



T: [REDACTED]

E: all@tetlow-king.co.uk

W: www.tetlow-king.co.uk

Planning Policy
East Devon District Council
Blackdown House, Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Date: 26 January 2026

Our Ref: NP M5/0107-26

By email only:
localplan@eastdevon.gov.uk

Dear Sir/Madam

RE: EAST DEVON LOCAL PLAN CONSULTATION – SECOND REGULATION 19 PUBLICATION DRAFT

Tetlow King Planning represents the **South West Housing Association Planning Consortium** (SWHAPC) which includes leading Housing Associations (HAs) across the South West. Our clients' principal concern is to optimise the provision of affordable housing through the preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the South West region.

As significant developers and investors in local people, the SWHAPC is well placed to contribute to Local Plan objectives and act as long-term partners in the community. Our clients play an active role in affordable housing delivery in East Devon and so we welcome this opportunity to comment on the emerging Local Plan. We understand that this second Regulation 19 Draft consultation follows the first Regulation 18 Publication Draft consultation held from February to March 2025. Our comments below are made in response to the track change version of the second Regulation 19 Publication Draft Local Plan published as part of the current consultation.

Chapter 1. Introduction

The SWHAPC welcomes the new text at paragraph 1.14 regarding the Duty to Cooperate. Effective strategic planning across local planning authority boundaries is required by the NPPF and plays a vital role in how sustainable growth is delivered by addressing key spatial issues including meeting housing needs, delivering strategic infrastructure and building economic and climate resilience.

Draft Strategic Policy SP02: Levels of future housing development

Draft Strategic Policy SP02 highlights a change to the affordable housing requirement for the plan period in light of the findings of the newly published 2025 East Devon Housing Needs Assessment (HNA). Paragraph 3.10 summarises that the 2025 HNA identifies a need for 4,108 affordable rented homes and an additional 1,170 affordable homeownership dwellings for the period 2020 to 2040. The SWHAPC notes that these figures together (4,108 + 1,170) equate to a total affordable housing need for the District of 5,708 affordable dwellings, which is greater than the previously identified figure of 4,477 dwellings. Given this increase in identified need, the Council should continue to seek opportunities to increase the delivery of affordable housing in East Devon.

As previously stated in our response to the first Regulation 19 consultation, the affordable housing need figure is only contained in the supporting text to Draft Strategic Policy SP02 and not contained within the policy text itself. Consequently, it could be argued that this target figure does not form part of the policy requirement. The SHWAPC recommends that the affordable housing delivery target figure is set

out within the text of the policy itself, rather than the supporting text, to ensure that it is viewed as a policy requirement within the Local Plan.

Draft Strategic Policy HN02: Affordable housing

We reiterate our comments made in response to the first Regulation 19 consultation. The SWHAPC emphasises that the affordable housing requirement in draft Strategic Policy HN02 is a reduction in the current Local Plan policy. Outlined at Strategy 34, the current Local Plan states that areas outside of those listed (Axminster, Exmouth, Honiton, Ottery St Mary, Seaton and major strategic 'West End' development sites) will be subject to a 50% affordable housing requirement. The SWHAPC requests that this 50% affordable housing requirement for qualifying sites remains within the Local Plan to ensure that affordable housing is maximised within the District.

Draft Policy HN02 part (a) adds that affordable housing secured through policy must "*Remain affordable in perpetuity*". National policy only makes one reference to securing affordable housing in perpetuity, which is in reference to rural exception sites in Annex 2 of the NPPF (December 2024):

"Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing...." (Emphasis added)

We ask that the Council considers other mechanisms for 'perpetuity' where necessary, including Registered Providers recycling public subsidy to reinvest in new stock. The application of such policy would significantly constrain investment and the provision of affordable housing. In respect of clawback, the conversion to any alternative tenure (for example, from rent to shared ownership) would only occur through a revision to the planning consent following a viability challenge, and it could therefore be argued that a clawback mechanism is unnecessary in these circumstances. Clawback is more relevant where affordable homes are converted to unrestricted market housing, in which case it would be addressed through the CIL process.

Draft Policy HN02 part (b) adds that affordable housing "*Be provided on-site and dispersed in small clusters across the site in a way that is indistinguishable in terms of design and materials from any market housing*". This policy would benefit from greater clarity on what is meant by "small clusters", as the current wording is overly subjective. Pepper-potting is not a viable approach for registered providers due to the associated management costs, and the policy also fails to allow for the use of additional grant funding to bring forward 100% affordable housing schemes that are otherwise approved as mixed-tenure developments.

Draft Policy HN04: Accessible and adaptable housing

The SWHAPC welcomes the Council's decision to reduce the requirement for all new dwellings to meet building regulation M4(2) requirements to 50% of new dwellings. With regard to building regulation M4 (3)(2)(a) and (b) requirements, the Council has increased the requirement for affordable homes from 5% to 15%. We previously indicated that the 5% requirement may affect viability and overall affordable housing delivery in East Devon; this point is particularly more pertinent at the 15% position. It appears there is no evidence on Devon Home Choice or the latest housing needs assessment to suggest that a 15% requirement is needed. The Council should also be aware that it costs approximately £12,000 to deliver a property to M43 standard. This means there are significant viability considerations in providing M4(3) homes that could influence the overall quantum of affordable housing delivery in East Devon.

