net zero carbon are considered in more detail elsewhere within these representations, Barratt Homes 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.
- 5.18 Any proposed Strategic Objectives and proposed planning policy should reflect the existing legislative framework, national policy and guidance.
- 5.19 Notwithstanding the above, it is instructive to note that the Plan's evidence base identifies that the key method of reducing carbon and other greenhouse emissions concerns the location of development. In this regard, and as demonstrated in Section 5 of this representation, the most sustainable locations to accommodate strategic levels of development within the District continues to be within the western areas of East Devon.
- 5.20 The District's nine railway stations are also identified in the emerging Plan as being important elements of infrastructure. As stated elsewhere within this representation, in the context of having to find additional housing land, the proposed policy framework should seek to focus development close to these critical elements of infrastructure and to promote their use. This would provide an appropriate response to national planning policy⁸.

Meeting Future Housing Needs

- 5.21 Proposed Strategic Objective 3 seeks to provide high-quality homes to meet people's needs. This Strategic Objective is unobjectionable.
- 5.22 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

⁸ Para. 105 of the NPPF.



dwellings per annum.

- 5.23 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.

Supporting Jobs and the Economy

- 5.24 The fourth Strategic Objective concerns providing support for business investment and job creation, whilst also ensuring that East Devon's economy is resilient.
- 5.25 Again, Barratt Homes 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.
- 5.26 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

- 5.27 Noting that Barratt Homes are not proposing any town centre development, or development that would undermine the role of any existing or proposed town centres within East Devon, they do not specifically have any comments relating to this Strategic Objective.

Designing Beautiful and Healthy Spaces and Buildings

- 5.28 The sixth proposed Strategic Objective concerns promoting high-quality and beautiful development that is constructed to meet 21st 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.
- 5.29 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

- 5.30 Draft Strategic Policy 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.
- 5.31 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.
- 5.32 In this regard Barratt Homes draw attention to paras. 3.10 and 3.11 of the Adopted Local Plan, which relate to the historic environment. A similar level of detail should be included within the



Local Plan Review.

Our Outstanding Natural Environment

- 5.33 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.
- 5.34 As indicated in Section 6 of these representations, the spatial strategy, which seeks to accommodate strategic levels of development in locations away from the most environmentally sensitive areas and principally in the western areas of the District, provides a robust policy response to this Strategic Objective and in turn, the Plan's Vision.
- 5.35 Notwithstanding the above, whilst Barratt Homes support the aspiration of delivering a net gain in biodiversity from new development, they are concerned with the implications of the levels sought by the emerging Local Plan (20%), which is a 100% increase on the minimum level of biodiversity net gain sought through the Environment Act. The response provided at Section 9 of these representations highlights a number of concerns with the approach being adopted, including it potentially requiring more land than would otherwise have been required to facilitate the objectively assessed development requirements and its impact on viability. These concerns are demonstrated with the use of the Treasbeare Garden Village case study.

Promoting Sustainable Transport

- 5.36 Strategic Objective 9 concerns ensuring walking, cycling and public transport provision are prioritised as modes of transportation, whilst also ensuring that there is provision for electric vehicle charging infrastructure.
- 5.37 Barratt Homes 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 have been made in private fossil fuel powered vehicles.
- 5.38 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.
- 5.39 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 towns. 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 a second new town of up to 8,000 dwellings, was the most appropriate of the four options assessed. This is because the strategy would focus ***“development where there is good connectivity in close proximity to a much wider range of jobs, services, and facilities in the Western side and Exeter”***, whilst also promoting



“development at existing settlements where there is a range of jobs, services, and facilities⁹.”

- 5.40 This approach provides a strong fit with para. 105 of the NPPF, which 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).
- 5.41 Notwithstanding the above, Barratt Homes do not consider that the policy framework provided in the emerging Plan fully reflects the ambition of Strategic Policy 9, which seeks to ensure that, amongst other things, public transport provision is prioritised.
- 5.42 Indeed, whilst para. 11.2 of the Plan identifies that East Devon has nine railway stations and that usage of them has increased *“significantly”* over the past 20 years, Strategic Policy 2 proposes that only 56% of the planned provision is proposed at settlements with a railway station. Of this provision, 96% is concentrated at four of these nine settlements. Excluding these four settlements, it means that in overall terms, there are five railway stations at settlements within the District where only 2% of the District’s planned provision is proposed. In the context where additional housing land will need to be found, far more should be made of the opportunities to focus additional development in close proximity to these five settlements, including Whimble, which, as outlined above, is located in the western portion of the District.
- 5.43 Whimble is located on the West of England Main Line. A number of services, facilities and employment land sites and commitments are located in close proximity to railway stations on this line, including Cranbrook, Sky Park, the Science Park, the Intermodal Interchange and Exeter beyond. Additional development in close proximity to the train stations within East Devon, particularly those found within the western part of East Devon, could result in a greater number of residents using the railway network to access services, facilities and employment opportunities.
- 5.44 Moreover, it is these locations that also offer opportunities to promote active travel. In this regard we note that Whimble is located within a reasonable cycling journey time on a road (London Road), which has secured developer funding for environmental enhancements.
- 5.45 The encouragement of active travel measures, including cycling, and public transport use, would help to alleviate pressure on the highway network and reduce greenhouse gas emissions.
- 5.46 The policy response to this Strategic Objective is discussed in more detail in Section 6 of this representation.

Connections and Infrastructure

- 5.47 The tenth draft Strategic Objective seeks to ensure that infrastructure is delivered alongside, or ahead of development. Again, this, as a matter of principle, is supported by Barratt Homes. It provides a good fit with paras. 11(a) and 20(b) of the NPPF.
- 5.48 However, as outlined in Section 9 of this representation, whilst there is undoubtedly a need for development to be supported by necessary infrastructure, there is also a need for the Local Planning Authority, through this plan-making process, to ensure that the cost of the necessary supporting infrastructure does not, when considered alongside other developer contributions, adversely affect the viability of development, which could delay or undermine the delivery of

⁹ Page 109, East Devon Local Plan Preferred Options Consultation Draft Sustainability Appraisal Report, November 2022.



development envisaged by the Plan. This in turn could impact on the deliverability of other Strategic Objectives and the Plan's Vision.

Supporting Sustainable and Thriving Villages

- 5.49 Barratt Homes support Strategic Objective 11, which seeks to support villages and to protect and enhance the facilities and services that they offer. However, they are concerned that this Strategic Objective has not been fully reflected in the proposed policy framework.
- 5.50 Excluding windfall provision, the Service Villages are proposed to accommodate just 7.6% of the planned provision. This could have an effect on the ability for villages to protect and enhance the services that they offer.
- 5.51 It also ignores the enhanced role that many of the Service Villages could play in accommodating development. For instance, of the nine railway stations located in East Devon, three are located in Service Villages. Each of those three Service Villages are located within the western portion of East Devon.
- 5.52 Two of these settlements, Whimble and Feniton, are located on the West of England Main Line, which provides a sustainable transport connection as far as Exeter St David to the west and London to the east. Improvements are proposed on this Line, including by the emerging Local Plan. As both settlements are located within the western portion of East Devon, it is feasible that journeys to the services, facilities and employment opportunities found within the western portion of the District and Exeter could therefore be made via short journeys made on the railway network. We note that a number of existing, committed and proposed employment land sites are located on the Main Line Railway Line, including Cranbrook, Sky Park, the Science Park, the Intermodal Interchange and Exeter beyond.
- 5.53 In the case of Whimble, the patronage of its railway station has grown in the period since 2005 and a greater proportion of trips to work by residents are made by the railway network than at the District level. Planning obligations secured through new developments could be used to fund improvements to the network which could increase patronage further.
- 5.54 Whimble is also located within a reasonable cycling journey time of the services, facilities and employment opportunities found within the western portion of the District, including those listed above. We note that London Road, which, with one other road, connects Whimble to the western area of East Devon, is proposed to be enhanced and downgraded. This could make cycling a feasible option for residents of Whimble.
- 5.55 Despite the provision of a railway station and being located within a reasonable cycling journey time of the services, facilities and employment opportunities in the West End, these settlements only account for a small proportion of the planned provision for East Devon. Whimble for instance, which is only located 7km from Cranbrook, is proposed to accommodate only 36 dwellings, which equates to 0.2% of the planned provision for the District.
- 5.56 The promotion of sustainable transport to access services, facilities and employment opportunities could help to reduce pressure on the highways network and levels of greenhouse gas emissions.



