

**East Devon Local Plan 2020 to 2040****Regulation 19 Publication Draft****Representations by C G Fry & Son Ltd on behalf of Mr & Mrs Cowling****March 2025**

Introduction

C G Fry & Son Ltd (CG Fry) are working in partnership with the landowners Mr & Mrs Cowling of two sites in Hawkchurch (HAWK-01 and HAWK-02).

Mr & Mrs Cowling have been residents of Hawkchurch for over 60 years and are vested in ensuring the future vitality of the village including the key assets within it such as the primary school, village pub, village hall, church and the village shop which they have granted a 20 year lease for on their land within HAWK-01 (Norton Store).

CG Fry are a regional housebuilder based in West Dorset and operating across the south west from Cornwall to Hampshire. The Company is in the ownership and control of the Managing Director, Philip Fry, and employs around 200 people across many disciplines from site operatives to professional design, surveying, planning and project management staff.

Craftsmanship and quality have always been the hallmarks of CG Fry, earning the Company an enviable reputation. The emphasis is on high quality design and materials, with a finish that can only be achieved by craftsmen working in the traditional way, with the sort of attention to detail which sets our work apart. Our aim at CG Fry is to work in partnership with our landowners and key stakeholders to create developments that everyone involved with can be proud of leaving behind.

Strategic Policy SP01: Spatial Strategy

We fully support the identification of Hawkchurch as a Service Village, in acknowledgement that it represents a sustainable location for new development, providing an opportunity to make a meaningful contribution towards the significant housing needs of East Devon.

Such new development is the lifeblood of smaller settlements helping to support local services and facilities which, in the case of Hawkchurch include the primary school, public house, church and village shop. It also helps to support the SME sector and the delivery of high quality local open market and affordable homes.



Strategic Policy SD19: Development allocation at Hawkchurch (Norton Store, Hawkchurch – HAWK-01)

Strategic Policy SD19: Development allocation at Hawkchurch

The site/area listed below as identified on the Policies Map is allocated for development.

Norton Store, Hawkchurch (Hawk_01)

This land is allocated for mixed-use redevelopment to retain the existing employment space and accommodate 12 dwellings plus a permanent location for the village shop and associated car and cycle parking and turning areas. The site should be landscaped to provide boundary screening appropriate to the location.

While supportive of the principle of the allocation of the site for development we have significant concerns in relation to the limited extent of land identified on the Policies Map, the western boundary of which follows an arbitrary line through part of a field.

These concerns comprise:

- a) Ability of the land included on the Policies Map to accommodate the form of development set out in policy SD19 (retain existing employment space and accommodate 12 dwellings plus a permanent location for the village shop and associated car and cycle parking and turning areas) in a manner that would be in keeping with the local area with respect to density and character as well as meet other local plan policy requirements;
- b) Ensuring a commercially viable and deliverable form of development, particularly in the context of the requirement to retain the existing employment space and provide only a limited number of new homes

It is noted that point a) above was also raised by the representative of Hawkchurch Parish council that spoke at the morning session of the 1st November 2024 Strategic Planning Committee (SPC) meeting¹ (at 56 mins) noting that they were puzzled by the reduction in site area proposed by officers.

As a result, as worded policy SD19 is ***not considered to be effective*** in terms of being achievable and deliverable.

¹ <https://democracy.eastdevon.gov.uk/ieListDocuments.aspx?CId=154&MId=2442&Ver=4>



The area of land available for development includes an additional parcel (part of the same field) immediately to the west, as shown on the plans in Appendix A.

The full extent of this area (hereon referred to as the 'whole site') was proposed for 38 new homes and 0.15ha of employment land in the Preferred Options Reg. 18 Consultation Draft Plan, Autumn 2022 (see extracts in Appendix B) officers concluding in their assessment of the site, as reported to the Strategic Planning Committee (SPC) in September 2022 that:

'Hawkchurch is a suitable village for small-scale housing and employment development, particularly if this will increase its potential for self-containment given the narrow, very rural nature of the roads between it and Axminster. The village is not located in a designated landscape and the preferred site for allocation is well screened and discreet in the street scene' (para 7.33, SPC report 9th September 2022).

Village Shop

We have no objection to the reference in Policy SD19 to the site providing a permanent location for the village shop. This will allow for the permanent provision of an existing service that the landowners have already facilitated, both through making the land available for a shop and volunteering at the shop itself. It is a service that we want to see retained and which a commercially viable form of development would help support.

Employment

Strategic Policy SP04 identifies provision of 178.16ha of employment land within the local plan area against an identified need of 80ha. While reference is made to providing range and choice this significant over supply – some 98 ha – is totally unjustified.

In the context of Hawkchurch and site Hawk_01 it is acknowledged that there may be merit in some form of small-scale commercial / employment related uses being retained on the site, however the type and scale of provision should be in keeping with the village and should include, not be additional to the village shop.

To be effective, the wording of Policy SD19 must incorporate sufficient flexibility to enable the most suitable form and nature of employment provision to be determined through the development management process. With respect to this matter, we have fundamental concerns to the reference in policy SD19 to 'retain the existing employment space'.

The suitability of existing Employment Land across East Devon was assessed as part of the Council's supporting evidence (Employment Land Review – ECN-004). However, despite



the existing employment area seemingly meeting the thresholds within the Employment Land review (being over 0.1ha) the site was not even acknowledged or assessed, so no review of its suitability was undertaken.

