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Dear Sir/Madam,

EAST DEVON COUNCIL LOCAL PLAN CONSULTATION – REGULATION 19

Introduction

Please find herein representations on the Regulation 19 East Devon Emerging Local Plan consultation made on behalf of our clients, Waddeton Park Limited (Honiton) who are the promoters of a site at Land at Heathfield Manor, Honiton. This site was previously identified as a proposed allocation at the Regulation 18 stage of the Plan but was subsequently excluded from the Regulation 19 Plan. My clients have a number of concerns how that situation arose which are elaborated on within these representations.

We have organised this response in order that it follows the format for the response form provided and allows for comments on the policies etc to be considered individually as you have required. However, we have presented our response as a comprehensive assessment of the emerging plan and the Council's approach and therefore it is important to be considered in its complete form as well.

Overview of the Plan Approach

We have through earlier representations made on the emerging Local Plan raised concerns regarding the overall strategy of the Plan, particularly in terms of approach to meeting housing needs and an inherent imbalance towards constraint and matters that ultimately constrain growth opportunities and the delivery of sustainable development. Some of those issues still remain apparent in the Regulation 19 Plan.

This is despite the Government, through the updated NPPF published in December 2024, making it absolutely clear that there is a need to substantially

increase housing delivery in the UK, setting a target of achieving 370,000 new homes each year. The focus of the updated NPPF is explicitly on overhauling the planning system to address the chronic housing crisis and to support “builders not blockers” and to deliver growth.

The implication of the updated NPPF on East Devon is a significantly increased challenge in the number of homes that are required to be built, significantly above past delivery rates. We recognise the scale of this challenge; however, it also must be recognised that historic and substantial undersupply of housing has contributed to the severe housing affordability issues across the South West, including in East Devon.

As we have previously highlighted the continuing housing crisis requires a step change in planning for growth and a departure from traditional protectionism. The updated Framework provides councils with significant tools to maximise opportunities for accommodating the growth that is required.

It is noted that the Council are seeking to benefit from the updated NPPF’s transitional arrangements by publishing a Regulation 19 version of the Plan in advance of the cut off of 12th March 2025. This will then enable the local plan to progress under the December 2023 NPPF. It is very disappointing that these transitional arrangements appear to have been used with the sole purpose of enabling a lower housing requirement to be pursued. Which of course will simply continue to increase the gap between housing need and supply in the longer term.

The Plan further fails to appropriately meet local housing needs by seeking to offset even that lower housing requirement by introducing what is an unjustified and inappropriate stepped housing delivery approach.

Also of concern and evidenced by the number of comments we have on the Plan, is whether the Plan has simply been rushed to Regulation 19 stage without full and reasonable assessment of the overall strategy. It was clear from the Strategic Planning Committee discussions on site selection that the urgency to allocate sufficient numbers to meet the lower requirements has led to politicised decision-making in respect of sites and a great deal of inconsistency. This does give rise to the significant risk of the Plan not being found sound.

All this is before taking into account the Plan’s over reliance on delivery from a new community that remains largely untested through the Plan process to date; a site selection process that at best has been inconsistent and at worst, procedurally unfair; and a proposed policy basis that seeks unreasonable requirements without any consideration of the viability and deliverability issues they will create.

Importantly until the emerging Plan is adopted, the Council will still be required to demonstrate a 5-year supply of housing land based on the new standard method (1188 dwellings per annum), which as the Council themselves recognise under current claimed supply would be less than 3 years. The need to deliver increased levels of housing must therefore be a priority for the Council both through development management and plan-making processes, requiring a step change in approach towards positively planning for growth rather than focussing on constraint and requirements. We are concerned the Plan currently fails to adequately demonstrate this.

We elaborate further on the above concerns, that we consider risks undermining the soundness of the Plan if not addressed, when discussing the individual policies and sections of the Plan below.

Chapter 3 - Spatial Strategy

Strategic Policy SP01 – Spatial Strategy

We broadly support the spatial strategy outlined in Policy SP01 which recognises the role of Honiton as a Main Centre where significant development can be accommodated, although we do consider that the level of actual provision is too low and is not sufficient to address the historic lack of delivery of new homes at the town. There are further site opportunities, including land at Heathfield Manor, that have been overlooked or not assessed correctly as raised further below in these representations which could contribute to addressing these needs.

We are concerned regarding the reliance on the new community in respect of this Plan period. The experience of Cranbrook demonstrates the long lead-in times in respect of delivery, with first occupations at Cranbrook occurring some 20 years post allocation (having been arguably a more defined proposal than the new community at that stage). We provide additional comments on this in relation to Strategic Policy WS01.