6 The Spatial Strategy and the Distribution of Development

- 6.1 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. Each topic is considered in turn below.

The Spatial Strategy

- 6.2 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 (an expanded West End), including at a new town and other strategic development sites. Significant development is then planned at the Principal Centre 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.
- 6.3 As set out in Section 5 of the consultation version of the Local Plan, the concentration of development in the western area of East Devon has been found to be the most sustainable spatial strategy in successive Development Plans, including the current adopted Local Plan. Indeed, the spatial strategy responds to the District's constraints and opportunities and those found within the surrounding areas.
- 6.4 In terms of constraints, East Devon's three Areas of Outstanding Natural Beauty (AONB) (East Devon AONB, The Blackdown Hills AONB and the Dorset AONB) account for approximately two-thirds of the District. The designations cover most of the southern, south eastern, eastern and northern areas of the District and include the Local Centre of Budleigh Salterton, as well as a number of villages.
- 6.5 Given the availability of land to accommodate housing outside of these designations and in other areas of the District, major strategic development within the three AONBs is likely to conflict with national planning policy¹⁰. As shown on Figure 18 of the consultation version of the Local Plan, the largest swathe of land outside of the three AONBs are the central and western areas of the District.
- 6.6 In terms of opportunities, the central and western areas of the District are also located in closest proximity to the city of Exeter. A strategy which focuses growth in the western area of East Devon therefore ensures that new homes are provided in close proximity to the services, facilities, employment opportunities and infrastructure provided within Exeter City Centre and those found within its more peripheral locations, close to East Devon, including Sowton Industrial Estate. As this strategy has been one that has been adopted for East Devon for a number of years, there are strategic developments in the western portion of East Devon that now supplement the services, facilities, employment opportunities and infrastructure found within Exeter.
- 6.7 In terms of employment land, a strategy that focuses new employment land provision on the western side of the District also has its advantages, including: (1) proximity to strategic transport

¹⁰ Paras. 176 and 177 of the NPPF.



networks, including the M5 motorway; (2) consumers and the labour market at and surrounding Exeter; and (3) clusters of existing businesses, services and higher education establishments.

- 6.8 Given the above, the proposed spatial strategy will ensure that homes are provided closest to where most jobs are likely to arise, where there is the greatest potential to secure increased sustainable transport investment and usage and where there exists the greatest range of services and facilities. Given these characteristics, it will result in a pattern of development which limits the need to travel and provides for a genuine choice of transport modes. In turn, this will help to reduce greenhouse gas emissions and improve air quality and public health.
- 6.9 A concentration of development within the western side of East Devon also responds to market demand; there remains strong developer and market interest for residential and commercial development in the western portion of East Devon.
- 6.10 This strategy, which was assessed through the Independent Examination of the now adopted Local Plan and was therefore found to be sound, is firmly based on the sustainable development objectives, including those contained within the NPPF (including paras. 11(a) and 105). As stated in draft Strategic Policy 1, the strategy of focusing development in the western portion of the District is the most sustainable.
- 6.11 Notwithstanding the above, whilst Barratt Homes are supportive of a spatial strategy that focuses development within the western portion of East Devon, this should not be at the detriment of providing a suitable level of housing in other towns and villages within the District. Whilst there is not a requirement for a spatial strategy to respond to development needs at a settlement level, each settlement will have its own needs. This was a matter which was considered by the Inspector of the current Local Plan¹¹. In general terms, the spatial strategy does provide the opportunity for each settlement to meet its own needs.
- 6.12 However, Barratt Homes is aware of a number of settlements that are located in the western portion of the District, that are unaffected by environmental designations and are also located in close proximity to the services, facilities and employment opportunities found within the Western Side of East Devon. Such settlements should have a greater status in the emerging spatial strategy and, in a manner that is broadly consistent with it, could accommodate greater levels of development.
- 6.13 Whimble for instance, which has a range of services and facilities of its own, is located just over 7km from Cranbrook and the services, facilities and employment opportunities found at and in close proximity to that settlement. Given the distance from Whimble to those opportunities, they can be accessed in a reasonable cycling journey time. Funding has been secured through the Cranbrook Plan to enhance London Road which principally connects Whimble and Cranbrook and is likely to include segregated pedestrian and cycle infrastructure. This will be delivered by Devon County Council in the near future.
- 6.14 Whimble also has its own railway station, which is located on the West of England Railway Line. Generally a twice hourly service is provided to a range of destinations, including Cranbrook and Exeter to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. Enhancements are proposed to the Line, including the provision of passing loops between Cranbrook and Whimble which will help increase the frequency of services.

¹¹ Para 26 of the Inspector's Report, January 2016.



- 6.15 Whilst being located in close proximity to the District's strategic services, facilities and employment opportunities, Whimble also has a number of its own services and facilities. As demonstrated in the Role and Function of Settlement's evidence base document, it has a not dissimilar level of services and facilities to a number of Tier 3 settlements, including Colyton and Woodbury, which themselves lack a railway station (please refer to Appendix 2). Comparing Whimble with just Woodbury, other than having a greater retail provision, the services and facilities on offer at Woodbury mirror those found in Whimble. Whilst the bus services are more regular in Woodbury, importantly and unlike Whimble, it does not have a railway station. Both have a broadly comparable employment density.
- 6.16 Given the similarities in levels of services and facilities between Whimble and other higher Tier 3 settlements, consideration should be given to uplifting its status in the settlement hierarchy to a Tier 3 settlement. This would provide a better fit with its role and function and its locational and public transport advantages.