As can be seen from the photographs within Appendix C, the existing employment space is formed of large former agricultural sheds. These structures are associated with the original use of the site for storage of animal feed, where hundreds of tons of feed and fertilisers were stored with regular HGV and articulated vehicles travelling to and from the site 5 days a week. That intensification of use ceased approximately 20 years ago, the buildings now being used for the storage of caravans with no employees. With the existing lawful use being Class B8 (storage and distribution), in planning terms there is no reason why the site could not be reverted back to the original level of activity and associated type and levels of vehicular movements.

While this would be possible and seemingly encouraged through the wording of policy SD19 this is not what we feel would be best for the site or the local community. This point was also raised within Hawkchurch Parish Council's representations on the Reg 18 Local Plan (as referred to within the Draft East Devon Local Plan – Consultation feedback report – July 2023²), citing results of their community survey demonstrating most households did not support employment space on the site with concerns about noise, increased traffic, suitability of access for employment uses and that the current buildings are not fully occupied.

CG Fry and the landowners do understand that local employment needs should be considered on site and we would welcome the Policy including some small scale employment provision which is relevant in scale and proportion to the nature of the site and the village as a whole. This would also respond positively to the concerns of local residents mentioned above.

Given the significant need for housing it does not make sense that Policy SD19 does not maximise the delivery of new homes on the site and instead seeks to retain agricultural buildings for an employment use that is unsuitable in its location, and is not wanted by local residents.

² <https://eastdevon.gov.uk/media/a2dftt10/accessible-reg-18-consultation-feedback-report-spring-2023.pdf>



New homes for Hawkchurch

Policy SD19 is not considered to be sound in terms of reference to the provision of only 12 dwellings on the Hawk_01 site, the only housing site allocated in the village.

As noted above the Regulation 18 version of the Local Plan (Autumn 2022) included provision of 38 new homes for the village on the whole site. In acknowledging that this represented a relatively large increase in proportionate terms when compared with the 240 households in the parish area of Hawkchurch, paragraph 4.7 of the officer's report to the SPC meeting of 9th September 2022 stated:

'Members will note that in some cases the 10% figure is exceeded however there is no evidence basis for applying a 10% limit so Members are cautioned against basing decisions solely on this figure. The planning merits of the site and the ability of each settlement to accommodate the levels of growth envisaged is key.'

The 38 dwelling figure and inclusion of the whole site also formed officers' recommendation to the SPC in respect of proposed housing site allocations to be included in the Reg 19 LP at its meeting on 20th September 2024.

Despite acknowledging that the whole site is suitable for development in all other regards the Site Selection Report, appended to the report to the subsequent SPC meeting on 1st November (page 241) simply states:

'In light of concerns that 38 dwellings is too many for this area, it is now proposed to allocate part of the site only.'

There is no logic or sound justification set out within the report to the 1st November SPC meeting or the Reg 19 LP consultation documents for the extent of reduction in the quantum of new homes (from 38 to 12) proposed for Hawkchurch.

Other Service Villages in EDDC, with a similar range of existing facilities include much larger housing allocations in the LP. For example, Plymtree, which has 250 households in the parish almost exactly the same as Hawkchurch (240) includes an allocation of 30 dwellings (Strategic Policy SD25). And Sidbury with 210 households in the built-up area includes a housing allocation of 43 dwellings (Strategic Policy SD26). 30 dwellings are also allocated at Chardstock, a 15% increase in existing households to a village with no bus service. There is clear inconsistency in the way that these three Service Villages have been assessed, with no evidenced justification for the approach taken in relation to Hawk_01 in the Reg 19 LP. As such policy SD19 is ***not justified***.



As highlighted within representations submitted by Hawkchurch Parish Council on the Reg 18 LP, there is support for new homes within the village amongst the local community, with a suggestion of between 20 and 25 referred to. The Parish Council's January 2023 comments state:

'Our survey has shown that 68% of households think that any development should be for 20 or less properties and this increases to 85% believe it should be 25 or less. Most supported selection of the preferred site but with the qualification about the extent and nature of the development.'

By restricting the number of dwellings to only 12, Policy SD19 as currently worded would preclude a level of development that the local community has indicated it would support, completely inconsistent with the NPPF's requirement to significantly boost the supply of homes. As such, it is ***not consistent with national policy***.

In addition, the local plan should be maximising opportunities to safeguard the long-term viability of existing key facilities in villages such as Hawkchurch, including the primary school, pub and village shop through the increased patronage associated with the provision of new homes in the community. In the absence of any sound justification for the reduced number of dwellings allocated through Policy SD19 it ***cannot be considered to be positively prepared***.

For the Local Plan to be ***effective*** it is essential that Policy SD19 includes appropriate flexibility to provide the best potential for a commercially viable scale and form of development to be brought forward that is in keeping with the local area. Such flexibility will enable the site to maximise the contribution it can make to the vitality and long-term sustainability of Hawkchurch.

Changes sought to Policy SD19

For all of the reasons outlined, the following changes to the wording (text proposed to be deleted struckthrough and new text in bold) of Policy SD19 and an amendment to the Policies Map to include the full extent of the land identified at Appendix A are proposed to ensure that this part of the local plan is sound:

[Norton Store, Hawkchurch \(Hawk_01\)](#)

[The land is allocated for mixed-use redevelopment ~~to retain the existing employment space and accommodate 12~~ comprising around 29 dwellings, small-scale employment \(eg. studio/workshop space\) ~~plus a~~ including a permanent location](#)



for the village shop and associated car and cycle parking and turning areas.

The site should be landscaped to provide boundary screening appropriate to the location.

Strategic Policy SP03 should also be updated to reflect the increase in housing numbers for Hawkchurch.