We also consider it to be shortsighted not to consider further provision at Cranbrook beyond the adopted Cranbrook Plan area, given it clearly would be a sustainable option for delivering additional growth and infrastructure is already in place or planned.

Strategic Policy SP02 – Levels of Future Housing Development

We have significant concerns regarding the approach set out in Strategic Policy SP02 and consider that this is a key matter that could make the Plan unsound. This is because this approach would fail to meet the local housing needs and therefore has not been positively prepared. The approach is based on a stepped

housing delivery approach which has not been sufficiently justified and will instead simply defer the issue of under delivery to the later parts of the Plan at which point unmet needs will be substantial with little prospect of addressing. Therefore, rendering the Plan ineffective and failing to deliver sustainable development in order to meet the needs of its community consistent with national policy.

Unjustified Stepped Approach towards Housing Delivery

Our rationale for this conclusion is as follows. Strategic Policy SP02 proposes a provision of 20,909 dwellings across the District. This is based on the transitional arrangement of 80% of the new standard method of 1188 dwellings per annum over the 22-year Plan period, equating to 950.4 dwellings per annum. However, rather than suggest this is delivered at a consistent rate, a stepped approach has been applied. This provides for 850 dwellings per annum across the first 12 years of the Plan period (2020/21 to 2031/32) and 1070 dwellings per annum for the latter 10 years of the Plan period (2032/33 to 2041/42).

This means that for the first 12 years of the plan period housing delivery is proposed at just 71% of the new standard method, significantly below the required 80% set out in the NPPF transitional arrangements. Indeed, on that basis, the Council would only reach 80% of the local housing need figure in 2042, by which time a new Plan is likely to be in place. There is a risk that this approach could be seen to have been contrived to benefit from these arrangements but to plan for a failure for more than half of the Plan period to meet the required (reduced) annual delivery targets and cumulatively to fail until the final year of the Plan period. This must question whether the approach is compliant with the transitional arrangements at all.

Furthermore, the approach would mean a year on year under supply of housing against the (reduced) housing targets for 12 years of 100 dwellings per annum, resulting in a deficit of 1200 homes by 2032/33 to be made up in the remaining 10 years of the Plan. Importantly, for context, if the Plan could not benefit from the NPPF transitional arrangements (and therefore the new standard method setting the local housing needs figure was in place) this would be an under supply of 338 dwellings per annum resulting in a deficit of 4,056 dwellings by 2032/33 to be made up in the second half of the Plan period.

The obvious concern that arises is whether the proposed stepped approach is simply a contrived way of firstly attempting to benefit from the transitional arrangements and secondly, avoiding making the important and difficult decisions required to meet the District's substantial level of housing need.

The Council seek to justify the stepped approach within the 'technical assessment of housing delivery' report dated February 2025 by referring to the

Planning Practice Guidance (PPG) which does set out circumstances where a stepped approach may be justified. This includes where there is a significant change in in the level of housing requirement between emerging and previous policies and/or where strategic sites will have a phased delivery or a likely to be delivered later in the Plan period. However, the PPG also makes it clear that such an approach needs to be evidence-based, should not seek to unnecessarily delay meeting identified development needs.

In the case of the Regulation 19 Plan, the level of housing requirement under the transitional arrangements without a stepped approach would be 950 dwellings per annum which is the same as required under the adopted East Devon Local Plan. Therefore, there is not a significant change between emerging and adopted policies to justify a stepped approach.

In terms of strategic sites, it is important to recognise that the Regulation 19 Plan relies on many housing allocations of which the majority could not be considered to be 'strategic'. Whilst the housing allocations are dealt with under the strategic policies of the Plan, this in itself does not make them 'strategic' in the sense of the PPG. Indeed, the NPPF at paragraph 22 provides some insight as to the scale which sites should be considered 'strategic', referring to new settlements or significant extensions to settlements and the need in those cases to look forwards through strategic policies over at least 30 years. None of the allocations within the emerging Local Plan meet this definition of 'strategic'.

Notwithstanding the above it would not be unreasonable for the new community to be considered a strategic site given delivery will go beyond the Plan period. However, as discussed below, the lack of details regarding this allocation and the likely long lead-in times will reduce significantly the delivery rate that can be assumed in the Plan period. This would suggest rather than a stepped approach to housing delivery that over relies on the uncertainties of the new community at the back end of the Plan period, the Council should plan to maximise opportunities for the non-strategic sites to come forward in the early parts of the Plan period to provide greater resilience and set it housing requirements accordingly.