Aside from increased costs, the Council should be aware that M4(2)/M4(3) requirements can be challenging to achieve in terms of level access on sites where there are topography issues, so planning policy should acknowledge this as it will not always be possible to achieve this on sites. There may also be viability considerations around the provision of lifts which may also make the provision of level access challenging to achieve, as well as larger parking requirements or covered spaces. These issues which can affect a development's viability should be considered when setting requirements.

In light of the above, it may be more appropriate for M4(2)/M4(3) delivery to be based on demonstrated need through the Council's housing register, rather than a blanket requirement, taking into account viability and feasibility considerations.

Draft Policy HN05: Self-build and custom build housing

The SWHAPC reiterates the below comments from the first Regulation 19 consultation in response to draft Policy HN05.

Draft Policy HN05 outlines that Custom and Self-Build homes will be required on development proposals of 20 or more homes, where 5% of homes should be made available as serviced plots for sale to custom or self-builders. The SWHAPC does not currently support this element of the draft policy as the threshold of 20 homes is considered far too low. We suggest that this threshold should be increased to apply to significantly larger major housing developments, perhaps those over 500 dwellings. We encourage the Council to consider evidence in other local authorities, such as Teignbridge, where it has been shown that people interested in self and custom build housing typically do seek to live in large developments and these plots often remain unsold.

A policy requirement to deliver a minimum percentage of self-build units on a scheme can create challenges for Affordable Housing Providers with grant allocations. Self-Build plots are of an open market tenure; if an Affordable Housing Provider wishes to deliver a 100% affordable scheme it cannot include any open market units, otherwise it cannot secure grant funding to all plots, including the S106 policy requirement. The SWHAPC therefore strongly recommends once more that draft Policy HN05 includes no Custom and Self Build requirement on 100% affordable housing proposals given that these sites are meeting much of the acute affordable housing need in East Devon.

Furthermore, the SWHAPC suggests an inclusion in the policy wording which would see an order of priority for any viability challenges to ensure that custom and self-building housing is removed from schemes first before any loss in affordable housing provision is considered.

The SWHAPC welcomes clarification on how the Council will ensure that quality is maintained for the Self-Build plots. The SWHAPC advises that the Council refers to the Self-Build and Custom Housebuilding Planning Practice Guidance when formulating new policy.

Draft Strategic Policy PB05: Biodiversity Net Gain

Draft Policy PB05 states that *“Major development proposals will need to deliver biodiversity net gain (BNG) of at least 20% to be calculated using the most up-to-date statutory metric”*. Currently, the SHWAPC strongly disagrees that a higher than 10% requirement for BNG should be sought as an increased BNG requirement will reduce the delivery of affordable housing across East Devon. Furthermore, the PPG guidance specifies that:

“Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.”

(Paragraph: 006 Reference ID: 74-006-20240214)

The Council should already be aware that the Government is currently proposing to limit the circumstances in which plans may seek biodiversity net gain contributions which exceed the statutory requirement. The ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’ consultation document dated December 2025 states that:

“Biodiversity net gain plays an important contribution to nature recovery, but needs to be applied in a proportionate and consistent manner across local planning authorities. Reflecting this, requirements which exceed the statutory expectations are proposed to be limited to circumstances in which higher levels of gain can be justified on specific sites being allocated in the development plan, where this would not be on sites that are exempt from the statutory requirement.”

Achieving a 10% Biodiversity Net Gain already represents a significant cost burden on development and is constraining to housing delivery. It is difficult to see how the level of affordable housing sought

could be delivered alongside a 20% Biodiversity Net Gain requirement in a viable manner. In practice, one or other requirement would need to be reduced, resulting in the likelihood of viability challenges on the vast majority of applications submitted to EDDC.

Further Comments

It would be beneficial to see the Local Plan recognise the role of Housing Associations and encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of SWHAPC members. It is recommended that the Council adds 'Collaboration with Registered Providers' to the delivery mechanisms for Policy H4 in the monitoring section of the draft Local Plan.

The above comments are intended to be constructive, to ensure the policies are found sound at examination. We would like to be consulted on further stages of the above document and other publications by the Council, by email only to consultation@tetlow-king.co.uk; please ensure that the **South West Housing Association Planning Consortium** is retained on the consultation database, with **Tetlow King Planning** listed as its agent.

Yours faithfully



**NATHAN PRICE BA (Hons) MSc MRTPI
SENIOR PLANNER**

For and On Behalf Of
TETLOW KING PLANNING

nathan.price@tetlow-king.co.uk

cc: Abri
Alliance Homes
Aster Homes
Bromford Housing Association
Coastline Housing
Curo Housing Group
LiveWest Homes
Selwood Housing
Sovereign Network Group
Stonewater
Westward Housing Group

Cassandra Harrison – Housing Enabling Officer