

P23-0554

23rd January 2026

East Devon District Council
Planning Policy
East Devon District Council
Blackdown House
Heathpark Ind Estate
Honiton
EX14 1EJ

Dear Sir / Madam,

Representations on the East Devon Local Plan 2020-2042

Second Regulation 19 Consultation, November 2025 – January 2026

I write pursuant to the current East Devon District Council (EDDC) second Regulation 19 consultation on behalf of my client Taylor Wimpey Strategic Land.

Most of the submitted comments relate to general points however some are relevant to the Land at Colestocks Road, Feniton site which is being promoted by Taylor Wimpey. Outline consent was granted on the 11th July 2025 for the following development on part of this site under appeal ref. APP/U1105/W/24/3357849:

“Up to 86 dwellings with access from Colestocks Road; the provision of public open space, landscaping, drainage, and associated highways improvements and infrastructure. All matters to be reserved except for access.”

For reference, the EDDC reference for this application was 24/0431/MOUT.

Strategic Policy SPO1 Spatial Strategy

The settlement boundary for Feniton has been amended to include the Land at Colestocks Road site within it following the granting of outline planning permission for up to 86 dwellings under appeal ref. APP/U1105/W/24/3357849. The Settlement Boundaries Topic Paper Evidence Base Document, ref. KSD-010(rev) confirms this. This change is supported with the site contributing towards the delivery of much-needed homes in Feniton and East Devon more widely.

We note that reference to the role and function of settlements document in the footnotes is incorrect. This is referred to as KSD-012 however the correct reference is KSD-011 as per the Evidence and Examination Library.



Strategic Policy SP07: Delivery of infrastructure

This policy seeks to secure appropriate infrastructure to support the needs of new development via direct provision or financial contributions. We note that this policy should be amended to allow consideration of viability on a case-by-case basis. Provision of infrastructure whether via direct provision or financial contributions can, in some cases, have significant implications for the viability of a scheme. Building in additional flexibility to this policy by allowing viability to be considered would prevent these requirements becoming a barrier to the delivery of much needed housing and economic development where financial viability barriers exist. We note that this approach has been adopted for other policies relating to heat networks (CC05), affordable housing (HNO2), housing to meet the needs of older people (HNO3), accessible and adaptable housing (HNO4), self and custom build housing (HNO5), hostels and houses in multiple occupation (HNO8) and biodiversity net gain (PBO5). Applying the same approach to SP07 would ensure EDDC are being consistent across local plan policies.

Strategic Policy CC02: Net-zero carbon development

Part A of this policy requires the following for all new residential development:

'To meet energy efficiency requirements set out in the building regulation Future Homes Standard (FHS) 2025 or successor standards. If the FHS 2025 is not incorporated into Building Regulations by the date of Local Plan adoption, the draft standards as set out in – The Future Homes and Buildings Standards: 2023 consultation²⁹) will be required in developments:'.

We object to this point of policy CC02. This policy should align with Building Regulations already in force and not draft standards which are potentially subject to change.

This policy also requires all developments to demonstrate at the application stage that the relevant standards set out in policy CC02 will be achieved.

As a general comment on policy CC02, it is important that net-zero carbon policies do not dominate the wider objectives of the plan to the detriment of delivering a balanced, sustainable strategy that achieves the viable delivery of development to meet identified needs within the plan period.

The Written Ministerial Statement Planning: Local Energy Efficiency Standards – 13th December 2023 informed councils that the government expects examiners to reject local plans that go beyond current national policy and legislative provisions. This has recently been tested in the Court of Appeal, which concluded that local authorities may set higher requirements exceptionally, subject to there being strong justification for such. Thus, there is an implicit evidential bar for doing so which we do not consider applies to East Devon.

That evidential bar should also reflect real-world considerations including ensuring that development remains viable, having regard to other factors in this respect, and the impact on housing supply and affordability remains in accordance with the National Planning Policy



Framework. This should be taken into consideration by the Council regarding this specific need, which, without substantive evidence otherwise, should not seek to push local standards beyond those established through Building Regulations.

Policy HNO4: Accessible and adaptable housing

Part A of this policy seeks to secure a percentage of dwellings built to Building Regulation M4(2) (accessible and adaptable dwellings). The percentage requirement has been reduced to 50% from 100% at the first Regulation 19 consultation stage and this is a step in the right direction. We note however, that there should be flexibility built into the policy to allow for negotiation on this where technical or financial viability prevent this requirement being met in full.