Sustainability Appraisal

- 6.17 As indicated above, the proposed spatial strategy seeks, in general terms, to continue to follow that set out in the adopted Local Plan, which itself was prepared in the context of the 2012 version of the Framework. Consequently, at Examination, it would have been necessary for the Local Planning Authority to be ***"the most appropriate strategy, when considered against reasonable alternatives..."***¹²
- 6.18 It follows that unless there has been a material change in circumstance since the Inspector's Report was published in January 2016, the proposed spatial strategy should again be considered as being appropriate (noting that for the emerging Plan to be justified and therefore a sound proposition, the 2021 version of the NPPF only requires the Local Plan to promote ***"an appropriate strategy"***, rather than ***"the most appropriate strategy"*** in the 2012 version).
- 6.19 In general terms, Barratt Homes are not aware of any material considerations that would suggest that a more appropriate spatial strategy should be adopted.
- 6.20 Indeed, 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; whilst also focussing development where there is good connectivity in close proximity to a much wider range of jobs, services, and facilities in the Western side and Exeter."***
- 6.21 However, Barratt Homes consider that Whimble should be afforded a greater role in the spatial strategy, as a Tier 3 settlement. Indeed, as has been demonstrated, it has a comparable level of services and facilities to other Tier 3 settlements within the District.
- 6.22 As set out in Section 10 of these representations, Barratt Homes consider that Whimble has been incorrectly assessed as an unsustainable settlement. Summarily, they consider that the analysis in the 'Role and Function of Settlements' evidence base paper does not adequately consider the sustainable transport opportunities at the settlement and how residents currently,

¹² Para. 182 of the 2012 version of the NPPF.



and with further encouragement, could further use its public transport offer to travel to work. At Section 10 of these representations, Barratt Homes suggests that future versions of the Sustainability Appraisal should consider affording a greater role to Whimble in the settlement hierarchy.

Evidence Base

- 6.23 The proposed spatial strategy also provides a suitable response to addressing climate change. Research undertaken by the University of Exeter¹³ has demonstrated that ***“location is the single most important factor in determining potential emissions arising from new development.”***
- 6.24 The work concluded that in general terms, transport related emissions were lower when development was located closer to existing major urban areas. Indeed, the work concluded that the location of the development and the range of sustainable transport options available to residents of the development would, on average, result in a greater carbon emission reduction than requiring all new dwellings to be constructed to ‘zero carbon’ for regulated emissions.
- 6.25 Consequently, a strategy that focuses development in the western portion of the District, in close proximity to Exeter City and existing developments on the western edge of East Devon, will, with additional sustainable transport measures, result in lower carbon emissions.
- 6.26 As has been demonstrated, Whimble is a settlement which is located in the western portion of East Devon and in close proximity to strategic services, facilities and employment opportunities. Its significant public transport offer ensures that it is not an unsustainable, dormitory settlement. Indeed, if an enhanced role was afforded to Whimble in the settlement hierarchy and in accommodating the District’s needs, it would provide a strong fit with the University of Exeter’s work, as development would be located in close proximity to major urban areas and at a location with a range of sustainable transport options.

The Distribution of Development

Western Side of East Devon

- 6.27 As set out above, the emerging Plan’s spatial strategy seeks a continuation of the spatial strategy adopted in the 2016 Local Plan, which, in the first instance, focused development within East Devon’s West End. For the reasons set out above, this strategy continues to be the most appropriate.
- 6.28 To give effect to the existing and emerging spatial strategy, the emerging Plan confirms that the ***“general pattern of development is set to continue¹⁴.”***
- 6.29 Excluding the windfall provision, Strategy 2 of the adopted East Devon Local Plan seeks to focus 10,563 dwellings out of the 16,393 dwellings planned for, in East Devon’s West End. This equates to approximately 64% of the planned provision.
- 6.30 Excluding windfall provision, Strategic Policy 2 (Housing Distribution) of the emerging Local Plan, focuses 9,891 dwellings in the Western Side of East Devon out of a total planned supply of 18,167 dwellings. This equates to only approximately 54% of provision. Accordingly, the role and function that the Western Side of East Devon will have in meeting the residential needs of

¹³ Please refer to Section 2.3.1 of the 2020 Low Carbon and Climate Change Evidence Base for the Greater Exeter Strategic Plan Report.

¹⁴ Para. 3.8 of the Regulation 18 Version of the East Devon Local Plan, November 2022.



the District will, *prima facie*, be reduced.

- 6.31 However, whilst the 2016 Local Plan sought to focus nearly two-thirds of provision within the West End, this level of provision has not materialised. Para. 4.3 of the latest Housing Monitoring Update¹⁵ confirms that 4,056 dwellings have been completed within the West End over the period 1st April 2013 to 31st March 2022. Across the District there have been 8,376 completions over the same period, which means that approximately 48% of delivery has occurred within the West End.
- 6.32 The Housing Monitoring Update also provides a trajectory of completions until the end of the existing Plan period. That work forecasts that by 31st March 2031, 8,440 dwellings will have been constructed within the West End. Over the same period the work forecasts that 15,777 dwellings will have been completed across East Devon. Accordingly, it is forecast that approximately 54% of completions will be focused at the West End. Whilst for the reasons outlined in para. 7.51 of this representation this is an underestimation of the potential supply of dwellings that are likely to come forward within the West End by the end of the Plan period, the evidence does suggest that a concentration of development within the western portion of East Devon akin to that proposed within Strategy 2 of the 2016 Local Plan (i.e. 64%), is unlikely to be **deliverable** and therefore **effective**. Consequently, there is a need for a reduced proportion of development to be concentrated within the West End, but to a level that does not undermine the achievement of the benefits of adopting such a strategy. The distribution of development proposed within the emerging Local Plan strikes this appropriate balance.

The Rest of East Devon

- 6.33 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. 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%).
- 6.34 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.
- 6.35 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 the Western Side of East Devon. Whimble for instance, is a settlement where further growth could be accommodated in a sustainable manner, particularly given that it has its own railway station which is located on the West of England Main Line, which provides 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 Whimble would respond to the spatial strategy of focusing growth in the Western Side of East Devon.

- 6.36 Given these locational advantages, Barratt Homes are concerned about the level of housing

¹⁵ Published August 2022.



proposed for Whimble; just 36 dwellings. Indeed, whilst Whimble houses 0.8% of the District’s population, the Local Plan proposes, excluding windfall provision, to accommodate just 0.19% of the planned housing provision at the settlement. In comparison to other settlements with a similar level of services and facilities, Woodbury houses 1.19% of the District’s population and will accommodate a similar level of the planned housing provision.

6.37 In the context of the need for the Local Planning Authority to identify additional housing land (see Sections 3, 7 and 8 of these representations), a greater level of residential development should be directed to Whimble in future versions of the Local Plan.

Sustainability Appraisal

6.38 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 appropriate 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.”

6.39 We do not demure from these conclusions.

6.40 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%

6.41 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 are properly assessed.



7 The Objectively Assessed Need for Housing

- 7.1 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 of the NPPF 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.
- 7.2 Strategic Policy 3 (Levels of Future Housing Development) outlines that housing provision will be made in East Devon over the period 1st April 2020 to 31st March 2040 for at least 18,920 dwellings (net). This equates to 946 dwellings per annum. This level of housing results from the Standard Method, as set out in the NPPF (para. 61 refers).
- 7.3 The calculation uses the 2014-based household projections and the medium workplace-based affordability ratio for East Devon, as published in March 2022.
- 7.4 The Planning Practice Guidance (PPG) 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 homes¹⁶.”*
- 7.5 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.”*
- 7.6 It follows that a housing requirement that is lower than the level of housing need calculated using the Standard Method, could result in a 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

- 7.7 As set out above, para. 61 of the NPPF confirms that the Standard Method for calculating housing need should be employed, other when exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. This is also confirmed in the PPG, where it is stated that an alternative approach can be employed *“if it is felt that circumstances warrant an alternative approach¹⁷...”*
- 7.8 As indicated in para. 3.5 of the ‘Housing Need, Supply and Requirement Interim Topic Paper’ the

¹⁶ Paragraph: 005 Reference ID: 2a-005-20190220, National Planning Practice Guidance, Housing and Economic Needs Assessments, 20th February 2019.