We note the other reasons put forward by the Council to justify the stepped approach. This includes the likelihood that allocated sites will not be the subject of speculative consents due to uncertainty. However, a number of applications on such sites have already been made (and some consented) and the Regulation 19 Plan confirming proposed allocations and the current lack of 5 year housing land supply will provide significant incentives for applications to come forward at an early stage.

The realities of what is occurring in East Devon is a more appropriate guide than the Lichfields national wide study referred to in the evidence base. This also

confirms that sites of less than 100 units (which make up a significant proportion of the Plan's proposed allocations) are capable of being delivered in under 4 years. Similarly, the reliance on 'extensive planning complexities', 'environmental constraints', 'infrastructure issues' are matters faced to a large extent by every local planning authority and are not unique to East Devon. These matters in themselves and collectively do not justify a stepped approach, indeed it perhaps emphasises the need to frontload the Plan by maximising delivery from a range of sites rather than metaphorically 'kicking the can down the road' by delaying delivery and then over relying on the latter part of the Plan period.

Need to Improve Delivery Rates

Some of the above concerns raised by the Council could be addressed through a re-consideration of the scale of allocations around some of the Principal and Main Centres. These settlements, with a wide range of development opportunities and wide range of services and facilities, can accommodate the delivery of housing in a variety of directions, and are well suited to the delivery of a range of 'smaller' (i.e. 50-200 dwelling) site allocations that can come forward earlier in the Plan period.

As the site selection process undertaken in respect of both Regulation 18 and 19 stages of the emerging Plan demonstrates there are many suitable and available sites within these locations which would have significantly lower infrastructure burdens and reduced lead-in times. However, inconsistencies in the approach of the Strategic Planning Committee in allocating sites for the Regulation 19 Plan (often against officer advice) has meant that some sites considered suitable at Regulation 18 were removed at Regulation 19, whilst other sites, with more challenging constraints, not previously considered were allocated in their place. There was no consideration of lead-in times or the consequences on Plan delivery at that stage, only the fundamental quantum. This has meant that some of the concerns the Council now raise in respect of early delivery are a direct consequence of the decisions made which saw some larger sites allocated on capacity grounds without due regard to constraints such as securing appropriate access, ecology impacts, heritage impacts and land ownership and the unjustified removal of other sites which could have contributed to housing delivery in the earlier stages of the Plan. We outline these concerns further below in respect of representations our clients' site at land at Heathfield Manor, Honiton which was not carried forward from the Regulation 18 Plan, contrary to officers recommendations .

The point being made is that the Council had in front of them a range of sites in key settlements identified as available and suitable which have not been taken forward, but if they were, they could still provide significant resilience to the Plan strategy by supporting early and increased delivery rates.

Modification Required

As we have set out above the Plan's approach in setting a stepped housing target is unjustified, goes against the spirit of the NPPF transitional arrangements and seeks to effectively push the matter of delivering housing to meet local needs into the next local plan cycle. The Government have been clear that in introducing the transitional arrangements they expect the progress of plans to be maintained, whilst maximising proactive planning for the homes communities need. We consider the stepped approach does not support the Government's intentions.

Therefore, currently this approach risks rendering the Plan unsound in our view. To address this the Plan will need to be the subject of fundamental modification. This will include removing all reference to the stepped approach within Policy SP02 and instead including a consistent housing requirement of 950.4 dwellings per annum over the entire Plan period.

In addition, to provide greater resilience against the delivery issues the Council has identified in relation to larger sites, modifications should be made to include a range of sites that can support greater resilience for Plan delivery. This includes reviewing and allocating opportunities already previously considered through the site selection process where sites were previously proposed to be allocated in earlier stages of the Plan and/or where they have not been discounted on deliverability grounds. This should include our client's site at Land at Heathfield Manor, Honiton.

These Modifications are essential for addressing the unjustified stepped approach towards housing delivery and ensuring the Plan can be found sound. Otherwise, the Plan as it stands would not be positively prepared in that it fails to deliver the housing required to meet local needs. Its approach is not justified by the evidence base nor is it consistent with national policy. The result will be an ineffective Plan that fails to deliver for the needs of its community.

Chapter 4 – Development at the West End

Strategic Policy WS01: Development of a second new community east of Exeter

We are concerned that there remains an over reliance on the role of the new community in the Plan period and that this further undermines the Plan's assumptions in respect of housing delivery and providing sufficient sites to meet local needs. The lessons of Cranbrook and the long lead in times in establishing land assembly and infrastructure planning do not appear to have been taken into account.