Omission Site – Site Reference HAWK_02

Site HAWK_02 (location of which is shown in Appendix D) remains available for development of new homes, either in part or in full should through the progression of the local plan examination process there be a requirement to identify additional land for housing. The site offers potential to provide an extension to the existing built form at the eastern edge of the village, with excellent access to the adjacent primary school site, accessed via the existing School Close development.

Part of the site may also be suitable for Biodiversity Net Gain offsetting.

Other Policy Comments

The following section contains specific policy comments and follows the order of the draft local plan.

C G Fry fully endorses the aspirations of the plan to raise standards and deliver high quality development and good design and the need to assess and mitigate the impacts of development.

However, this is subject to the following caveats:

- All proposed local policies must be justified.
- Potential impacts on viability and deliverability must be properly understood.
- Policies should not seek to unnecessarily replicate the NPPF or Building Regulations (or other regulatory regimes).
- Policies should not be drafted in such a way that they hinder or discourage development.
- Where any standards or thresholds are set out there needs to be flexibility built into the policy to take account of site specific, technical feasibility and viability considerations.



Local Plan Vision Statement

It is notable that the Vision does not refer to the allocation and delivery of sufficient land to meet housing needs, reflecting section 5 of the Framework and the Written Ministerial Statements of 30 July 2024 (Angela Rayner MP) and 12 December 2024 (Matthew Pennycook MP), which are material considerations.

This indicates that the draft LP places higher priority on environmental considerations than on addressing the national housing crisis. Indeed, many of the policies and provisions reflect this imbalance.

It is considered that the Vision should be re-balanced to acknowledge the need to address the housing crisis by providing a choice of decent housing for all, and this new balance should then be reflected in the policies and provisions of the plan, in accordance with our representations.

Housing Targets / Delivery

Up to 2031/32, the Council indicate a trajectory to deliver 850 dwellings per year on average, with the remaining plan period from 2032/33 onwards to deliver an annual average of 1,070 dwellings per year. Whilst this averages out to provide for the required housing need, it means that for the first part of the plan-period, the council will be under-delivering against their identified housing need and more than likely unable to demonstrate a five-year housing land supply within the early parts of the plan-period, as evidenced by Appendix 1 of the Draft Local Plan. This approach appears to be at odds with the Framework, in particular, the requirement to “meet the area’s objectively assessed needs”.

It is, effectively, a workaround, where the council will only be delivering 70% of the housing requirement, which would be averaged out by delivery later in the plan period, for the Plan to continue to be assessed against the previous version of the Framework and therefore requiring 80% of the housing requirement to be planned for.

Elsewhere in the Draft Local Plan, notably in Strategic Policy HN02 (Affordable Housing), it is referenced that 35% affordable housing would be a target for windfall development outside settlement boundaries. This appears at odds with Policy SP06 which restricts development outside settlement boundaries, presenting concerns about the level of contribution that windfall sites will provide to meeting housing need. Paragraph 75 of the Framework is clear that there should be “compelling evidence” that windfall sites will provide a reliable source of supply. The current wording of **Policy SP06** does not provide confidence that development on windfall sites will be a reliable source of supply.



In combination, the restrictive nature of Policy SP06, and the reliance of larger sites to deliver the required housing need later in the plan-period cemented by **Policy SP02**, presents the prospect of a deteriorating housing supply position from the point of adoption within the first half of the plan period. The Framework is clear that planning policies “should identify opportunities for villages to grow and thrive, especially where this will support local services”. The restrictive nature of Policies SP02 and SP06 is at odds with the clear intention of what the Framework is aspiring to achieve. Furthermore, the Framework is clear that strategic policies should provide for objectively assessed needs “as a minimum”.

CHAPTER	CHAPTER 5. MITIGATING CLIMATE CHANGE
Policy	Strategic Policy CC02: Net zero carbon development
Comment	Part A requires compliance with the Future Homes Standard 2025 or successors or if not implemented, the Future Homes and Buildings Standards 2023. The Written Ministerial Statement dated 13 December 2023 in respect of energy efficiency standards states that: <i>The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government’s commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:</i> <i>That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.</i> <i>The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).</i>



	The values put in the Three Dragons Viability Assessment are well short of actual costs associated with achieving Future Homes standards. Recent experience shows that an Air Source Heat Pump costs around £7,500 per plot, and this is just one element of the measures required to meet the standard. When considered alongside the provision of PV, Waste water heat recovery and improvement fabric elements, we believe the costs would be close to £10k-£15k depending on the size of the unit. Clearly this is double the costs allowed for in the Three Dragons appraisal. The policy is also not expressed in such a way that complies with the second bullet. Even if the policy is found sound, it must be applied flexibly where the applicant can demonstrate that meeting the higher standard is not technically feasible in relation to the availability of appropriate local infrastructure, in accordance with the WMS. Part C: New homes to be designed to avoid temperature discomfort. Temperature discomfort is not defined.
Requested Amendments	Policy should be deleted.
Policy	Strategic Policy CC06: Embodied Carbon
Comment	While C G Fry supports consideration of embodied carbon the requirement for all major developments to undertake an embodied carbon assessment appears excessive and unjustified. This should only be required where the particular circumstances of the proposal raise significant embodied carbon issues. The financial implications of this additional requirement on development costs is also not assessed in the Three Dragons Viability Assessment. If this requirement is found sound it would also provide greater clarity if the Policy identified which nationally recognised Whole Life Cycle Carbon Assessment procedure the Council would expect to be completed.
Requested Amendments	Policy to be deleted or amended to refer to justified circumstances and confirm which Whole Life Cycle Carbon Assessment should be completed.

