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# East Devon Local Plan Regulation 19 (Phase 1)

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**Strategic Policy SP02: Levels of Future Housing  
Development**

Representation by Savills on behalf of Mac Mic Strategic  
Land

March 2025

### Introduction

1. This representation is submitted by Savills on behalf of Mac Mic Strategic Land (from hereon referred to as 'Mac Mic'). Mac Mic is a strategic land promoter with a strong reputation for delivering planning permissions that lead to high-quality development.
2. Mac Mic has instructed Savills on their behalf to submit a series of representations to the relevant policies of the Regulation 19 Local Plan, including this policy.

### Policy SP02

3. Policy SP02 of the Local Plan Regulation 19 Pre-Submission Draft (the 'Plan') sets out the proposed housing requirement for East Devon District Council (EDDC) during the plan period. It states that at least 20,909 dwellings will be delivered between 1 April 2020 and 31 March 2042. This is proposed to be split into two phases with 850 dwellings per annum in the first phase from 2020/21 to 2031/32 and 1,070 dwellings per annum in the second phase from 2032/33 to 2041/42.
4. We have two specific objections to the draft housing requirement proposed in Policy SP02 of the Local Plan. These are as follows:
  - a. The Local Plan cannot proceed under the transitional arrangements and the housing requirement must therefore reflect the revised Standard Method for calculating local housing need; and
  - b. The emerging Exeter Local Plan does not propose the delivery of a level of housing which matches its local housing need as defined by the Standard Method. There is therefore a shortfall across the HMA which should be addressed by the neighbouring authorities under the Duty to Cooperate as strengthened by the December 2024 NPPF.
5. The remainder of this representation addresses these matters in turn before concluding on the changes that it is considered are needed to remedy the unsoundness of the Local Plan.

### Standard Method Starting Point for Establishing Local Housing Need

6. It is evident from both the Forward to the Plan and the Justification for Policy SP02 that EDDC has initiated consultation on the Local Plan prematurely. The reason for this is clear; EDDC is seeking to take advantage of the transitional arrangements of the National Planning Policy Framework (the 'Framework') to advance with a housing requirement that is lower than the Government's revised Standard Method for determining local housing need.
7. This intention is no more obvious than in how the proposed housing requirement has been described in paragraph 3.11 of the Plan. The justification for the policy in this paragraph explains that the requirement has been set at a level that just (by less than one dwelling per annum) exceeds the 80% threshold in paragraph 234(a) of the Framework.
8. This approach flies in the face of the spirit and purpose of the transitional arrangements, and the Government's aim of delivering 1.5m new homes across the country during the course of this Parliament. These provisions are intended to enable Local Plans to progress where an emerging local plan has already reached an advanced stage but not yet made it to Regulation 19 so as not to render existing work wasted, not to set a minimum threshold for Local Plans which are at Regulation 18 stage. However, this is precisely how it has been approached by EDDC.
9. As the intention is clear, we do not consider that the Local Plan consultation is able to proceed on the basis of the transitional arrangements and on that basis this crucial strategic policy of the Local Plan is unsound.
10. Annex One of the Framework details the arrangement for emerging local plans. There are various scenarios which could apply depending upon the stage that the emerging local plan has reached. The extract from Paragraph 234(a) of the Framework which EDDC is seeking to rely upon is copied below:

*"234. For the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply:*

- a. *the plan has reached Regulation 19<sup>82</sup> (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need<sup>83</sup>.*

11. There are two related footnotes to paragraph 234. The first of these – Footnote 82 – is as follows:

*“Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (‘the Regulations’). In this context “reached Regulation 19” refers to when Regulation 19 has been complied with (i.e. when the planning authority has made a copy of **each of the proposed submission documents** and a statement of the representations procedure available, and the statements required in Regulation 19(b) have been sent to consultation bodies).” [emphasis added]*

12. The reference to “*each of the proposed submission documents*” within Regulation 19 of the Regulations is explicit and very important. In order to be considered to have reached Regulation 19, the whole of the Plan, i.e. each component part of the ‘submission documents’, must have been made available. This is a very deliberate piece of drafting by Government and we suspect its purpose is to preclude circumstances where a local planning authority could progress under the transitional arrangements contrary to their spirit and purpose.

13. Not all of the proposed submission documents for EDDC have been published. Indeed, the ‘About this Consultation’ section of the Local Plan states explicitly that:

*“Consultation starts on Thursday 13 February 2025. This will be the first planned phase of Regulation 19 consultation. A second phases of Regulation 19 consultation is planned to run from Spring 2025 through to the early summer (dates to be confirmed). Thereafter the plan will be submitted for examination in Autumn 2025.”*

14. Mac Mic contend that the Local Plan cannot therefore proceed under the transitional arrangements and that none of the exceptions contained within paragraph 234 of the Framework apply.

15. In such circumstances the housing requirement must reflect paragraph 62 of the Framework:

*“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”.*

16. There are two relevant components to this policy. The first explicitly and unambiguously requires local planning authorities to use the Standard Method as prescribed in the PPG, the second, addressing the unmet needs of neighbouring authorities, is addressed later in sub-section (b) of this Representation. There is no room for manoeuvre, with the references in the December 2023 Framework to ‘exceptional circumstances’ having very deliberately been deleted.
17. The Standard Method output for East Devon from the revised methodology of the PPG is 1,188 dwellings per annum (dpa) as acknowledged in paragraph 3.11 of the Plan. For the reasons set out above, it is this figure which the Plan must put in place proposals to deliver in order to satisfy the ‘Positively Prepared’ test of soundness in paragraph 36(a) of the Framework. As it stands, the Plan is unsound and significant Main Modifications are required to allocate a minimum of an additional 5,227 dwellings during the plan period to redress this shortcoming.