Whilst not objecting to the principle of the new community we do consider the Council are premature at this stage to rely on an assumption of 3,300 new homes being delivered within the Plan period by 2042. This is because beyond broad technical feasibility and a vision there is still a significant absence of detail as to how the new settlement will come forward and what is actually proposed.

Given this we have previously suggested the Plan should treat it as little more than a direction of travel, with only minimal reliance on it in terms of housing delivery within the Plan period. There seems no further evidence to suggest that proposals have tangibly progressed and certainly not to underpin the level of delivery now being suggested. Again, this reliance places additional pressures on the effectiveness of the Plan in the second half of the Plan period if, as expected, the suggested level of housing coming forward on the site is significantly behind the trajectory.

It emphasises the points we have raised above in respect of spatial strategy and how the plan deals with housing delivery generally, in that over assumption of delivery across a narrower range of complex sites can only result in under supply and not meeting need. Whilst it is correct that the new community will have an important role in the future, it is not there yet in terms of certainty of detail and should not be used to underpin this Plan's strategy. Instead, this Plan's strategy should be based on a range of sites that includes maximising opportunities early in the Plan period and the delivery of sites less burdened by constraints and infrastructure capacity issues.

Modification required

It is important that the housing delivery rate assumed from the new community within the Plan period is evidenced based in order that it is robust. Given the lead-in times involved and experience from other strategic sites, it seems clear that the levels suggested will not be met. The Plan should therefore be modified to include a more realistic and evidence based provision from the new community and sufficient other sites should be included to address the shortfall and to provide resilience to the Plan strategy as a whole.

Chapter 5 – Development in the Towns and Villages

Policy SD03: Honiton and its development allocations

As we have set out above, we still consider the proposed housing provision at Honiton is too low and the opportunity to bring sites forward that maximise the opportunity to deliver housing earlier in the Plan period should be further considered. As the Regulation 18 and 19 site selection processes has identified there is significant capacity at Honiton for a range of smaller sites to come forward that can benefit from existing infrastructure and accessibility.

Land at Heathfield Manor (previously Honi 15)

Our clients' site at Heathfield Manor represents such an opportunity which regrettably was not given proper consideration during the site selection process, largely over confusion regarding the extent of the site being considered and errors in the paperwork. We firmly believe that in those circumstances the site was not given proper consideration.

The facts of the case are that part of the site was identified as a draft allocation (reference Honi_01) in the Regulation 18 Plan. This was on the basis that HELAA identified that the site did not present any inherent issue from a highway, flood risk, biodiversity, heritage and accessibility perspective. The site's location within the National Landscape was acknowledged and identified as a sensitivity, although the draft allocation confirms that this did not preclude a sensitively designed scheme. The Panel considered the site to be achievable for housing with an identified yield of around 79 dwellings. The site was also considered available and deliverable within the first 5 years of the Local Plan period.

The Honi_01 site was therefore fully tested, assessed and consulted upon as part of its identification as proposed allocation at the Regulation Stage and recognised as beneficial to the strategy for Honiton. This should have been an important starting point for the site when the Regulation 19 sites selection process commenced. However as outlined below, this actually accounted for nothing with ultimately the site being removed for no reason and with no justification. Regardless ultimately of the consideration of the wider site (Honi_15), which as we set out below was also significantly flawed, Honi_01 should have been considered on its own merits and in the context of it having been previously identified as a proposed allocation and the support the evidence base provided for it at that stage.

We made further representations regarding the site as part of the further Regulation 18 consultation held between May and June 2024 which set out the benefits of a wider scheme extending across 3 field parcels instead of the previously proposed one. This wider site had been considered under the 2022 call for sites exercise and the HELAA Panel (under reference Honi_15) subsequently concluded the site could be achievable for housing with a potential yield of 133 dwellings, with no inherent issues identified from a highways, flood risk, biodiversity, heritage and accessibility perspective.

In our representations in June 2024, we set out how the extended site will support greater opportunity for a landscaped driven development that can integrate and assimilate with the existing landscaped character to form a high-quality development. This would be achieved through a more logical extension to the southwestern part of Honiton, effectively filling in the gap between Hayne

Lane and the A375 and rounding off the urban area. At the same time providing a better assimilation of development with the National Landscape through a wide network of green space and green corridors, public open space, extensive landscape features and blue infrastructure. It would provide a more effective approach toward managing landscape harm and provide the opportunity for significant enhancement. This is a clear benefit of the wider scheme.