CHAPTER	CHAPTER 7. ADAPTING TO CLIMATE CHANGE
Policy	Strategic Policy AR02: Water efficiency



Comment	Policy AR02 imposes the standard of 110 litres per day per person of water usage. The supporting text refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence. The Written Ministerial Statement of 25 March 2015 states that “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.” The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans (Paragraph: 002 Reference ID: 56-002-20160519). Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327). The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56-014-20150327). The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence: • existing sources of evidence*. • consultations with the local water and sewerage company, the Environment Agency and catchment partnerships. • consideration of the impact on viability and housing supply of such a requirement. *EA's Water stressed Areas 2021 classification, water resource management plans produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327) There is no hard technical evidence to support the stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter
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	standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).
Requested Amendments	The policy should be deleted.

CHAPTER	CHAPTER 8. MEETING HOUSING NEEDS
Policy	Strategic Policy HN01: Housing to address needs
Comment	While the general aims and objectives of Strategic Policy HN01 are supported, the approach to self and custom build housing (SCB) raises concerns. General aims: E – This section refers to meeting identified local demand for self and custom build (SCB) but Policy HN05 (discussed further below) mandates a blanket requirement of 5% of plots on schemes of 20 or more to be provided as SCB plots. Any requirement for SCB plots should be based on up-to-date needs evidence and a blanket approach does not align with this. Housing mix: D. It is not considered that serviced SCB plots on larger housing developments is the most effective way to meet any identified SCB need (discussed further below).
Requested Amendments	Required change: General aim criteria E – No specific changes requested Housing Mix criteria D – Amend to refer to suitable sites rather than serviced plots of land.
Policy	Strategic Policy HN02: Affordable housing
Comment	It is noted that the Three Dragons Viability Assessment that supports those assumptions does not take into account costs associated with the Building Safety Levy. Those additional costs, which for East Devon are £34.06/sqm, equating to an average of £3406 per 100sqm market dwelling are likely to have significant implications for scheme viability, which must be factored into the evidence base of the local plan for it to be sound.



	Regarding the identified tenure split, social rent as opposed to affordable rent does have significant viability implications. While it is noted that explicit reference is made to the tenure split for Axminster being flexible through the consideration of viability, this flexibility needs to apply to all sites. Viability supporting a lower percentage or different tenure mix is referred to further down in the policy but this explicit reference to Axminster in the main part of the policy risks causing confusion.
Requested Amendments	Update Viability Assessment work to take into account implications of costs associated with Building Safety Levy and revise affordable housing requirements as required accordingly. Affordable table – tenure mix column – final paragraph (amended text underlined): <u>At all sites, and in particular</u> at Axminster there will be flexibility, through consideration of viability assessments and where schemes are non-viable, to vary tenure percentages.
Policy	Policy HN04: Accessible and adaptive housing
Comment	The aim of increasing accessible and adaptable housing is supported and the reference to site suitability and site viability is welcomed but the mandated standards set out in the policy raise serious concerns. As a starting point any higher standards must be evidenced, the implications in terms of scheme deliverability and viability need to be properly tested and understood, and there needs to be flexibility. <u>100% delivery of M4 (2)</u> This proposal is of significant concern in terms of the implications for site yield, viability, and site suitability: • Many sites in the district do not have suitable topography to fully meet the M4(2) standards.



	• M4 (2) external parking standards, due to the additional space requirements (up to 3.3m wide), has a potentially significant cumulative effect on developable areas affecting site yield and/or street scene quality by increasing hard surfacing and reducing space for street trees/landscaping. The additional circulation space required for M4(2) units will, together with the internal room requirements of NDSS, significantly increase the built footprint of each unit thereby reducing development numbers and density. • For flat blocks this will require lifts which for occupiers and in particular RP's would cause additional maintenance costs burdens. Further mandating M4 (2) standards on self and custom build plots (discussed further below) would go against the essence of allowing people to design and build their own bespoke home. <u>5% affordable rent M4 (3) (a) or homeownership M4 (3) (a) or (b)</u> The provision of a smaller percentage to M4(3) is not as much of a concern, although it is considered any such accommodation should be evidenced. If such accommodation is to be provided there is strong preference for M4 (3) (a) wheelchair adaptable which can be suitable for all occupiers giving maximum flexibility whereas the specific internal requirements of M4 (3) (b) wheelchair dwellings (for example internal cabinet and worktop heights) is not really suitable for a non-wheelchair user. Provision of affordable M4 (3) (a) or(b) units should be informed by the needs evidence noting that for some wheelchair users often a more bespoke design can be needed. <u>Viability:</u> It is not clear whether or not the cost allowances for M4(2) and M4(3) set out within the Three Dragons Viability Assessment allow only for the internal costs associated with the homes or also take account of the additional levelling / retaining wall works that would be involved in providing the required level access on uneven sites, which can be significant.
Requested Amendments	A reduced percentage requirement (e.g. 30%) for M4 (2) dwellings would be more acceptable and reasonable. Flats, 1 bed units, and self and custom build plots should be excluded entirely.