¹⁷ Paragraph: 006 Reference ID: 2a-006-20190220, National Planning Practice Guidance, Housing and Economic Needs Assessments, 20th February 2019.



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 Method.

7.9 The work considered a range of demographic data sets, including in relation to: (1) student population; (2) the use of 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.

7.10 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.”

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

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

7.12 This is a position that is supported by Barratt Homes, 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

7.13 The PPG is clear that the Standard Method for assessing local housing need provides a minimum starting point for determining the local housing needed in an area and does not attempt to understand factors such as economic circumstances or other demographic behaviours. The PPG provides further examples of where it may be appropriate for authorities to plan for more than the local housing need figure. 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.

7.14 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.

7.15 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

7.16 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 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.

- 7.17 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.
- 7.18 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.
- 7.19 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 area¹⁸.”***
- 7.20 As well as the four locations that form the Enterprise Zone, there are 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.
- 7.21 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.”***
- 7.22 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.
- 7.23 This proposition was considered by the Local Planning Authority in their Housing Need, Supply and Requirement Interim Topic Paper 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) whether there is enough housing to accommodate the forecast increase in the number of economically active residents; and if not (3) whether there is a need to plan for a higher level of housing to fill the forecast increase in jobs.
- 7.24 In terms of economically active residents, the assessment work considered the number of additional economically active residents that 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 economically active residents in the period 2020 to 2040, but for the reasons set out in para. 4.8

¹⁸ Para. 5.19, East Devon Local Plan Review Regulation 18 Version.



of the Housing Background Paper, it was concluded that this did not represent the number of jobs which can be supported.

- 7.25 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.
- 7.26 Given the above, Barratt Homes reserve the right to comment on the implications of this unresolved evidence base document at future stages of the plan-making process.
- 7.27 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.
- 7.28 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. As outlined in 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.
- 7.29 This will be a matter for the Authorities within the Exeter Functional Economic Market Area to consider under the Duty to Cooperate 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 15th December 2022, whilst the implications of the Secretary of State for Levelling Up, Housing and Communities' Written Ministerial Statement dated 6th December 2022, is considered. The outcome of this review could have implications on the jobs and homes balance across the Functioning Economic Market Area.
- 7.30 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.
- 7.31 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. It could include additional development at the towns and villages that are located in the western portion of the District, but outside of the specific 'Western Side of East Devon' policy designation. There are opportunities for greater levels of development to be



accommodated at settlements such as Whimple, which are connected to the Western Side of East Devon and beyond, by, amongst other modes of transport, a strategic railway connection.

Strategic Infrastructure

- 7.32 Barratt Homes 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

- 7.33 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.
- 7.34 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 8.8%.
- 7.35 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.
- 7.36 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

- 7.37 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.
- 7.38 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 annum¹⁹. In comparison, para. 5.51 of the 2022 Local Housing Needs Assessment confirms that the overall 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.
- 7.39 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

¹⁹ Para. 18, Report on the Examination into the New East Devon Local Plan 2006 to 2026.



housing)²⁰.

- 7.40 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 housing; or (2) 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 consider cannot afford to buy a home on the open market or 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. a 56% reduction).
- 7.41 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 quantum of affordable home ownership products than is currently anticipated could help to make this aspiration a more realistic prospect. A greater level of housing in overall terms would assist with this outcome.

Shortfall in Housing Delivery

- 7.42 Barratt Homes are aware that the Standard Method for calculating housing need should factor in past under-delivery as part of the affordability ratio²¹. 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.
- 7.43 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 over the Plan period. 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

- 7.44 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 a statement of common ground should be used to establish whether there are any unmet needs from neighbouring authorities. This is also reiterated at para. 61.
- 7.45 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.

- 7.46 Of relevance, the work confirms that Teignbridge District Council are currently working on the

²⁰ It is acknowledged that this forecast provision excludes exception sites and affordable housing provision that could be delivered through Neighbourhood Plans.

²¹ Para. 031 Ref IA: 68-031-20190722, National Planning Practice Guidance, Housing and Supply and Delivery, 22nd July 2019.



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 either. Indeed, the Full Council meeting which was scheduled for 15th December 2022 was postponed ***“following the announcement by the Secretary of State for Levelling Up, Housing and 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.

- 7.47 In addition, we are aware that Torbay Council, who whilst not being a neighbouring authority, adjoin the Exeter Functional Economic Area, as well as 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

- 7.48 On 6th 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 8th 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.”

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

Theoretical Housing Supply

- 7.50 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 st April 2020 to 31 st March 2022	1,906
Commitments at 31 st March 2022	4,389
Cranbrook Plan DPD	4,170
Windfall Allowance	2,335
TOTAL	39,888

- 7.51 We are aware that the above analysis underplays the true potential of the theoretical supply of 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). The HELAA also dismisses opportunities across the District, including land to the west of Lilypond Lane, Whimble.
- 7.52 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

- 7.53 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 considered the local housing need plus a 20% uplift.
- 7.54 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.
- 7.55 Barratt Homes 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.
- 7.56 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

- 7.57 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

- 7.58 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.
- 7.59 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.
- 7.60 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.
- 7.61 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.



8 Housing Supply

8.1 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. The role of non-strategic sites;
2. Flexibility allowance; and
3. Windfall development.

8.2 Each consideration is addressed in turn below.

The Role of Non-Strategic Sites

8.3 As with the current Local Plan, the emerging Local Plan proposes to allocate a number of strategic sites. There can often be long lead-in times associated with the delivery of strategic sites. Whilst Barratt Homes do not specifically comment on the lead-in times associated with any of the strategic sites proposed for allocation within the emerging Local Plan, they do note that row F of the table provided at para. 4.3 of the 2022 Housing Monitoring Update identifies that there is a shortfall in completions in the western side of the District in comparison to the requirement for that area, in the period 1st April 2013 to 31st March 2022. It is this area that contains the majority of the strategic allocations. Whilst this supply issue in the West End might well be addressed by the end of the Plan period, the same row demonstrates that in overall terms, supply has broadly kept pace with the requirement due to delivery in the rest of East Devon, where typically, more non-strategic development is located.

8.4 Accordingly, given the strategic development proposed within the Regulation 18 version of the Plan, there will be a clear role for non-strategic sites to ensure a continuity in housing supply, particularly in the early years of the Plan.

8.5 Indeed, where this involves no conflict with properly identified constraints, is in a sustainable location and generally accords with the proposed spatial strategy, it can represent a valuable source of housing land.

8.6 Such sites generally have additional merits. As well as ensuring a continuous supply of housing over the Plan period, they often will be more straightforward to implement and they can contribute to the mix and range of housing opportunities consistent with Government Policy. They therefore will add flexibility to the Council's housing supply.

8.7 In this context, we draw the Local Planning Authority's attention to the development opportunity at land to the west of Lilypond Lane, Whimble. The site, which is sustainably located, is in the control of a national housebuilder, who have a proven track record of delivery in East Devon.

Flexibility Allowance

8.8 Barratt Homes 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 is too low.

Purpose of a Flexibility Allowance

8.9 The use of a flexibility allowance is a well-established tool in plan-making. They have historically



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 an alternative use. As outlined in para. 6.5 of the 2016 Local Plan, a flexibility allowance has historically been used by East Devon District Council.

- 8.10 The use of such an allowance provides a suitable response to the Government objective of significantly boosting the supply of homes²² and helps to ensure that, in line with national planning policy, objectively assessed needs for housing are met²³. In doing so, they help ensure that a Local Plan is *positively prepared, effective* and *consistent with national planning policy*.