To support the wider site's inclusion further a Framework Masterplan was prepared and submitted to the Council which identified clear opportunities for landscape and habitat enhancement that would provide substantial benefit in enhancing the transition from the National Landscape and the urban form of Honiton and significantly improve the current relationship and landscape setting. I attach a copy of the site location plan at Appendix 1 and the Framework Masterplan at Appendix 2.

It seems quite clear that sensitive development of the wider site would provide and fund important mitigation and enhancement, whilst delivering the wider benefits of growth for the local community. It would deliver more housing in a sustainable location to support the role of Honiton and is a site that is relatively unconstrained nor overburdened by infrastructure requirements. The site can therefore come forward quickly to support delivery in the earlier stages of the Plan period and provide much needed resilience to the Plan's strategy.

Despite these clear benefits which were supported by the officers who originally recommended allocation of Honi_15 within the Regulation 19 Plan, the site selection report recommending this was withdrawn a few days prior to the Strategic Planning Committee's (SPC) consideration and replaced with a report that only identified the partial site of Honi_01 although it was still referred to as Honi_15 and included a number of inconsistencies. I have attached extracts from both the report that was withdrawn, and the subsequent amended report relied upon by Members at the SPC for reference at Appendices 3 and 4 respectively. On raising this with the policy team (importantly officers did not directly inform of us of this change) we were advised that the report had been amended because the wider site had not been subject to previous consultation and instead *"the inclusion of these additional parcels requires further consideration and will be reported on separately to a future meeting as appropriate."*

However, this further consideration never took place, instead the SPC debate including public comment was simply confused as to what was being considered, Honi_01 or Honi_15 and suggestions that we had acted unreasonably in seeking to extend the site through the consultation, when it was clearly an error by the Council. The upshot was that not only was Honi_15 not given any proper consideration nor a further discussion arranged to do so as had been advised, but Honi_01 was withdrawn from the Plan, despite its earlier allocation. The only reason put forward was the site's location within the National Landscape despite

this clearly being the same situation as before and other sites subsequently being included in the Plan also falling within the National Landscape.

The boundary of the National Landscape does not follow the settlement boundary and there is already significant parts of Honiton that falls within the boundary of the National Landscape designation. It is clearly not a principle reason for excluding sites within this context and as set out above development does provide opportunities to improve the relationship between existing urban areas and National Landscape coverage. Not only are other sites at Honiton allocated within the extent of the National Landscape boundaries, but sites across the District have also been allocated, including Exmouth and Sidmouth, but also including lower order settlements such as Newton Poppleford and Sidbury etc. Clearly if this is not a principle reason to exclude sites in those lower tier places then it would be unreasonable to rule sites out at Honiton given the town's greater role for accommodating growth.

The removal of the Heathfield Manor site from the Plan is a significant lost opportunity and there were and are no good reasons for it not to have been allocated, particularly given it provides a more logical southern extension of Honiton than other more constrained sites that have been included in the Plan to the east and west which are far less well related to the existing urban area to the site at Heathfield Manor.

We consider the above matters have significantly prejudiced the consideration of the site both partially (Honi_01) and the wider area (Honi_15). At the very least given the support through the process for Honi_01 this should be added back into the Plan. However given the inevitable challenges the District will face in delivering its housing requirements and the clear benefits of the wider scheme there are clear grounds for allocating Honi_15.

In that context we make the following comments on the sites allocated in Policy SD03:

Land west of Hayne Lane (Gitti 03,04 and 05)

Our clients are concerned that the allocation of this site was based primarily on quantum and capacity rather than a consideration of relevant matters in respect of deliverability. It also a site that is distant from the core facilities of the town and accessibility during the site selection process was described as challenging. Part of the site also falls within the National Landscape, demonstrating that this does not appear to be principle for ruling out sites as suggested in the context of Heathfield Manor.

The wording of the allocation makes it clear that there will be access issues to be addressed as well as landscape and heritage sensitivity alongside the need

for the site to come forward in a masterplan dealing with the site comprehensively and the provision of significant infrastructure.

All this points to a site that will take some time to come forward. Whilst not suggesting the site should not be allocated, it is unlikely to make a significant contribution to housing delivery in the early parts of the Plan period. On that basis it is clearly a more sustainable strategy to deliver a range of sites which provide good access and connectivity options to existing services and facilities whilst offering opportunities for enhancement of existing infrastructure to support the growth of the town. This will also be more beneficial in ensuring the Plan is resilient in meeting housing needs at an early stage of the Plan period.

