



East Devon Local Plan
Publication Stage (Regulation 19
Stage 2) Representation Form

Ref:

**(For official
use only)**

Name of the Local Plan to which this representation relates: East Devon Local Plan 2020-2042

Please return to East Devon District Council, Local Plans Team, Blackdown House, Border Road, Honiton, EX14 1EJ, upload onto our consultation portal at:

<https://eastdevonlocalplansecondreg19.commonplace.is>

or email: localplan@eastdevon.gov.uk by **26th January 2026**

Part B – Representation

Please use a separate sheet for each representation

1(a). To which part of the East Devon Local Plan does this representation relate? Please write down the paragraph or policy number that your representation relates to.

Paragraph

7.4

Policy

AR02

Policies Map

1(b). Does your comment relate to one of the changes made to the first Regulation 19 plan?

Yes

No

Please note if you responded to the first regulation 19 consultation in early 2025, those representations remain valid and will be submitted to the Planning Inspector. **Do not resubmit previous comments.** Only make new representations if you are commenting on the specific changes listed in the Schedule of Changes, or if you did not respond to the first consultation.

1(c). If the comment is related to a site, please state the site reference here:

Site Ref

2. Do you consider that this part of the East Devon Local Plan is legally compliant

Yes

No

2 (a). If yes, and you wish to support the legal compliance of this part of the East Devon Local Plan, please use this box to set out your comments.

(Continue on a separate sheet if necessary)

2 (b). If no, please give details of why you consider this part of the East Devon Local Plan is not legally compliant. Please be as precise as possible.
(Continue on a separate sheet if necessary)

2 (c). Please set out the modification(s) you consider necessary to make this part of the East Devon Local Plan legally compliant, in respect of any legal compliance matters you have identified at 4(b) above. You will need to say why each modification will make this part of the East Devon Local Plan legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.
(Continue on a separate sheet if necessary)

3. Do you consider that this part of the East Devon Local Plan is Sound?

Yes No

3 (a). If yes, and you wish to support the soundness of this part of the East Devon Local Plan, please use this box to set out your comments.
(Continue on a separate sheet if necessary)

3 (b). If no, please give details of why you consider this part of the East Devon Local Plan is unsound. Please be as precise as possible.

Policy AR02 has been significantly amended and extended to include wider water matters.

We note the further text with the policy regarding the provision of water services which is unnecessary given the statutory duty on water companies to provide connection and manage pollution. Water companies are responsible for providing sufficient water infrastructure for new development and receive significant funding as a consequence from the housebuilding industry.

It is for Local Planning Authorities to ensure that water companies are held to account rather than block and/or delay necessary and planned development. Holding the development industry to ransom over matters that they have no direct control will simply lead to the delay of sustainable development and continued unmet needs. It is not for the planning system or the development industry to address the systemic failures of regulatory regimes. Unnecessary delay in the delivery of much needed housing and other development will render the Plan ineffective.

The revised policy text continues to identify that all new dwellings should achieve the Optional Technical Housing Standard of 110 litres per day per person for water efficiency and makes this stronger in terms of requirement by adding the words "at least".

We previously criticised this approach for being unjustified as the only evidence underpinning the approach was an unpublished (at that time) Water Cycle Study. This could therefore not be considered sufficient evidence to set additional standards and the PPG is clear that such an approach must be justified by clear evidence. Furthermore, the Written Ministerial Statement in relation to the optional national technical standards is clear that they should be relied upon only where there is a clear evidenced need.

The Water Cycle Study has now been published but provides no clear evidence of the need for requiring the Optional Standard beyond a recommendation. The report confirms that East Devon is within an area of "Not Serious" water stress as defined by the Environment Agency. It also confirms that water bodies in East Devon are at "low to medium stress."

The Study then goes on to say "*the Environment Agency has been in the process of consultation to update the determination of water stressed areas in England. With a greater understanding of population growth, climate change and environmental requirements since the 2013 publication, the outcomes of the consultation and subsequent determination of water stressed areas may change the classification of the level of stress affecting East Devon's water bodies*" (underlining my emphasis).

This is clearly not a confirmed position and remains an uncertainty. It is clearly not a basis for introducing the Optional Standard when there is no clear evidence that water stress is a significant issue within East Devon when compared with the national picture. The published Water Cycle Study therefore fails to provide any sufficient justification for the policy approach.

The tests have not been met by the Plan's evidence base and the policy approach remains unjustified.

3 (c). Please set out the modification(s) you consider necessary to make this part of the East Devon Local Plan sound, in respect of any soundness matters you have identified at 5(b) above. You will need to say why each modification will make this part of the East Devon Local Plan sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.

(Continue on a separate sheet if necessary)

Strategic Policy AR02 should be amended by removing Part A of the policy text given these matters fall within the statutory duties of water companies and it is unnecessary and unjustified to include these matters as a policy test.

Reference to requiring Optional Standards within Part C should be removed given it is not justified by the evidence base.

4. Do you consider that this part of the East Devon Local Plan complies with the Duty to Co-operate?

Yes No

4 (a). If yes, and you wish to support this part of the East Devon Local Plan's compliance with the duty to co-operate, please use this box to set out your comments.
(Continue on a separate sheet if necessary)

4 (b). If no, please give details of why you consider this part of the East Devon Local Plan fails to comply with the duty to co-operate. Please be as precise as possible.
(Continue on a separate sheet if necessary)

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

(Continue on a separate sheet if necessary)

To elaborate further on these and previous representations made on the Plan, including providing evidence to support the necessary Modification of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

For more information on how we use your data – please read the privacy notices at the following links: <https://eastdevon.gov.uk/access-to-information/data-protection/privacy-notice>

<https://www.commonplace.is/privacy-policy>

7. If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.

(Continue on a separate sheet if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.