The Most Appropriate Flexibility Allowance

- 8.11 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 outlined in Strategic Policy 3 (18,920 dwellings), with the planned provision contained within Strategic Policy 2 (18,167 dwellings plus a windfall provision of 2,335 dwellings, giving a total supply of 20,502 dwellings), the flexibility allowance is only 8.4%. Barratt Homes consider this flexibility allowance to be too low.
- 8.12 Research suggests that between 10-20% of planning permissions do not materialise²⁴. 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% should be applied.
- 8.13 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).
- 8.14 This additional provision should be found from new allocated sites within the District. We again draw attention to the development opportunity at land to the west of Lilypond Lane, Whimble, which given its proximity to Whimble Railway Station, is a sustainable location.

Windfall

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

- 1) Potential for double counting; and
- 2) Compelling evidence for their inclusion.

- 8.16 Each is addressed in turn.

Potential for Double Counting

- 8.17 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

²² Para. 60, NPPF, 2021.

²³ Para. 11(b), NPPF, 2021.

²⁴ Page 22, "Taking Stock", Lichfields, 2021.



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 average, then no additional windfall provision is made. An adjustment is only made if forecast completions are less than the historic annual average.

- 8.18 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 the 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

- 8.19 Para. 71 of the NPPF confirms that in order for a windfall allowance to be included within the planned 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.
- 8.20 Care should 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.”***
- 8.21 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 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.



9 Development Management Policies

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

- 9.1 Strategic Policy 4 seeks a net increase in employment floorspace over the Plan period. An Economic Development Needs Assessment will inform the employment land requirements. As confirmed in the emerging Policy, this work is not available at the present time and therefore a specific requirement is not included.
- 9.2 Emerging Strategic Policy 5 requires that, other than in certain circumstances, for 0.4 hectares of employment land provision to be provided for each 100 homes delivered at Tier 1 and 2 settlements and in Tier 3 and 4 settlements, 0.1 hectares 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.
- 9.3 In this regard, Barratt Homes 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.”***
- 9.4 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.”***
- 9.5 Consequently, the Economic Needs Assessment should be used to identify what employment land is required over the Plan period and where it is best located. Through the plan-making process, the Local Planning Authority is therefore 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.***
- 9.6 As indicated above, part of the role of the Economic Development Needs Assessment will be to 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, which was published in Spring 2022, indicates that 103.45ha of employment land is currently available. Based on the ratio of 1ha for each 250 homes, which is proposed for Tier 1 and 2 settlements, 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.
- 9.7 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."*

9.8 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.

9.9 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.

9.10 In the adopted Local Plan, Strategy 31 seeks 1ha of employment land for each 250 homes, which is the same equivalent ratio to that proposed. However, Strategy 31 applies only to large scale major housing proposals, which is a scale of development that should 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 employments sites and the ability of these to meet the needs for proposed development"*.

9.11 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. 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.

9.12 Other elements that Barratt Homes suggest that the Local Planning Authority consider include:

- The changing nature of employment and the role of the internet and home working.
- Accessibility to existing employment uses and major centres, including public transport opportunities, or active travel.
- Uses other than employment that contribute to sustainable neighbourhoods.
- Differing employment densities from varying employment uses.

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

9.13 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. Strategic 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



developments to calculate the whole life-cycle carbon emissions through a nationally recognised Assessment.

- 9.14 As set out in the NPPF²⁵, 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 PPG²⁶ 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."

- 9.15 In addition, the PPG confirms that locally set energy performance standards should not exceed the equivalent of Level 4 of the Code for Sustainable Homes and for policies to impose reasonable requirements for a proportion of energy used in development to be from renewable and/or low carbon energy sources²⁷.
- 9.16 Barratt Homes 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.
- 9.17 Given the above, whilst the Local Planning Authority's proposed approach is commendable, there is a clear disconnect between emerging Strategic 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 policy***.
- 9.18 Notwithstanding the above, as set out in para. 9.13 of these representations, 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.
- 9.19 As set out above, the emerging Strategic Policy also requires a consideration of temperature discomfort. Again, this is a matter controlled by Building Regulations²⁸ and therefore we question whether the inclusion of this element of the policy ***serves a clear purpose***.

²⁵ Para. 152.

²⁶ Paragraph: 009 Reference ID: 6-009-20150327, National Planning Practice Guidance, Climate Change, 27th March 2015.

²⁷ Paragraph: 0012 Reference ID: 6-012-20190315, National Planning Practice Guidance, Climate Change, 15th March 2019.

²⁸ Overheating: Approved Document O, which took effect on 15th June 2022.



- 9.20 Barratt Homes also note that emerging Strategic 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 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. Barratt Homes echo these concerns and consider the Buildings Regulation process to be sufficient.

Strategic Policy 33 – Heat Networks

- 9.21 Emerging Strategic Policy 33 as worded requires all major developments within 1km of an existing heat network to secure connection to that network and where no heat network currently exists, a new heat network will be required for proposals above 1,200 homes.
- 9.22 Unlike Strategy 40 of the 2016 Local Plan, no flexibility is provided. Unless there is certainty over the feasibility of a viable connection to a heat network (i.e. it is in the control of the Local Planning Authority), it could, in certain circumstances, result in developments becoming unviable and/or undeliverable and therefore *ineffective*. Flexibility should therefore be introduced into the Policy.
- 9.23 In this regard we draw attention to para. 9.116 of the ‘East Devon – Options Appraisal for a potential New Settlement’ Report which confirms that decentralised dwelling level systems have the lowest capital expenditure, mainly due to the costs associated with the underground infrastructure required to serve neighbourhood wide solutions. We also note that at para. 9.16 of the same Report, an electric load calculation for the new town is provided. It makes the assumption that all new homes will be electrically heated via air source heat pumps, rather than a district heat network.

Policy 40 – Affordable Housing

- 9.24 Table 1 of Policy 40 proposes 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%.
- 9.25 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*.
- 9.26 Differing tenure levels are provided for the second new town and the remainder of East Devon. The Local Planning Authority will have to satisfy themselves that the requirements of para. 65 of the NPPF can be achieved. We note that as drafted, this will not occur for the second new town. Consequently, the Local Planning Authority are likely to have to demonstrate that this would significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 9.27 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.

- 9.28 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 updates of the Housing Needs Assessment, may demonstrate an alternative mix is more appropriate.
- 9.29 Barratt Homes note that limb d of Policy 40 states that ***“the Council will also reappraise viability on subsequent phases of large schemes.”*** Other than in circumstances where policy compliant levels of affordable housing cannot be achieved, there should be no need for further review mechanisms. Para. 34 of the NPPF clearly states that plans should set out the expected contributions from development, which should include the levels and types of affordable housing. Consequently, it would be inappropriate and ***contrary to national policy*** to require a review mechanism for a policy compliant scheme.

Policy 41 – Housing to Meet the Needs of Older People

- 9.30 Barratt Homes strongly oppose limb 6 of emerging Policy 41. They do not consider it to be a ***justified*** position. As no viability evidence has been provided it also risks the ***deliverability*** and therefore the ***effectiveness*** of the proposed residential allocations.
- 9.31 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 para. 4 that suitable locations for specialist older person accommodation should 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 allocating specialist accommodation in the right locations rather than relying on all housing allocations to deliver 20% specialist older person accommodation.