Part C of this policy seeks to secure at least 15% of all new affordable housing for rent or affordable home ownership built to Building Regulation M4(3)(2)(a) or (b) requirements (wheelchair adaptable). This is an increase on the 5% included in the first round of Regulation 19 consultation. We object to this increase and note that a 15% requirement is overly prescriptive, particularly when there is no flexibility in the policy for an alternative approach to be agreed in the case that technical or financial viability prevent this requirement being met in full.

HNO5: Self-build and custom build housing

Objection is raised to the requirement for *'At least 5% of dwellings on sites planned to accommodate 20 or more homes must be delivered as serviced custom and self-build plots.'*

Including *'at least'* introduces uncertainty around what the requirement will actually be in any individual case – it is vague and imprecise.

5% of dwellings on all sites over 20 dwellings appears to provide more than the required number of plots as evidenced in the self-build register data. In addition, the marketing period should be reduced to 12 months. Any longer than this and sites may have completed and the construction contractors left site making it potentially challenging and unviable for these to be brought back to build custom plots if these have not been sold.

Some people on the self-build register will not want a plot within a larger housing scheme, as shown from the evidence base.

The Council has already delivered self-build opportunities without requiring larger developments to put aside land for this type of use, predominantly on small individual sites. It would be preferable for this policy to encourage this type of provision so that larger sites can concentrate on delivering affordable housing, open space, community facilities, and other infrastructure which smaller schemes cannot provide.



Strategic Policy PBO5: Biodiversity Net Gain

The requirement for all major housing developments of 10 or more homes to deliver a BNG of at least 20% is onerous and will add costs to developments. All developments should only be required to deliver the national minimum requirement of 10% BNG. The provision of in excess of 10% BNG is a benefit of development that can be weighed in the planning balance but this should not be translated into a policy requirement.

10% Biodiversity Net Gain is now mandatory for all major developments (as of 12th February 2024) and all non-major developments (as of 2nd April 2024) as required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The National Planning Policy Guidance (NPPG) at Paragraph: 006 Reference ID: 74-006-20240214, confirms that plan-makers should not seek a higher percentage than the statutory 10% for BNG on an area wide or site wide basis unless justified and considering viability and implementation.

The consultation document does not set out a robust justification for this and a BNG requirement exceeding 10% could give rise to issues relating to viability and implementation in some cases.

Policy DS02: Housing density and efficient use of land

This policy has been amended to specify that a design code is required for developments of more than 50 dwellings. This is a change from the first Regulation 19 consultation which simply referred to this as a requirement for major development.

We object to the requirement for a design code for all developments of over 50 dwellings as this is considered to be excessive and request that the threshold is upped to at least 500 dwellings. Such a low threshold of 50 would place an unnecessary burden on developers. Good design is not dependent on a design code and whilst a design code would be appropriate for the largest of schemes (500+), it is an unnecessary burden for anything under this threshold. This additional burden is at odds with the current NPPF consultation document which seeks to deliver a more proportionate and streamlined planning system to help bring competition and diversity to the market, and support faster build out.

Policy TRO4: Parking standards and electric vehicle charging provision

This policy seeks to secure for residential development, electric vehicle charging that exceeds Building Regulations requirements. We object to this point of policy TRO4. This policy should only align with Building Regulations requirements.

Strategic Policy ARO2: Water efficiency

This policy seeks to secure for all development, the Optional Technical Housing Standard of 110 litres per person per day for water efficiency. We object to this point of policy ARO2.



East Devon is not a water stress area so the justification for limiting water usage for new development is questionable. Water consumption is a matter covered by the Buildings Regulations regime. This limits water consumption to 125 litres per person per day. A local plan policy on water efficiency is unnecessary.

Policy PBO7 – Ecological enhancement and biodiversity in the built environment

Whilst Taylor Wimpey supports the overall principle of this policy, and the importance for new development to deliver ecological enhancements, we have concerns regarding the lack of flexibility within the policy wording. Additional flexibility should be provided within the policy wording to allow ecological enhancement features to be determined on a case-by-case basis and to be influenced by site context and ecological opportunities for example one bat box or bird box per dwelling.

Yours Faithfully

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