Land adjacent to St Michaels Church and south east of Cuckoo Down Lane (Honi 07 and Honi 12)

As with Heathfield Manor, this site lies within the National Landscape but is closer to heritage assets and is also a less logical extension to the urban area in respect of form. The site's allocation is inconsistent with the decision to not allocate Heathfield Manor. Honi_12 was not recommended to be allocated by officers.

Land south of Northcote Hill (GH/ED/39a and b)

These allocations represent a significant extension eastward of the town with both access and accessibility challenges with access to the site constrained by narrow roads under railway bridges. Significant improvements will be required. Again given these sensitivities the site is unlikely to make a significant contribution to housing delivery in the early parts of the Plan period.

Based on the inclusion of the above sites, there are no good reasons for the Plan not to allocate the Heathfield Manor site. It is a site that is relatively unconstrained nor overburdened by infrastructure requirements. The site can come forward quickly to support delivery in the earlier stages of the Plan period and provide much needed resilience to the Plan's strategy. Without having a range of sites within Honiton the Plan will over rely on more constrained sites which are more difficult to bring forward, particularly given the significant uncertainties around deliverability.

Modification required

We believe further growth at Honiton should be provided for through the allocation of further sites. This will underpin the Plan's strategy to ensure sufficient housing growth in the town throughout the Plan period, including at an early stage. The site at Heathfield Manor is unconstrained and has previously been identified as a preferred choice site based on its suitability. There are no

impediments to its delivery and as such it can make an important contribution to the Plan.

Policy SD03 should therefore be modified to include land at Heathfield Manor (Honi_15) as an allocation.

Chapter 6 – Mitigating Climate Change

We have previously raised concerns regarding the emerging plan's focus on ambitious policies seeking Net Zero by 2040 and the impact this has on the viability of development. This challenging ambition needs to be grounded by the imperative to tackle fundamental need for housing across East Devon. We remain concerned that the Regulation 19 plan includes a number of 'Climate Change' policies which, in some instances, may negatively impact the ability to deliver much needed development in the District. It is important that policy approaches carefully consider and evidence their implications on the ability of the Plan to deliver sustainable development to meet local needs.

Strategic Policy CC01: Climate Emergency

This policy refers to development that will generate 'significant emissions' as having to require clear justification including articulating carbon saving approaches to be incorporated in the development. The trigger for this is incredibly broad, and we have concerns regarding how this could be applied to development in the future. This needs to be further clarified.

Strategic Policy CC02: Net-zero carbon development

This policy requires all new residential development to meet the Future Homes Standard 2025, or if this is not incorporated at the point of Plan adoption, meeting the draft standards (from the 2023 consultation). However, as the policy acknowledges, this is not yet confirmed and it is clear from the evidence base that the policy approach relies on the consultation draft of the Future Homes Standard. Given this will be controlled through Building Regulations in due course, we suggest the policy is in any case unnecessary as it duplicates forthcoming Building Regulation changes.

Strategic Policy CC05: Heat networks

This policy requires all major development within 1km of an existing heat network connection to provide a connection. Furthermore, developments over 1,200 homes will be required to provide their own. Whilst a policy that *supports* making these provisions could be supported, the use of the word *should* indicates limited flexibility (albeit, it is understood it is not a *requirement*). Connections to these networks can introduce an undue financial burden on developers, and

introducing such stringent requirements could challenge viability, and cause delivery delays.

Modification required

The above policies should be clarified to ensure that their requirements are clear in terms of triggers and flexibilities and do not duplicate other legislation better suited to implement objectives (i.e. Building Regulations). The Plan needs to be clear how any requirements can be achieved without raising deliverability or viability issues that may make the Plan ineffective.

Chapter 7 - Adapting to Climate Change

Strategic Policy AR01: Flooding

Requirement B of this policy introduces a requirement "*For areas within 5 metres horizontal distance of Flood Zone 2, where there is no detailed modelling, assessment of this Zone with climate change will need to be undertaken in accordance with the most up-to-date Environment Agency hydrology, hydraulic modelling and flood risk mapping.*" This appears to directly contradict national policy given such areas will include areas within Flood Zone 1 where the level of assessment is not required and sites of less than 1ha would not require a Flood Risk Assessment in any case.

Furthermore, this policy states that the flood resilient goal of the policy will be achieved by "*Ensuring that space is provided on all development sites for the inclusion of SuDS...*". Whilst supporting the delivery of SuDS as the preferred drainage solution is appropriate (and consistent with national policy), requiring them on all sites is unreasonable as this will prevent the delivery of sites where SuDS are not feasible. The policy should instead reference the drainage hierarchy so it is clear that there is some flexibility where it is demonstrated SuDS are not possible.