Policy 42 – Accessible and Adaptable Housing

- 9.32 The PPG²⁹ 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 the existing housing stock;

²⁹ Paragraph: 007 Reference ID: 56-007-20150327, National Planning Practice Guidance, Optional Technical Standards, 27th March 2015.



- 4) How needs vary across different housing tenures; and
- 5) The impact on viability.

9.33 The evidence base supporting the Plan³⁰ 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.

9.34 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.”*

9.35 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.

9.36 Future iterations of the Plan should reduce the requirements of the emerging Policy.

Policy 43 – Market Housing Mix

9.37 Barratt Homes object to emerging Policy 43. The needs of those looking to purchase an open market home or rent 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

9.38 Barratt Homes commend the Local Planning Authority for seeking to increase the supply of self and custom build housing within the District.

9.39 They are however concerned with the implications of limbs b and c of the emerging Policy. For large, strategic sites, which are often subject of 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 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

9.40 Limb 6 of emerging Strategic Policy 62 requires all new residential developments 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 policy³¹. At the present time, the Policy is

³⁰ Figure 70, East Devon Local Housing Needs Assessment.

³¹ Paragraph: 020 Reference ID: 56-020-20150327, National Planning Practice Guidance, Optional Technical Standards, 27th March 2015.



therefore *unjustified* and *inconsistent with national policy*.

Policy 63 – Density

- 9.41 Barratt Homes 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.
- 9.42 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 currently worded, it would suggest that a design code is required for a ten dwelling scheme or even less than ten dwellings if the site is within a sensitive location. Significant time and resources are required in preparing and agreeing design codes, adding a financial burden and potential delays to development. It is an unreasonable policy burden to require them for non-strategic sites.
- 9.43 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.

Policy 66 – Protecting Transport Sites and Routes

- 9.44 Barratt Homes support the safeguarding of land required to facilitate passing loops between Whimple and Cranbrook. Elsewhere in these representations, they identify how planning obligations from land to the west of Lilypond Lane could, subject to viability, be used to fund their delivery.

Policy 68 – Parking

- 9.45 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 policy* and should be removed from future iterations of the Plan.

Strategic Policy 72 – Digital Connectivity

- 9.46 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.
- 9.47 However, as of the 26th 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.
- 9.48 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 from future iterations of the Plan.



Policy 87 – Biodiversity Net Gain

9.49 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. Barratt Homes 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

9.50 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.

9.51 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 4 below, applications have been submitted in East Devon which provide a higher net gain than the minimum requirements.

Practical Implications on Developments

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

9.53 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 for that development, the application, which was made on a site measuring 91.28ha, provided the following green infrastructure provision:

Table 4 – Green Infrastructure Provision Included in Application 22/1532/MOUT

Land Use	Area (Ha)
Sports Hub	7.29
Indicative Attenuation Basins	3.69
Public Open Space	15.25
SANGS	19.46
Allotments	0.61
TOTAL	46.3

9.54 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 5 – 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

- 9.55 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.
- 9.56 The principal reason for the lower than expected outcome is due to the way that Natural England and the Local Planning Authority require SANGS to be treated within the metric. The applicants were unable to include the full net gain to be provided from SANGS land. Instead, they were only able to include the additionality from the SANGs land, beyond that required to mitigate the impact of the proposed development on Habitat Sites.
- 9.57 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, increase the density in a reduced net developable area and/or to increase the provision of green infrastructure.
- 9.58 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

- 9.59 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.



9.60 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.

9.61 For the above reasons, Section 6.11.2 of the DEFRA 'Biodiversity Net Gain and Local Nature Recovery Impact Assessment' concluded 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."

9.62 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.

Consistency with Evidence

9.63 Barratt Homes note that Table 3.1 of the 'East Devon – Options Appraisal for a Potential New Settlement' Report confirms that the assessment was undertaken on the basis of a 10% biodiversity net gain requirement, rather than the 20% contained within the emerging policy.

Policy 97 – Open Space and Recreation

9.64 Barratt Homes have the following concerns about emerging Policy 97:

- The Policy is silent on which locations will be deemed to be urban and rural;
- The standards are far in excess of the standards secured in the Cranbrook Plan (e.g. limb 4 of Policy CB3); and
- The requirements for outdoor sports provision should be determined through the forthcoming Playing Pitch Strategy.

Viability

9.65 The emerging Local Plan includes a number of emerging policies that 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;
- The requirement, in certain circumstances, to connect to a heat network;
- Levels and tenure mix of affordable housing;
- The need to include specialist housing for older people;
- The requirements for accessible and adaptable housing;
- The prescriptive 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; and
- Mitigation for internationally protected sites.

9.66 The NPPF³² 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.

³² Para. 34.



10 Evidence Base

10.1 As has been demonstrated in the previous Sections of this representation, Barratt Homes are generally supportive of the emerging Local Plan. However, they do have a number of concerns relating to the evidence base underpinning the Plan. Their main concerns primarily relate to:

- a) The Housing and Economic Land Availability Assessment;
- b) The Sustainability Appraisal; and
- c) The Role and Function of Settlements Background Paper.

10.2 These concerns are outlined in turn below.

Housing and Economic Land Availability Assessment

10.3 Land to the west of Lilypond Lane was assessed in the East Devon Housing and Economic Land Availability Assessment (HELAA) at Site Whim_12.

10.4 The assessment noted the following benefits associated with the development of the site:

- a) It avoids the majority of major biodiversity designations;
- b) Other than the site being located in the 10k buffer zone to the Pebblebed Heaths, no other biodiversity constraints to development were identified;
- c) No landscape constraints to the development of the site were identified;
- d) No overhead power lines cross the site and neither do high-pressure gas mains;
- e) Whimble Primary School is capable of supporting further development;
- f) It is outside the Airport Vector; and
- g) It is located in close proximity to a range of local facilities and public transport opportunities, including a railway station.

10.5 Barratt Homes agree with these conclusions. They also draw attention to the other benefits associated with the development of the site, which are outlined in Section 2 of these representations.

10.6 Notwithstanding the above, they strongly disagree with Devon County Council's Highway comments made in respect of the site, which resulted in the site being incorrectly considered as 'probably unachievable'.

10.7 The County Council raised concerns that access off Grove Road and Lilypond Lane was challenging and it was not readily apparent about how it could be achieved. This incorrect conclusion was taken forward by the Panel, who also raised concerns about the need to improve the road network and bridge over the railway. Consequently, despite being considered as being suitable and available, the overall conclusion for the site was that it was probably unachievable.

10.8 Work undertaken by Calibro on behalf of Barratt Homes has demonstrated that these conclusions are incorrect and is an *unjustified* conclusion. Their work suggests that it would be feasible for a primary vehicular access to be taken from Lilypond Lane. Their assessment work suggests that a priority T-junction could be constructed in the north east corner of the site (c.20m to the south of the site's northern boundary). It is possible that an access could be achieved without the requirement to widen the lane in this location.

10.9 In terms of off-site improvements, their work suggests that a scheme of passing bay



improvements could be explored along key routes that connect to London Road to the south, which could be accommodated in verges/embankments.