	M4 (3) only where up to date evidence of need.
Policy	Policy HN05: Self-build and custom build housing
Comment	A set out in respect of Strategic Policy HN01: Housing to address need, imposing a mandatory percentage requirement for self and custom build (SCB) plots on larger residential scheme (defined as sites accommodating 20 or more homes) is not considered the right approach: • Provision of SCB plots should be based on up to date evidenced need both in terms of numbers and location, rather than imposing a blanket requirement on all sites. The latest Self Build Demand and Supply Monitoring Report from 31/10/23 to 30/10/24 (reported to SPC on 4 February) at para 3.4 identifies that even with a noted decrease in the number of consented plots “the supply meets both the ‘residual’ demand from the 31/10/21-30/10/2022 (3 plots) and covers all the demand from the 31/10/2022-30/10/2023 base period (9 plots), with a surplus of 3 plots.” As the identified need is being met currently without a bespoke SCB policy this does not justify the policy approach now proposed. • If there is local demand the required plot sizes may not be in keeping with rest of the development accounting for local characteristics and density requirements. • If there is local demand the required plot sizes may not be in keeping with rest of the development accounting for local characteristics and density requirements. • Delayed build out of SCB plots by private individuals / separate companies creates considerable logistic and safety issues for developers in terms of construction phasing, safety for plot occupants and established residents, and residential amenity impacts. Leaving plots unfinished for completion for potentially up to 2 years risks considerable disturbance to new residents and ongoing management for developers/management companies. • Providing SCB plots in this way also means more creative solutions for SCB provision do not need to be pursued. It is envisaged that the majority of people wanting to build their own home will not want to be on a modern housing estate limited by plot passports or design codes (noting the requirement of this and Policy DS02). If the need is met by serviced plots on larger schemes this could stifle community led or individual schemes in other locations and stifle design



	and creativity which are specifically noted as benefits of SCB housing in the policy justification. There are also concerns with the following policy requirements: B – This may lead SCB plots to need be delivered in early phases where road access is provided which in turn will be more visually prominent. As above visually prominent serviced plots left undeveloped for up to 2 years will have a detrimental visual impact on schemes. C – Specifically requires plot sizes to meet local demand but if there is no local demand this cannot be complied with. Finally, the policy states that all plots must be completed within 3 years of the plot purchase. This is not reasonable requirement as time limits for development commencing are set in the relevant permission and once implemented there is no requirement to complete a scheme. Further the policy does not set out what would happen if it not completed within 3 years from the plot being purchased.
Requested Amendments	A justified and proactive approach would be for the Council to allocate sites specifically for SCB housing in locations where need and demand is evidenced with reasonable contributions from certain scale developments to be collected towards the delivery of these plots.

CHAPTER	CHAPTER 10. HIGH QUALITY DESIGN
Policy	Policy DS02: Housing density ad efficient use of the land
Comment	The 1st paragraph of Policy DS02 is supported. However the 2nd paragraph is unrelated to housing density or making efficient use of land. In any event, "...environmentally or heritage sensitive locations..." is not defined and too vague. Furthermore, design codes should only be required on larger strategic sites where delivery will be phased and the site is in multiple ownership, with development being undertaken by more than one developer. To require them for all major development



	schemes as proposed adds an additional layer of approval process that would delay housing delivery unnecessarily.
Requested Amendments	The 2 nd paragraph of policy DS02 should be deleted.

CHAPTER	CHAPTER 11. SUSTAINABLE TRANSPORT AND COMMUNICATIONS
Policy	Policy TR04: Parking standards
Comment	The requirement for 1 secure and under cover cycle space per bedroom for all dwelling types has the potential to impact on plot layout, potentially requiring larger plots, with cumulative effects across a larger scheme in terms of the ability to achieve the required level of housing. Equally, the blanket reference to garage spaces not counting towards car parking space quantum has land take implications. In other authorities garage spaces can be included subject to a minimum size threshold (internal dimension of 6m by 3m with 2.3m headroom that enables space for storage as well as parking of a car. Flexibility should be provided through the policy to enable such an approach. The viability implications of this have not been specifically assessed in the Three Dragons Viability Assessment.
Requested Amendments	Any standard needs to be properly justified. Flexibility should be included in relation to inclusion of garages as parking spaces with reference to a minimum garage size as referred to.

CHAPTER	CHAPTER 12. OUR OUTSTANDING LANDSCAPE
Policy	Policy OL10: development on high quality agricultural land
Comment	Policy OL10 is overly restrictive and does not balance the protection of best and most versatile land (BMV) with accommodating development. It will be used to prevent housing and other development from coming forward on sustainable sites that will support the Council in maintaining its housing land supply and meeting its Local Plan housing targets. It is also inconsistent with the Framework, which requires the economic and other benefits of BMV to be recognised (paragraph 180 b). Footnote 62 states that “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality



	land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.” The tone of the Framework does achieve the balance claimed in the Justification and should be reflected in Policy OL10.
Requested Amendments	The policy should be amended to better reflect the NPPF.

CHAPTER	CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY
Policy	Policy PB03: Protection of irreplaceable habitats and important features
Comment	Mature trees and hedgerows are not necessarily irreplaceable habitats and should be removed from the list of irreplaceable habitats. The phrase “evidenced in earnest” in the context of the mitigation hierarchy being applied to proposals resulting in the loss and/or degradation of hedgerows is too vague.
Requested Amendments	Remove mature trees and hedgerows from the list of irreplaceable habitats Replace “evidenced in earnest” with “robustly evidenced”

Policy	Strategic Policy PB05: Biodiversity Net Gain
Comment	The requirement for at least 20% BNG is double the statutory requirement of 10%. It has not been justified in terms of any local evidence demonstrating a significant biodiversity deficit in East Devon or that the mandatory regime is not adequate. Reference is made in the support text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Reference is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 010% BNG target but this is not set out in this document. As such, it is unjustified and unsound. Those proposals that cannot achieve 20% BNG will be required to submit viability appraisals. These will be costly and time consuming to produce and audit. They will place heavy resource and financial burdens on both applicants and developers and will at the very least delay housing delivery. The viability testing for the proposed 20% increase in the Three Dragons Viability Assessment, which estimates a per unit additional cost of £1,188 for greenfield sites and £321 for brownfield sites, is disputed. These figures are based on the MHCLG BNG Impact



	Assessment from 2019 but on reviewing this document it gives an estimated figure of £11,000 per offsetting unit which is significantly lower than current offsetting unit prices (which vary depending on the type of habitat but on average are around £25,000 per unit). This in turn casts doubt on the robustness of this earlier assessment as a basis for current costings. Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous. A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application. It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site. The requirement in policy for offsite habitats to be provide in the locality is contrary to the Regulations associated with BNG. In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires <i>a gain</i> to be achieved.
Requested Amendments	Strategic Policy PB05 should be deleted.