### **Accommodating the unmet housing needs of Exeter City Council**

18. The Exeter Plan (Regulation 19) was published for consultation in December 2024. Policy H2 establishes a housing requirement for the plan period of 642 dpa between 2021 and 2041. This housing requirement is based on the previous version of the Standard Method. The revised version of the Standard Method increases the requirement to 800 dpa.
19. Whilst The Exeter Plan is progressing in accordance with the transitional arrangements, there is nevertheless a shortfall against the latest assessed local housing needs. This shortfall is not addressed in the (undated) Duty to Cooperate Statement which states in relation to ‘Housing – meeting neighbouring housing requirements’:

*“There are no requests to meet the housing requirements on other local planning authorities at this stage. Early in the plan making, Torbay Council requested that the Exeter Housing Market Area (which includes the western part of East Devon) help to meet*

*its housing requirement. This issue has been resolved through the examination of the Teignbridge Local Plan, which borders Torbay”.*

20. It is not clear when this Statement was produced but it appears that it has since become out of date. Regardless of any request from a neighbouring authority, it is evident from the figures above that a shortfall now exists.
21. In such circumstances the Framework is clear that unmet needs for neighbouring authorities should be accommodated. Indeed, the publication of the revised Framework in December 2024 significantly changed national policy in respect of the approach to housing supply and the accommodation of sufficient land for housing. It is now explicitly clear that the plan-making authority must plan for a scale of growth which accommodates their own local housing need as defined by the Standard Method and, where appropriate, some or all of the local housing need of the neighbouring authorities if those needs cannot be accommodated within their respective authority areas. Of particular relevance are the following paragraphs of the Framework:

*“24. Effective strategic planning across local planning authority boundaries will play a vital and increasing 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. Local planning authorities and county councils (in two-tier areas) continue to be under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.*

*27. Once the matters which require collaboration have been identified, strategic policymaking authorities should make sure that their plan policies align as fully as possible with those of other bodies where a strategic relationship exists on these matters, and take into account the relevant investment plans of infrastructure providers, unless there is a clear justification to the contrary. In particular their plans should ensure that: ... b) unmet development needs from neighbouring areas are provided for in accordance with paragraph 11b.*

36. *Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:*

a) **Positively prepared** – *providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

62. *To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.*

[emphasis added]

22. These policies are very clear. If an unmet need from a neighbouring authority exists, then it is a responsibility of the plan making authority to engage through the *duty to cooperate* to determine where that need is to be accommodated. Not only is this required in order to produce a sound plan, but it is crucial to address the housing affordability challenges within the area which have a direct impact on the lives of those people living across the Exeter Housing Market Area.

23. The key question is how much growth should the East Devon Local Plan seek to accommodate to address the unmet needs of its neighbours. It would appear that there is no agreement on this at present and that there is therefore a degree of uncertainty.

24. Prior to the December 2024 Framework there was no clear guidance available to plan making authorities or inspectors as to how to respond in such circumstances. However, the revised Framework directly addresses this matter. The new paragraph 28 acknowledges that:

*“28. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and*

*progress in cooperating to address these. These should be produced using the approach set out in national planning practice guidance, and be made publicly available throughout the plan-making process to provide transparency. Plans come forward at different times, and there may be a degree of uncertainty about the future direction of relevant development plans or the plans of infrastructure providers. In such circumstances strategic policy-making authorities and Inspectors will need to come to an informed decision on the basis of available information, rather than waiting for a full set of evidence from other authorities.*

25. It is therefore incumbent upon the authorities to come to an evidenced judgement and to uplift the housing land supply to reflect those needs and we urge the authorities to come together as soon as possible to come to a view on the appropriate distribution.

### Conclusion

26. **“This Government has inherited an acute and entrenched housing crisis.”** (Minister of State for Housing and Planning - Matthew Pennycook MP – in his Statement introducing the revisions to the NPPF on 12 December 2024).
27. For decades too few homes have been constructed across the country, housing affordability has spiralled and millions of households are unable to access the housing market. The new Government has moved rapidly and radically to revise national planning policy within six months of the General Election in order to put in place policies designed to increase the number of new homes being planned for and delivered. It’s target of 1.5 million new homes during the current parliament is a hugely important ambition for the Government but it will be extremely challenging to achieve unless there is a dramatic change in approach from all parties involved in the planning and delivery of new homes.
28. EDDC needs to play its part in addressing the housing crisis. Rather than trying force an unsound plan through under the transitional arrangements to justify a lower housing requirement the Council should have positively and proactively sought to update the policies and proposals of the Local Plan to reflect the local housing need as defined by the revised Standard Method. This misses the

point of the new standard method entirely, which is to significantly increase the amount of housing delivery nationally for both social and economic reasons.

29. As it stands, the transitional arrangements do not apply to EDDC as not all of the Local Plan has been published for consultation in accordance with the requirements of Regulation 19 of the Regulations. The housing requirement in Policy SP02 of the draft Local Plan is therefore unsound. In accordance with the paragraph 36 of the Framework, the housing requirement and related elements of the Local Plan must be updated to reflect the revised Standard Method.
30. In addition to the housing needs of EDDC are the wider unmet needs of the housing market area. If EDDC doesn't seek to accommodate a proportion of the revised Standard Method for Exeter City there is a significant risk of under-delivery across the HMA. This under-delivery won't just affect the communities of Exeter City but it will increase the pressure on housing and affordability in East Devon.
31. **The housing requirement for the emerging Local Plan should therefore be uplifted to reflect the updated Standard Method and to accommodate a proportion of the unmet need for housing arising from Exeter City.**