Modification required

Policy AR01 should be modified so that it is inline with national policy in respect of the need for flood risk assessment and the encouragement of SuDS.

Chapter 8 - Meeting Housing Needs

Strategic Policy HN02: Affordable housing

This policy identifies the affordable housing requirements and the proposed tenure mix. The policy specifically identifies that at Axminster there will be flexibility in respect of tenure splits taking into account viability. This then

implies similar flexibility will not be applied to other areas of the District, when of course the same considerations in respect of viability may be relevant. Furthermore, it is noted that the requirement is 65% social rent with no indication of further flexibility between this and affordable rent (unlike the adopted Plan). Whilst the new NPPF does strengthen requirements for social rent, it is important to note that if the Plan does benefit from the transitional arrangements it will come forward under the 2023 Framework which included more flexibility between social rent and affordable rent. The policy wording would benefit from outlining the general flexibilities around the approach will depend on the circumstances of the scheme.

Policy HN03: Housing to meet the needs of older people

This policy introduces a requirement for all general housing proposals over 50 dwellings to deliver 10% of units as specialist housing for older people (SHFOP) (subject to commercial viability). This aspect of the policy is challenged for a number of reasons.

Firstly, this policy conflicts with itself. Requirement B states that all older person housing will be located within 400m walking distance of local facilities and shops. However, the Manual for Streets (2007) identifies that walkable neighbourhoods are typically characterised by having a range of facilities *up to about 800m walking distance* (and acknowledges that walking can replace car trips of distances under 2km) (paragraph 4.4.1). Clearly, by requiring SHFOP on all sites over 50 dwellings, there will be circumstances where SHFOP will be delivered beyond the 400m distance to facilities required by the same policy.

Secondly, the Council do not appear to have considered the financial impacts of this policy (and attempted to address this with the subject to commercial viability caveat). SHFOP typically has a depressed market value, which could have a material impact on the viability of site delivery when compounded with other policy requirements (like affordable housing and self-build plots), and other CIL 122 compliant contributions. Without further evidence to support the viability of this requirement, the 10% requirement should be removed as it is not justified.

Thirdly the SHFOP requirements seem excessive and unnecessary given Policy HNO4 requires 100% of dwellings to meet M4(2) standards, making them accessible and adaptable, as well as the 5% M4(3) requirements for affordable housing. We note that M4(2) provides viability challenges in and of itself, and combining these with the SHFOP must create real concerns regarding the deliverability of housing under this Plan.

Policy HN05: Self build

The policy requires self build plots to be marketed for at least 24 months from the point of being serviced and developable, and only after the lapse of this period can they be made available for development on the open market. We consider this period is too long and should be reduced to one year consistent with other local planning authorities. Otherwise plots will remain vacant for extended periods of time and housing delivery will be delayed. Marketing for a year is more reasonable.

Additionally, this policy requires self-build houses to be completed within 3 years of purchasing a developable plot. This is unreasonable and not justified and should therefore be removed from the policy.

Modification required

Modifications to the above policies are required. For Policy HN02 there should be greater recognition of the flexibility of approach and the circumstances such as viability that will be important considerations. Furthermore, the tenure mix should include a degree of flexibility between social and affordable rent.

Policy HN03 is unnecessary and overly onerous and should be deleted from the Plan.

Policy HN05 should be modified to reduce the length of marketing period and to remove the 3-year completion period as these are both unreasonable and unjustified.

Chapter 10 - High Quality Design

Policy DS02: Housing density and efficient use of land.

The policy goes beyond the requirements of national policy in requiring a design code for all major development proposals. Whilst it is recognised this might be appropriate in sensitive locations it is unreasonable to require a design code to be agreed for all major applications. It will simply add delay and costs to planning application submissions without adding any greater benefit to existing requirements such as Design and Access Statements etc. It is also very doubtful whether the Council would be able to sufficiently resource this.

Modification required

Policy DS02 should be amended to reflect circumstances where a design code maybe appropriate rather than a blanket requirement for all major applications.