Policy	Policy PB07: Ecological enhancement and biodiversity in the built environment
Comment	The delivery of ecological mitigation for each development proposal should be based on evidence submitted in connection with the relevant planning application: C - A blanket requirement for the provision of an integrated bat loft with all major planning applications, without any reference to such a feature being required is not justified. The provision of such feature does give rise to design and management implications and may be hard to deliver on every scheme.



	E – A mandatory requirement to provide overhanging eaves suitable for nesting house martins in all major development is too prescriptive and would not allow different architectural design approaches, for example more contemporary design may not be suitable but could be fully appropriate for the context
Requested Amendments	Delete requirements C and E
Policy	Policy PB08: Tree, hedges and woodland on development sites
Comment	Policy PB08 is unduly prescriptive, onerous and unnecessarily repeats the provisions of British Standards. It will also add significant cost to the planning application process while the required details are prepared and submitted. Mandated tree replacement standards, not based on the specific site circumstances or the composition of trees lost, could be particularly onerous if a large number of trees were to be lost on a site for example if a site had significant amounts of ash dieback. Tree protection should be secured by a suitably worded condition, requiring the applicant to submit relevant details post-decision rather than with the planning application. Undertaking assessments of hydro-geology is a complex and challenging science because a site is not an isolated “state” – groundwater on a site is heavily influenced by the surrounding water table and geology. Tree planting and maintenance is a detailed matter and not appropriate to be controlled by a land use planning policy in a local plan. At best
Requested Amendments	The policy should be amended
Policy	Policy PB09: Monitoring requirements for new planting schemes
Comment	The introduction of a requirement for a developer to place a bond equal to 25% of the calculated planting cost of the scheme is unreasonable, unevidenced and has not been tested in terms of scheme viability and the implications on housing delivery. It also imposes additional administrative burdens on the Council and the applicant at a time when local authorities are under increasing financial and resourcing pressures. The requirement for a 25% bond has not been explained or justified in terms of challenges with the existing system of a standard landscape condition and monitoring by the council



	as enforcement authority. The bond will be potentially significant for larger strategic schemes and its implications on cash flow and wider scheme viability has not been assessed. This process will also require additional administration from the applicant and the Council. The retention of the bond for what in effect will be 5 years after construction has been completed is unreasonable. A and B: These steps will introduce unnecessary steps for both the applicant and the Council. Again, no evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.
Requested Amendments	This policy should be deleted.

CHAPTER	CHAPTER 14. OPEN SPACE AND SPORTS AND RECREATION
General Comment	The open space and recreation policies are overly prescriptive and contain a bewildering array of requirements. The sensible approach would be to refer to Fields in Trust standards, but there is no justification for setting the Natural England standards. These standards have not been subject to public consultation, nor has the impact of them on housing delivery been tested. Moreover, they may be challenging to meet in many cases. It is considered that at most, planning policies should require schemes to have regard to the Natural England standards, taking into account existing local provision (to be identified by councils as part of their evidence base) and local context.
Policy	Strategic Policy OS01: Access to open space and recreation facilities
Comment	It is unclear from the policy which party – the Council or the applicant – will be required to undertake a quantitative and qualitative assessment of open space provision and its accessibility in terms of what exists now and what is planned. It is considered that it is incumbent upon the Council to maintain its own objective evidence base for such purposes. This will enable all applicants in a single area to apply the same evidence in a consistent way to their schemes, rather than each applicant having to undertake its own assessment for each application. This is especially key where many large sites are allocated for development in a settlement.
Requested Amendments	Amend policy to confirm that the Council will be responsible for providing the evidence base.



Policy	Policy OS02: Sport, recreation, open space provision in association with development
Comment	The open space typology requirements with reference to Fields in Trust is supported. The additional reference to Natural England's Green Infrastructure and Accessible Greenspace Standards is not considered necessary. The elements of this policy that have not been justified are unsound and should be deleted.
Requested Amendments	Delete the following parts of the policy: Natural England's Green Infrastructure and Accessible Greenspace Standards

CHAPTER	CHAPTER 15. OUR OUTSTANDING HISTORIC ENVIRONMENT
General Comment	The heritage policies not only contain widespread duplication with the relevant provisions of Chapter 16 of the Framework, but in many cases go above and beyond those Framework provisions and are overly prescriptive. In their sum total, they are confusing and as a result, challenging to interpret in an objective way.
Policy	Policy HE01: Historic Environment
Comment	It is not clear what Policy HE01 adds, that is not already contained in the Framework or policies HE02 and HE03.
Requested Amendments	Policy should be deleted.
Policy	Policy HE02: Listed Buildings and Policy HE03: Conservation Areas
Comment	Policy HE02 and Policy HE03 repeat many elements of Chapter 16 of the Framework, and these make no material contribution to the policy requirements. Elsewhere, both policies set a series of higher-bar tests than those in the Framework. This includes the application of selected tests in chapter 16 the Framework, but in a blanket manner and in a way not intended by the Framework. For example: Policy HE02 introduces a test relating to wider social and economic effects.