- 10.10 Calibro's work also confirmed that, subject to viability, it would be possible to improve the bridge to the north east of the site. Helpfully, the land required to deliver that improvement is in the control of the landowner of the subject site.
- 10.11 Given the above, the conclusion that land to the west of Lilypond Lane is probably unachievable for housing is incorrect. This should be amended in future versions of the HELAA, which in turn should be fed into other evidence base work underpinning the emerging Local Plan (i.e. the Sustainability Appraisal).
- 10.12 This will be particularly important in the context set out in Sections 7 and 8 of these representations, where the Local Planning Authority will need to find additional housing land.
- 10.13 The opportunity presented could help focus a greater proportion of growth along the West of England Mainline strategic transport corridor, which provides sustainable transport connections to and from Whimple to a range of services, facilities and employment opportunities to both the east and west. It would help to maximise opportunities to encourage use of the railway line at Whimple, which as stated elsewhere in these representations, has a growing patronage. The development could help to enhance this corridor, both in terms of infrastructure (the proposed passing loop) and for improving existing facilities at the station.

Sustainability Appraisal

- 10.14 Barratt Homes have a number of concerns relating to the Sustainability Appraisal. These concerns relate to:
- The Sustainability Appraisal only considers a level of housing that is 20% higher than the objectively assessed need and no other alternatives;
 - The work does not assess the correct distribution of development as proposed in Strategic Policy 2 of the emerging Local Plan; and
 - The failure to assess land to the west of Lilypond Lane as a reasonable alternative.
- 10.15 Their concerns are set out in turn below.

Assessment of Alternative Levels of Housing Provision

- 10.16 As set out in Section 7 of these representations, the Regulation 18 Sustainability Appraisal only considers two options for the level of future housing development within the District: (1) the objectively assessed need; and (2) the objectively assessed need plus a 20% uplift.
- 10.17 Barratt Homes consider that an uplift of 20% over the objectively assessed need for housing is not a reasonable alternative. They suggest that future versions of the Sustainability Appraisal should consider a number of options for an uplift over the local housing need figure, including 5%, 10% and 15%. This will be an important consideration given that there are compelling reasons to consider an uplift (see Section 7 of these representations); the Sustainability Appraisal identifies significant benefits for some topic areas for applying and uplift; and that it has been assessed that any uplift up to 20% above the local housing need is a deliverable proposition.

Distribution of Development

- 10.18 Section 6 of these representations confirms that an assessment of the sustainability of four



options for the distribution of the objectively assessed need for housing is provided on page 110 of the Sustainability Appraisal. Four options were considered, with Option A being selected as being the most appropriate.

10.19 However, as set out in Table 2 of these representations, Option A does not reflect the distribution of development outlined in Strategic Policy 2. Accordingly, future versions of the Sustainability Appraisal should assess the distribution of development within the Policy.

10.20 In the context of the need to plan for a higher level of housing and due to issues with the supply, to identify additional housing sites, Barratt Homes would suggest that an option is assessed where development continues to be focused within the Western Side of East Devon, but includes additional growth at some of the towns and villages that are located on strategic transport corridors, particularly in the western portion of the District. For the reasons set out above, development along these corridors, including at Whimble, could help to fund improvements to the West of England Railway Line and its associated infrastructure and to encourage more residents and visitors to use the Line to access services, facilities and employment opportunities, particularly those found in locations surrounding the stations further to the west.

Land to the west of Lilypond Lane, Whimble

10.21 The Sustainability Appraisal does not consider the development potential of land to the west of Lilypond Lane. It is assumed that this is because of the conclusions presented within the HELAA; that the site is probably unachievable.

10.22 For the reasons set out above, this is an incorrect conclusion. The reasonable alternative presented by the site has not therefore been considered, which means that the Plan is **unjustified**. Accordingly the site should be subject of assessment in future versions of the Sustainability Appraisal.

The Role and Function of Settlements

10.23 Disappointingly, para. 3.17 of the 'Role and Function of Settlements' background paper describes Whimble as being a dormitory settlement and a **"relatively unsustainable"** place to live. This conclusion is made after an assessment of the jobs to homes balance, wherein it is identified that the settlement has nearly three times as many residents available to work than the number of jobs available in the settlement.

10.24 This conclusion, as indicated at para. 3.34 of the same document, has influenced the Local Planning Authority's views on the levels of residential development that Whimble could accommodate, as it was considered that **"residential development in isolation is likely to perpetuate unsustainable travel to work patterns."**

10.25 However, such analysis ignores the significant existing sustainable transport opportunities provided at Whimble and the potential for them to be enhanced. Indeed, as outlined elsewhere in these representations, Whimble has a railway station, which is described in the Role and Function of Settlements background paper as being a strategic facility. The station is located on the West of England Railway Line and therefore services are provided to a range of destinations including Cranbrook and Exeter to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. Generally, services are provided at a twice hourly frequency.



- 10.26 The railway station is relatively well-used and proportionally more residents travel to work by the railway than in other areas of the District. Further growth around Whimble has the potential to encourage further patronage. Planning contributions could be used to fund improvements to the Line, such as the passing loops referred to in the Plan and to improve other facilities at the Station, including car and cycle parking.
- 10.27 Whimble is also located within a reasonable cycling journey time of Cranbrook and the employment opportunities clustered at that settlement and the surrounding areas. Other than one other road, Cranbrook is linked to Whimble by London Road. The Cranbrook Plan has secured significant funding for environmental enhancements to London Road. Those improvements, which are to be delivered by Devon County Council, will have a design speed of 20mph and are likely to include segregated pedestrian and cycle links. Cycling could therefore become even more of a realistic mode to travel to work for Whimble's residents.
- 10.28 As well as reducing congestion on the highways network, the promotion of such sustainable modes of travel would reduce greenhouse gas emissions associated with the private vehicle, whilst health benefits would also result.
- 10.29 The conclusion presented in the assessment work also ignores more modern methods of working, especially since the Covid-19 pandemic. In this regard we note that superfast broadband is available in Whimble.
- 10.30 For the above reasons, Barratt Homes considers that the evidence base document is deficient. It has resulted in an *unjustified strategy* that has constrained levels of development at Whimble to an unreasonable level.
- 10.31 Future versions of the evidence base document and the other documents that the work has influenced, including the emerging Local Plan, should reconsider the role that Whimble could play in accommodating development, particularly given the need, for the reasons set out within these representations, to identify further housing allocations within the District.



11 Summary and Conclusions

11.1 The Representations above are submitted on behalf of Barratt Homes, who control land to the west of Lilypond Lane, Whimble.

11.2 Whilst Barratt Homes are generally supportive of the Regulation 18 version of the Plan, they have the following comments:

- Land to the west of Lilypond Lane is suitable and available for residential development. It is also a deliverable proposition. It is well located in close proximity to a range of existing services and facilities, including Whimble Railway Station, which is described as a strategic facility in the Local Plan's evidence base, providing services to a range of destinations, including the West End and Exeter.
- The development of land to the west of Lilypond Lane would deliver a number of benefits, including the provision of a new overbridge to the railway station and other off-site highway improvements, including passing bays and potentially improvements to the existing overbridge to the north east. Other contributions could be used to fund improvements to the West of England Railway Line, including the proposed passing loops.
- It is unlikely that the Local Plan will be adopted by 2025. If work on the preparation of the Local Plan extends beyond 2025, there will be an insufficient period after the adoption of the Plan and the proposed end of the Plan period. Consequently, it is likely that the Plan period will need to be extended by two years to 2042. This will require the identification of additional land for housing.
- The Local Plan should provide further contextual information regarding the 'directions of travel,' which should be used to inform the Vision and Strategic Objectives.
- The Vision, which uses the short-term Vision contained within the Council Plan, cannot by definition, provide the necessary positive vision for the future of the area as required by Government policy.
- The Vision is silent on some of the matters referred to in the Strategic Objectives.
- Whilst Barratt Homes is generally supportive of the Plan's proposed spatial strategy, which focuses growth in the western side of the District, they consider that Whimble should be afforded a greater role in the Plan's spatial strategy. The settlement has a similar level of services and facilities as higher tier settlements and therefore it should have an uplift in its status to a Tier 3 settlement.
- The distribution of development proposes to reduce the proportion of development directed to the western side of East Devon in comparison to the 2016 Local Plan. However, the level proposed reflects delivery rates in the West End from 2013.
- The distribution of development rightfully acknowledges that the District's towns and villages have their own development needs that should be met. In the context of the need to accommodate additional housing, there are opportunities at villages in the western side of East Devon, which have strong sustainable transport opportunities, to accommodate further development. Whimble is such a location. A greater level of residential development should be directed to Whimble in future versions of the Local Plan.
- The Local Plan correctly identifies that the local need for housing is 946 dwellings per annum.
- The evidence base rightfully concludes that there is no justification to plan for a lower level of housing than the local housing need figure (946 dwellings per annum), including proposed changes to Government policy.
- Additional housing beyond the local housing need figure could be required to: (1) support the growth strategy for the western portion of the District and the wider Functional



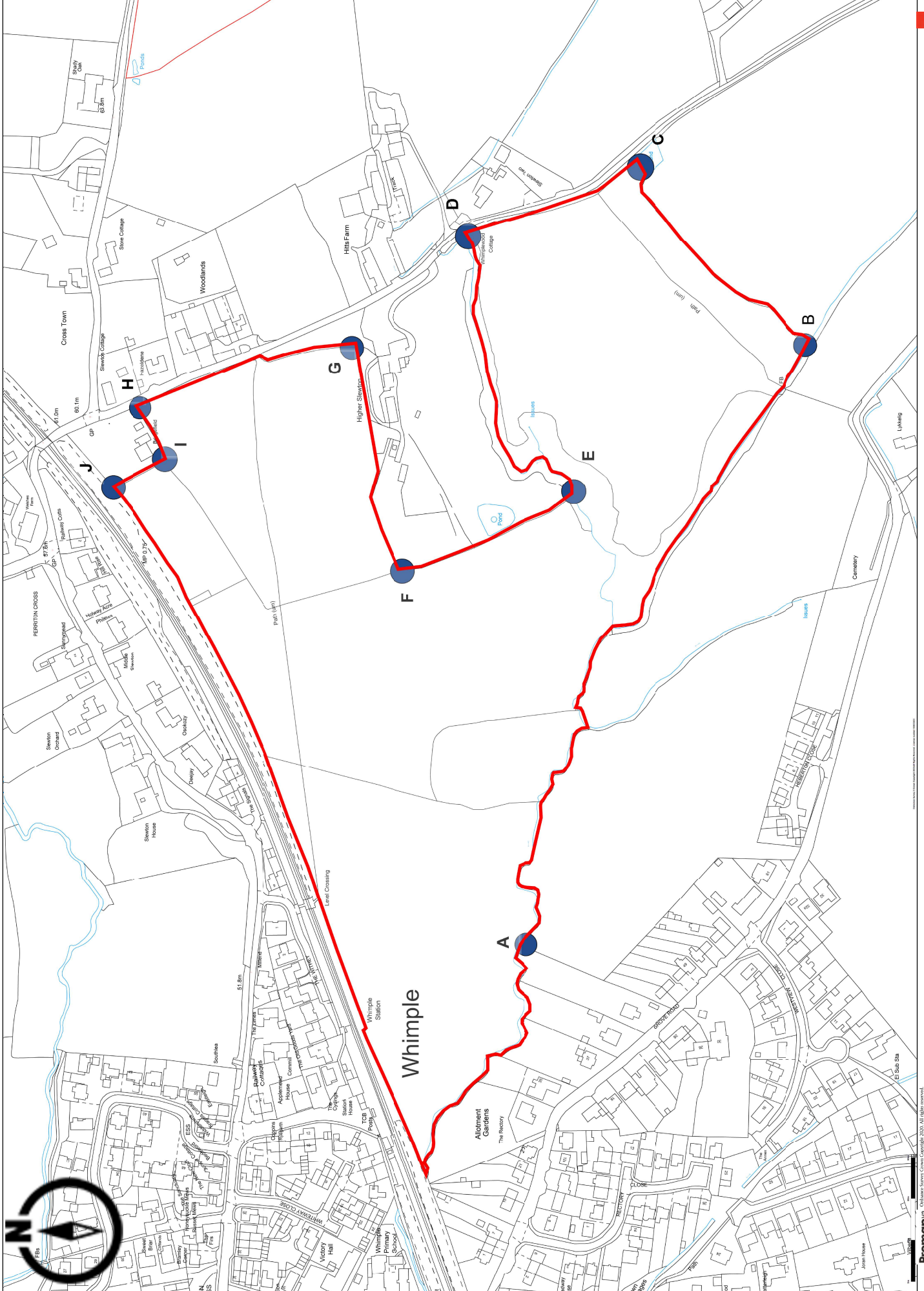
Economic Area; (2) to address affordability and the need to provide additional affordable housing; (3) to help meet the unmet needs of neighbouring authorities, including Torbay and potentially Teignbridge; and (4) noting the local housing need figure is lower than the housing provision in the 2016 Local Plan, to address the existing shortfall.

- The HELAA demonstrates that there is a theoretical supply of housing to meet a higher housing requirement.
- The flexibility allowance provided within the Plan should be increased to 10%.
- There is the potential for the double counting of windfall provision and allocations made in future neighbourhood plans could reduce windfall provision to below historic levels.
- A number of concerns are raised in relation to some of the proposed development plan policies, including: (1) mixed-use developments; (2) climate zero and net zero carbon development; (3) heat networks; (4) affordable housing; (5) housing for older people; (6) accessible and adaptable housing; (7) the market mix of housing; (8) self and custom build housing; (9) design and local distinctiveness; (10) density; (11) protecting transport sites and routes; (12) parking; (13) digital connectivity; (14) biodiversity net gain; and (15) the viability of these policy requirements.
- The HELAA assessment of land to the west of Lilypond Lane incorrectly concludes that the site is 'probably undeliverable.' The technical work prepared on behalf of Barratt Homes demonstrates that it is suitable, available and achievable for residential development.
- Future versions of the Sustainability Appraisal should: (1) assess the distribution of development proposed within the Plan; and (2) the effects of a higher housing requirement should be considered (5%, 10% and 15% above the local housing needs).

*LRM Planning
January 2023*



Appendix 1 – Site Location Plan





Appendix 2 – Settlement Comparison

Settlement	Population	Dwellings Proposed in Local Plan	Number of Economically Active Residents	Employment Density	Train Station	Less than Hourly Bus Service	Better than Hourly Bus Service	Primary School	Shop	Post Office	GP	Community Hall	Library	Pub	Allotments	Sports Provision	Children's Play
Whimble	1,189	36	619	0.30	✓	✓		✓	1	✓	✓	✓		2	✓	✓	✓
Colyton	2,179	147	916	0.63		✓	✓	✓	14	✓	✓	✓	✓	3	✓	✓	✓
Woodbury	1,739	189	809	0.39		✓	✓	✓	5	✓	✓	✓		2	✓	✓	✓