

Origin3 ref: 16-049

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

4<sup>th</sup> January 2023

Dear Sir/Madam

**Re: Regulation 18 Draft EDDC Local Plan Consultation**

On behalf of our client Burrington Estates, please find enclosed our representations on the Regulation 18 Draft East Devon District Council (EDDC) Local Plan in respect of the land at Heathfield, Broadclyst, that's currently identified in the Reg 18 Draft EDDC Local Plan as Preferred Allocation "Brcl\_09 – Land at Heathfield (Southeast of Woodbury View) Broadclyst".

**Site Location and Context**

The site comprises one field, measuring approximately 0.77 hectares, located on the southern edge of Broadclyst. The Inset Map of Broadclyst village that is currently out for consultation with the Reg18 plan includes the site within the settlement limits of Broadclyst. The site is roughly square in shape and is adjoined on two sides by existing residential areas, Woodbury View Road and properties on Woodland Road to the north-west and on Sanders Close to the south-west. The site benefits from gated access from Woodbury View in the northern corner of the field. The site's topography is relatively flat and the site is well-contained by established field boundaries. It should be noted that the site abuts a publicly adopted highway.

The site provides a logical and natural point of growth for development at the settlement. It is located some distance outside the East Devon and Blackdown Hill Areas of Outstanding Natural Beauty (AONBs) and is well-contained visually by the site boundary. The Clyst Valley Regional Park (land owned by the National Trust) wraps around much of the village to the south-west, west and north limiting growth opportunities in these directions. The site presents a good opportunity for sustainable

development adjoining the village at a suitable scale commensurate with the size and scale of the village.

### Planning Background

The site is not restricted by any landscape, ecological, heritage, or technical designations that would preclude development. The site is situated solely within Flood Zone 1 meaning it has the lowest probability of flooding (< 1 in 1000 annual probability). The site is located approximately 100m away from the Grade II listed 'Heath Gardens' property. There are multiple TPOs at the borders of the site.

The site has been promoted through the ongoing draft Broadclyst Neighbourhood Plan consultations. The site was submitted to the Broadclyst Neighbourhood Plan "Call for Land" consultation in August 2017 by Origin3, acting on behalf of Burrington Estates. The site has been positively assessed as suitable, available and achievable by EDDC in the Strategic Housing Land Availability Assessments (SHLAA) of 2010 and 2011 (Ref – W060) for circa 19 – 32 new homes. The site was assessed positively again during the early stages of the emerging Villages Plan process (2014), however, it later transpired that the development strategy for Broadclyst and other small towns and large villages would be determined by the emerging Neighbourhood Plans (NPs).

### **EDDC Local Plan Review – Site Submission**

The site was submitted to the 2021 HELAA Call for Sites consultation and was assessed through the 2022 EDDC Housing and Economic Land Availability Assessment (HELAA) (Site reference: Brcl\_09). The HELAA assessment of the site calculated the approximate housing yield of the site to be between 12-19 dwellings using the HELAA methodology. The HELAA assessment concluded that the site remains available and suitable for housing development.

The site has now been included as a potential site for allocation in the Reg 18 Draft EDDC Local Plan under *Strategic Policy 25 – Development at Local Centres*.

### **EDDC Regulation 18 Draft Local Plan – Review of Key Policies**

The Draft EDDC Local Plan sets out a total of 108 strategic and non-strategic policies that seek to address the following:

- Identifying the spatial strategy for growth
- Addressing housing needs and identifying sites for development
- Future growth and development on the western side of East Devon

- Identifying a strategy for development at Principal Centres, Main Centres, Local Centres and Service Villages
- Tackling the climate emergency and responding to climate change
- Meeting housing needs for all
- Supporting jobs and the economy and vibrant town centres
- Designing beautiful and healthy spaces and buildings
- Prioritising Sustainable travel and providing the transport and community facilities we need
- Caring for our outstanding landscape
- Protecting and enhancing our outstanding biodiversity and geodiversity
- Open space and sports and recreation facilities
- Our outstanding historic environment
- Ensuring we have community buildings and facilities

Below, we set out our responses to the policies most pertinent to the development of our client's site at Broadclyst.

***Strategic Policy – Spatial Strategy***

The spatial strategy identifies where, and the extent to which new development should be located across the district. As outlined under the Spatial Strategy, Broadclyst is identified as a 'Local Centre' where development will be permitted where it meets the local needs of the settlement and those of its immediate surrounding areas. These settlements have "reasonable levels of population and jobs: and a smaller selection of strategic facilities" as opposed to larger settlements. Nonetheless, local centres can accommodate and are better suited to larger levels of growth than service villages. Burrington Estates supports the draft Spatial Strategy which makes provision for proportionate and appropriate levels of growth at settlements of a similar scale to Broadclyst and accepts that such settlements have the capacity to accommodate further growth.