Chapter 12 - Our Outstanding Landscape

Policy OL04: Areas of strategic visual importance

The policy intends to provide a framework to protect key views and views of local landmarks. Unfortunately, this policy is incredibly broad, and we are concerned that this will be used as a 'catch-all' policy to prevent windfall development that would otherwise be acceptable. Again, it raises concerns regarding the blanket approach to designations and requirements that the Plan relies upon. Other policies like the Green Wedge (policy OL05) and Coastal Preservation Areas (Strategic Policy OL03) (notwithstanding our concerns regarding extent and definition) provide protection for areas of East Devon, and other heritage policies to protect the setting of listed buildings. This policy, if it is to be retained, requires greater clarity on its true extent.

Modification required

Both Strategic Policy OL03 and Policy OL04 raise concerns regarding a blanket and unevidenced approach towards designations which overly restricts the potential of windfall development.

For Strategic Policy OL03 relating to the CPA the extent of the designation needs further evidence and justification or the policy needs to be modified to provide the opportunity for alternative evidence to be provided and taken into account in windfall situations.

Policy OL04 needs further refinement to be clear as to its purpose as it currently appears to repeat aspects of other protectionist policies and reads as a list of ways to prevent any development that can be seen from any view, which is clearly unreasonable. The opening sentence of the policy is sufficient and does not need the further criteria to be listed.

Chapter 13 - Our Outstanding Biodiversity and Geodiversity

Strategic Policy PB05: Biodiversity Net Gain

This policy introduces a requirement for major development to deliver at least 20% Biodiversity Net Gain (BNG), which directly contradicts the statutory requirement of 10%. It is also directly contrary to the PPG that advises that Plans do not need to include policies which duplicate the detailed provisions of the statutory framework. The PPG also makes it clear that:

"Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any

impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.”

The supporting text for the policy claims the 10% without species management provides negligible gains, and therefore a precautionary principle has been applied to ensure effective gains. The Council also claim that 20% is feasible and necessary. No evidence has been provided in the evidence base to support these positions and experience nationally in relation to achieving 10% BNG since the mandatory requirements have been in place suggest this is challenging enough. It is also noted that despite being exempt from the mandatory BNG assessment the policy requires a statutory biodiversity metric for self-build development. Again, this is unjustified and unreasonable for development specifically exempted from these requirements by the statutory BNG framework.

The PPG requires evidence regarding why 20% is required, its impact on viability and details of how such a policy would be implemented. None of these tests have been met and policy is clearly unjustified, inconsistent with national planning policy and unnecessary given the statutory Framework now in place.

Policy PB09 - monitoring requirements for new planting schemes

This policy requires a financial bond by a developer prior to commencement of construction for 25% of the planting cost of a scheme. No justification for this policy is contained in the Plan nor the evidence base and this requirement is considered entirely inappropriate and unreasonable. Any condition or planning obligation requiring such a bond would fail to meet the relevant tests. It presumes a failure to deliver a consented scheme when other powers exist to ensure compliance. Again, it is simply adding unnecessary (and unjustified) additional requirements into the planning process that will create delay and increase costs and resources.

Modification required

Policy PB05 goes above and beyond the statutory framework without justification. As the PPG suggests there is no requirement to duplicate the mandatory BNG requirements and so the policy should be deleted.

Policy PB09 introduces a bond requirement that is unreasonable and would fail the relevant tests for applying conditions and planning obligations. It should be modified to remove reference to a financial bond.

Conclusion

The Regulation 19 version of the Emerging Local Plan raises a number of concerns regarding the ability of the Plan to be found sound.

It is clear is that the Council are facing significant housing challenges which the Government is clear in its expectation that it will need to be met through the delivery of substantially more housing. This does mean a step change in approach is required to ensure a balanced and comprehensive approach towards identifying sufficient sites to meet identified needs and considering this in the round with designations and requirements is essential.

Otherwise, the Plan will fail to demonstrate that it is based on an effective strategy underpinned by clear evidence, does not seek to appropriately meet identified needs and will limit the opportunity to deliver sustainable development.

Alongside the comments on spatial strategy and detailed policies, we do believe that additional growth at Honiton should be provided and that our clients' site at Heathfield Manor should be re-considered given the role it can play in making Plan resilient.

Given the comments we have raised above, we do wish to attend the Examination Hearings relevant to all the points raised in order to provide greater elaboration of the detail of these representations.

I would be very grateful if you could please keep me informed of the outcome of these representations and the progress of the Plan via the email address: planning@pclplanning.co.uk. Should the Council wish to discuss any of these matters. Then please do not hesitate to contact me.

Kind regards,



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Enclosures:

- Appendix 1 – Site Location Plan
- Appendix 2 – Framework Masterplan
- Appendix 3 – Extracts from SPC report subsequently withdrawn
- Appendix 4 – Extracts from SPC report considered by Members