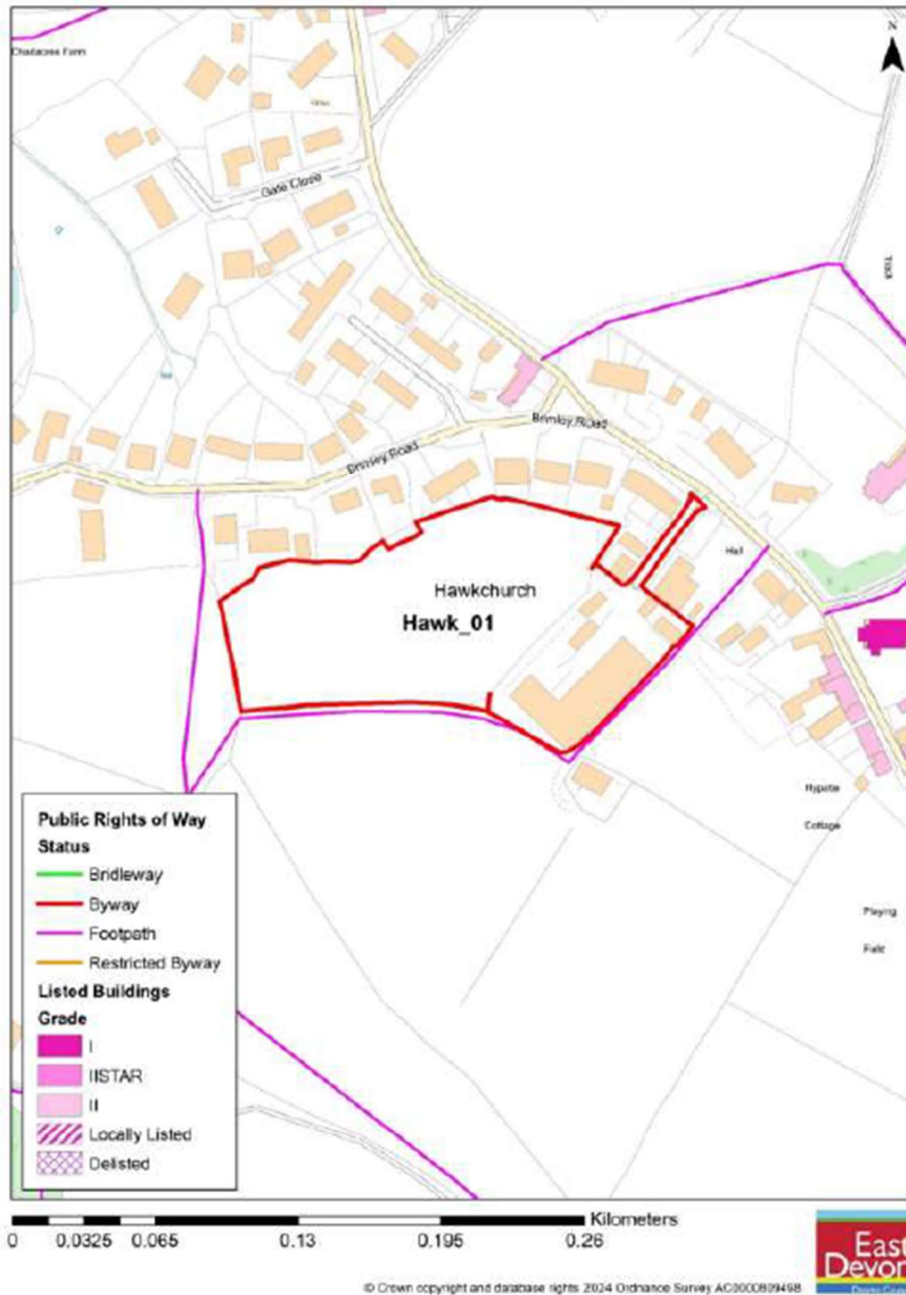
	• Under the first part A of Policy HE02, <i>Conserve</i> is not a test at paragraph 212 of the Framework. Furthermore, it is not clear how development within the setting of a listed building can enhance or better reveal those elements which contribute to heritage significance. Policy HE02 addresses substantial harm, but not less than substantial harm. Under Policy HE02, it is not clear how unknown features can be investigated and recorded (3rd part C). This may be a drafting point ie it may be referring to features that have not yet been discovered. This an example of a policy attempting to be overly prescriptive. Finally, under Policy HE02, there are two sets of parts A – C and a further part A – D, which will cause confusion.
Requested Amendments	Policy should be deleted.