Further to this, **Strategic Policy 25 – Development at Local Centres** identifies the preferred site allocation 'Brcl\_09' at Heathfield for the development of 15 new homes. As previously stated, the Heathfield site is currently a draft allocation in the Draft Broadclyst Neighbourhood Plan under Policy H3 that is currently at examination and will be subject to referendum in Q1 2023. The site allocation policy text identifies the site being allocated for "no more than 16 Houses". We, therefore, dispute the wording of the draft EDDC policy (Policy 25. Development at Local Centres) and request that the draft EDDC policy remains consistent with the draft Broadclyst Neighbourhood Plan policy, thus allocating the Heathfield site for up to 16 dwellings. I also refer back to the HELAA assessment of the site which identifies a **mid-range** calculated yield of 16 dwellings which further evidences the capability of the site

to deliver over and above the 15 dwellings proposed in the draft EDDC allocation policy, yet remaining a suitable and proportionate level of growth to the settlement of Broadclyst.

As demonstrated in the EDDC Housing Monitoring Update to March 2022 (published: October 2022), EDDC currently has **4,783** dwellings in their deliverable supply, a shortfall of **328** dwellings against the Local authority's five-year supply target of **5,111** dwellings, thus presenting EDDC with a Five Year Housing Land Supply (5YHLS) figure of **4.68-years**. Therefore in the context of a 5YHLS shortfall, the allocation of suitable and deliverable sites such as Heathfield at Broadclyst should be a key priority in the plan-making process.

The draft Local Plan sets out a housing requirement of 18,920 new homes in Policy SP3. However, this policy also sets out that there should be sufficient land identified to demonstrate a 10% uplift in the housing requirement, to demonstrate flexibility and ensure that the housing requirement will be met. The housing requirement is a minimum figure. Policy SP2 sets out that in terms of land supply, the Council can identify sites to deliver 18,167 new homes by the end of the plan period in 2040. The Council also projects that there will be 2,335 completions on windfall sites in this period.

Therefore, the council's housing land supply position not only fails to identify a sufficient number of sites to meet the housing requirement but also, even including the windfall allowance, the resulting housing land supply for the plan period (20,502 dwellings) is not sufficient to meet the policy requirement of a 10% uplift on the housing requirement identified at draft Strategic Policy 3. This is significant as it further highlights the importance of allocating all available and deliverable sites of an appropriate scale identified in the draft Reg18 plan such as the land at Heathfield, Broadclyst.

#### ***Strategic Policy – Levels of future housing development***

We support EDDC's decision to propose the provision of "at least 10% of housing supply over the plan period" to be delivered on small and medium sites which from our understanding of how the definition of "small and medium sites" would therefore include sites at the scale of Heathfield. Given that "medium-sized sites" is a fairly irregular term, we would like to request that EDDC provide clarity regarding the definition of such sized sites, as to guide future small and medium-sized development in the district.

We note that subsection 8 of this policy identifies that each neighbourhood area will be provided with a housing requirement for the plan period. We support this positive approach to development as this will help to unlock new development at small and medium-scale sites at settlements such as Broadclyst. We would like to request that the housing requirements for the designated neighbourhood areas are

expressed as “minimum” requirements. Such an approach would accord with paragraph 16b of the NPPF in as much that it would contribute towards ‘positively preparing’ the local plan.

***Strategic Policy – Climate Emergency***

EDDC signed the Devon Climate Declaration (DCE) on 10<sup>th</sup> July 2019, joining a range of district and parish councils in declaring their aim to tackle climate change. This policy identifies EDDC’s target of becoming carbon neutral by 2040. This target provides an overarching strategic policy that requires all new development to support this objective by adhering to the following principles:

- a. Delivering net-zero development;
- b. Maximising opportunities for delivery of renewable energy, district heat networks, zero-carbon energy and energy storage facilities; and
- c. Calculating the impact of embodied carbon and retaining existing buildings where possible.

Burrington Estates Ltd is committed to using energy-efficient construction materials for the development of the Heathfield site, as detailed further in the Vision Document prepared and submitted by Burrington Estates to Broadclyst Parish Council as part of the neighbourhood plan process. All construction materials will have SAP ratings above current prevailing standards to further boost the sustainability credentials of the potential development of the site. Burrington Estates utilise sustainable building materials and practices including the use of timber frame construction, air source heat pumps and solar panels as part of all new developments. All of which accord with this draft policy as well as ***Strategic Policy – Net-Zero Carbon Development.***

***Policy – Affordable Housing***

This non-strategic policy identifies that for proposals of 10 or more dwellings in the “Rest of East Devon” excluding the Cranbrook DPD area, a provision of “at least” 35% of the total number of dwellings must be provided as “affordable housing”. We support the standardisation and clarity of this draft affordable housing policy compared to the current “Strategy 34” policy of the adopted EDDC Local Plan (2016). The proposed 35% affordable housing target will unlock further growth on small/medium-sized sites and sites delivered by small and medium-sized developers. We further welcome the provisions made in paragraph H of the draft policy stating that where viability impedes the provision of a fully policy-compliant level of affordable housing, alternative tenures can be proposed.

