

Filtered Data Export

**Full name:** David Pickhaver

**Organisation (where relevant):** Torbay Council

**Other party name (if relevant):** -

**Proposal:** 3. The Spatial Strategy

**1. To which part of the Spatial Strategy chapter does your representation relate?:**

Policy

**1(a). Please write down the paragraph, policy or figure number that your representation relates to.:** SP02

**4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?:** No

**4(b). If no, please give details of why you consider this part of the Spatial Strategy chapter fails to comply with the duty to co-operate. Please be as precise as possible.:** Clearly, the local planning system is in a state of change with the implications of the Levelling Up and Regeneration Act, the Planning and Infrastructure Bill and Local Government Reorganisation all likely to affect spatial planning across Devon. I also appreciate that cross-boundary issues are being discussed at Senior Officer and Member level. This email is not intended to cut across, or prejudice these issues.

Nevertheless, since East Devon has opted prepare its Local Plan under the transitional arrangements set out in Paragraph 234 of the (2024) NPPF, it is necessary for me to make an officer level representation of the Local Plan on behalf of Torbay Council. Please can this email be treated as a duly made representation under Regulation 19. Given that the issues are more properly addressed through our mutual Duty to Cooperate/ Statements of Common Ground, I considered that an email was a more useful tool than the Commonplace Form.

Torbay Council has repeatedly advised neighbour councils in the adjoining Housing Market Areas /Functional Economic Market Areas that Torbay will not be able to meet the local housing need target set by the Government's Standard Method. This is due to NPPF footnote 7 constraints that provide a strong reason for restricting the overall scale of development that Torbay can accommodate. This is likely to apply to LHN calculated by either the previous or most recent Standard Method; although the 2024 Standard Method has exacerbated the shortfall. The main driver of housing growth in Devon, and Torbay in particular, is domestic inwards migration into the sub-region and should be addressed at a larger than local level. The two most relevant areas are Greater Exeter

and the Plymouth Joint Local Plan. Although Torbay and East Devon are not contiguous, East Devon is within the Greater Exeter HMA/FEMA.

In this context, it is disappointing that the Regulation 19 East Devon Local Plan makes no reference to unmet housing need from Torbay. Nor does the 2022 ORS housing need evidence appear to make reference to Torbay, even though the predecessor study was carried out across both HMAs. The issue of unmet housing needs from adjoining areas is part of the Presumption in Favour of Sustainable Development at paragraph 11(b) and a Test of Soundness at paragraph 36 (formerly 35) of the Framework. It is further noted in paragraph 62. Whilst I realise that the transitional arrangements at paragraph 234 of the Framework allow the Plan to be considered under the “relevant previous version of the framework”, you will be aware that the Duty to Cooperate is a legal duty, and has been reiterated by recent Ministerial Statements by the Secretary of State. This is alongside the expanded text at paragraphs 24-28 of the Framework. The additions to paragraph 28 may be especially relevant.

East Devon’s effective housing target is set out in Policy SP02 for 20,909 net new dwellings from 2030-42, with a stepped delivery of 850 dwellings per annum between 2020/21-2031/32, increasing to 1070 dpa from 2032/33 to 2041/42. According to my calculations East Devon’s LHN at 2023 was 893 dwellings per year; rising to 1,188dpa under the 2024 Standard Method. This appears to be within the tolerances of the NPPF transitional arrangements, but makes no allowance for unmet need from neighbours.

Torbay looks forward to working with East Devon to address these issues under the Duty to Cooperate/Statement of Common Ground. However, as the East Devon Local Plan is at Regulation 19, I must raise a holding objection that no account has been made about the need to accommodate unmet needs from neighbouring areas, specifically Torbay.