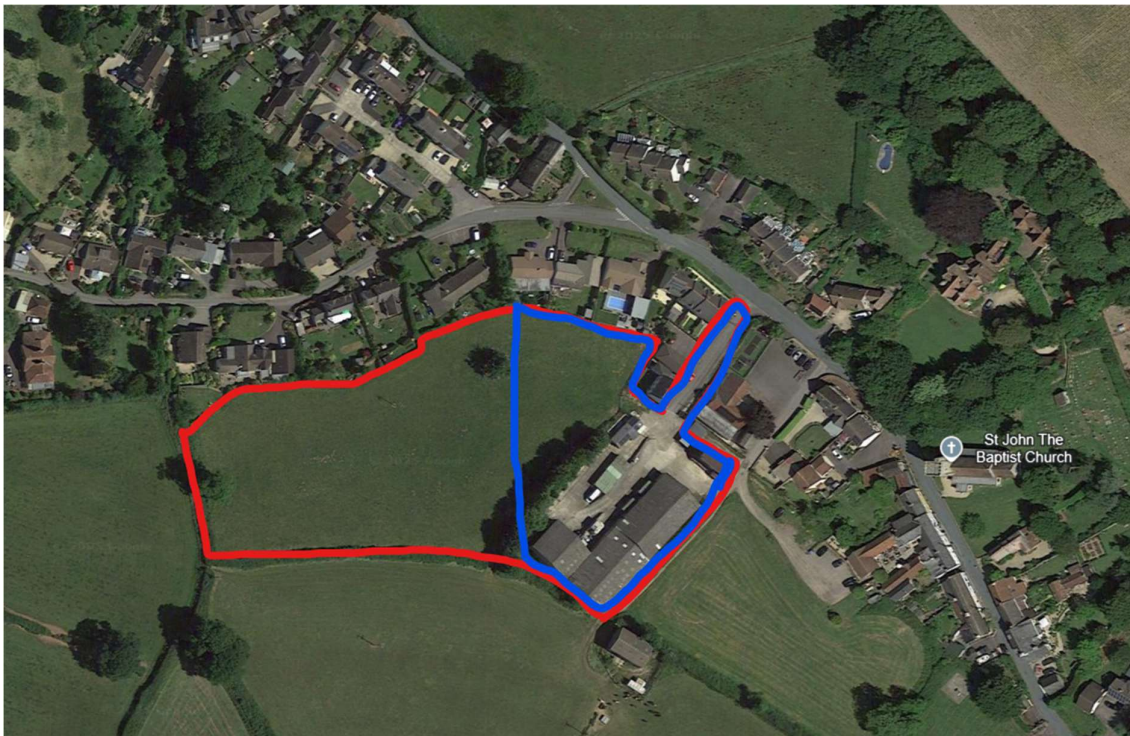


Appendix A – Land available at HAWK_01 (extract from Hawkchurch Site Selection Report, February 2025)

East Devon Local Plan 2020-2042 – Site Selection – Hawkchurch

Site map





Red line = land available

Blue line = SD19 allocation within Reg 19 Local Plan

Appendix B – Extracts from Preferred Options Reg. 18 Consultation Draft Plan, Autumn 2022

26. Strategic Policy – Development at service villages

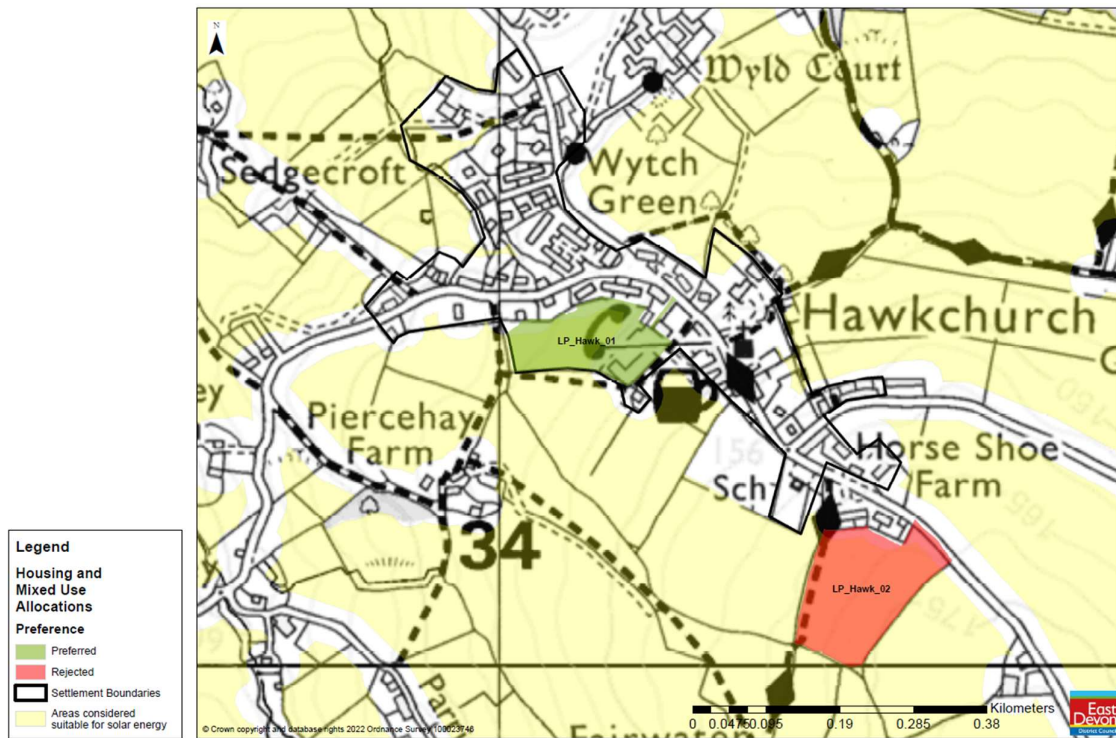
Hawkchurch

- **Hawk_01** – Norton Store, Hawkchurch, Axminster, is proposed for 38 new homes and 0.15 hectare of employment land.

Total new homes proposed for allocation at Hawkchurch = 38

Total land area proposed for employment at Hawkchurch = 0.15 Ha

East Devon Local Plan 2020-2040 - Hawkchurch



n.b. Items in the Legend that appear in regular type are for consultation; items in *italics* are for information only

Appendix C – Photographs of existing employment space