We note that Table 1 of the draft policy identifies a prescriptive breakdown of the required affordable housing tenure mix for developments. We note that the policy does not include any requirement for the provision of affordable rented dwellings. Whilst we agree with the objectives of this policy, we do not agree with the approach taken, as this draft policy seemingly prescribes a “one size fits all approach” to identified tenure-mix in the policy, whereas, in reality, the local housing need for affordable housing will differ between each settlement as well as change over time. We, therefore, object to this policy and suggest that its content be amended to instead provide a broad % minimum target provision of affordable housing for new major developments and allow developers to present evidence for their proposed tenure-mix of affordable housing based upon local housing needs at the time of their application.

#### ***Policy - Market Housing Mix***

This non-strategic policy identifies that new housing development should be consistent with local housing needs identified in the EDDC Local Housing Needs Assessment 2022. The draft policy text states that EDDC will produce a Supplementary Planning Document (SPD) to provide further clarity on this policy. We support this policy insofar that it allows a certain degree of flexibility in the delivery of different housing types (flats, bungalows, detached dwellings etc) however, as identified above, we believe that the local plan should provide a greater level of flexibility to the types of housing tenures that could be proposed as part of new developments at different locations at different times in the plan period i.e. deciding new proposals on a site by site basis.

#### ***Policy – Biodiversity Net Gain***

The draft EDDC Local Plan proposes that all new development proposals must provide a minimum 20% Biodiversity Net Gain (BNG) on site. Whilst we recognise the significance of ensuring a BNG is provided at new developments, specifically in the context of EDDC’s climate emergency, however, we note that the Environment Act 2021 states that all new developments (with some exceptions) must provide a 10% BNG on site, therefore there’s a chasm between the EDDC stance on BNG and the new nationally binding Environment Act 2021. We cannot see any further justification within the supporting policy text to demonstrate how EDDC have arrived at the 20% BNG figure which in our view, is a potential barrier to new, much-needed development within the district.

#### ***Policy – Ecological enhancement and incorporation of design features to maximise the biodiversity value of proposals***

This non-strategic policy runs parallel to the above ‘Biodiversity Net Gain’ policy and identifies a range of ecological features that could be implemented into new development proposals where required, many of which relate to the presence of bats. The policy further states that these mitigation measures

should be designed by a qualified ecologist. As part of a range of initial site survey work, an Ecological Constraints and Opportunities Plan was produced by Green Ecology (now GE-Consulting) which identified the range of habitat surveys that will be required as part of any future application. As well as this, the plan identifies locations within the site that could be utilised for providing appropriate habitat mitigation measures, specifically for bats, breeding birds, badgers, dormice, amphibians and invertebrates. We, therefore, conclude that Burrington Estates would be able to satisfy the requirements of this draft policy as part of any future application relating to the potential EDDC allocation site 'Brcl\_09'.

## Conclusion

Burrington Estates fully supports the inclusion of the Land at Heathfield, Broadclyst as a potential site for allocation in the EDDC Local Plan. We have demonstrated through these representations as well as previous representations made to the EDDC Local Plan Review and draft Broadclyst Neighbourhood Plan Review that the site is deliverable, available, and capable of providing a sustainable, contained development that responds positively to local housing needs and is capable of providing appropriate ecological enhancements and biodiversity net gain identified within the draft EDDC local plan.

As Broadclyst is identified within the draft Spatial Strategy as one of the 5 Local Centres in the district, this shows that EDDC believe the settlement to be capable of providing appropriate small and medium-sized growth that responds to local housing needs and that can be supported by the existing range of local facilities that serve not only the local centre itself but also the immediate surrounding areas.

The significance of allocating appropriately sized new housing development within the district is of particular importance in the context of the 5YHLS shortage within the district, as well as the fact that the council has not identified a sufficient housing supply within the draft plan when compared against the housing requirement for the plan period. The review of the EDDC Local Plan provides the local authority with a fantastic opportunity to positively address this shortfall in a proactive, sustainable manner.

The Land at Heathfield, Broadclyst (Brcl\_09) presents an unconstrained, deliverable development opportunity that can provide proportionate growth to the settlement of Broadclyst. The site is available now and Burrington Estates state that once the site is allocated in either the draft Broadclyst Neighbourhood Plan or EDDC Draft Local Plan, an application for the development of the site in accordance with an adopted allocation policy, they are committed to submitting an application for the allocation proposal within 12 months of the date of the allocation being adopted.

We would like to request that EDDC provide us with written confirmation of receipt of these representations. If you have any further questions regarding our client's site at Heathfield, Broadclyst (Brcl\_09) then please do get in touch.

Yours faithfully



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