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Dear Local Plans Team

Representations to the East Devon Local Plan Regulation 19 Publication Draft

This Representation is made in response to the second Regulation 19 Publication Draft of the East Devon Local Plan Review 2020-2042. This representation is submitted by Savills on behalf of The Exeter Diocesan Board of Finance Ltd who have an interest in land south of The Vicarage, Broadhembury.

Representations were submitted to the last Regulation 19 consultation, promoting the site for inclusion in the plan to assist the Council in increasing the overall housing requirement. Given the concerns we raise in this representation, particularly in relation to key strategic aspects of the draft Local Plan, most notably the proposed housing requirement, which we consider remains an unsound basis upon which to proceed with the plan, we consider it all the more important for the Council to explore the inclusion of further site allocations.

Our comments on this consultation and supporting evidence base are set out below and are made in accordance with paragraph 36 of the revised NPPF (e.g. that they are positively prepared, justified, effective and consistent with national policy), to assist in ensuring that the Local Plan is found sound when examined in the future. However, in its current form, we do not consider that the Local Plan is sound, and should not therefore progress to submission without amendment.

Response to Draft Policies

The following section sets out our responses to the draft policies within the Draft Plan.

Strategic Policy SP02: Levels of Future Housing Development

It is noted that no changes are proposed to draft Strategic Policy SP02 from that published in the first Regulation 19 consultation draft. We therefore object to the Policy on the basis of whether the Local Plan can proceed under the transitional arrangements and the proposed stepped trajectory.

In terms of whether the Local Plan can proceed under the transitional arrangements, it is noted that draft Policy SP02 remains unchanged and therefore continues to propose at least 20,909 dwellings will be delivered between 1 April 2020 and 31 March 2042, with delivery being 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.



We maintain that the approach taken by the Council suggests an intention was to try and take advantage of the transitional arrangements contained in Annex 1 of the NPPF, and proceed with a housing requirement that falls below the Government's revised Standard Method output.

This intention was very clear when reading how the proposed housing requirement had been described in paragraph 3.11 of the first Regulation 19 draft in early 2025 and the text in the second Regulation 19 draft remains unchanged. The consultation text seeks to justify that the requirement has been set at a level which just, by less than one dwelling per annum, exceeds the 80% threshold in paragraph 234(a) of the NPPF.

This approach is not in accordance with the purpose of the transitional arrangements. These provisions are intended to enable Local Plans to progress where an emerging local plan has advanced but not yet reached the Regulation 19 stage, not to set a minimum threshold for Local Plans for plans which are at Regulation 18 stage. This is unfortunately how the Regulation 19 plan reads.

However, more fundamentally, when looking at the NPPF, in order to be considered to have reached Regulation 19, the whole of the Plan, i.e. each component part of a Regulation 19 local plan, must have been made available. This is a very deliberate piece of drafting by Government intended to preclude circumstances where a local planning authority could progress under the transitional arrangement contrary to their spirit and purpose.

In addition, the PPG states that *"in some limited circumstances, a plan is to be taken as having reached Regulation 19 on the date that a subsequent round of consultation commenced. These limited circumstances could include instances such as when the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage"*.

It is very clear that the plan has changed significantly between the first Regulation 19 consultation and this second consultation. This consultation clearly relates to a significantly different plan. There are, for example, a significant number of track changes in this second Regulation 19 document which highlight the stark differences between the two documents. The Council themselves acknowledge back in early 2025 that the first Regulation 19 consultation would not be the final version and further consultation on the policies relating to the new community would be required. There are now a significant number of changes presented in the latest consultation document relating to the new community which further highlights the changes to the plan as a whole.

On this basis we are concerned that the second Regulation 19 consultation draft has not sought to make changes or provide further justification. We therefore maintain on that basis that there is significant risk that the Local Plan may not be able to proceed under the transitional arrangements and that none of the exceptions contained within paragraph 234 of the Framework apply.

In these circumstances, it is our view that the housing requirement must reflect paragraph 62 of the Framework and therefore should be increased to reflect the Standard Method output for East Devon which is 1,188 dwellings per annum (dpa) as acknowledged in paragraph 3.11 of the draft Local Plan. This would be an additional 5,227 dwellings if assuming the standard method output would be 26,136 homes based on the same plan period, against the 20,909 homes proposed within draft Policy SP02.

We also consider there to be no justification for adopting a stepped trajectory in the draft plan that effectively reduces the housing requirement for the five years (approx.) post-adoption and pushes the resultant backlog that this creates to the later years of the plan period.

As it stands, the transitional arrangements may not apply to EDDC as not all of the Local Plan has been published for consultation. In accordance with the paragraph 36 of the Framework, the housing requirement and related elements of the Local Plan should therefore be updated to reflect the revised Standard Method.

In our view, the housing requirement for the draft Local Plan should therefore be increased in order to reflect the updated Standard Method.

Strategic Policy: SD12: Development allocations at Broadhembury

We continue to object to draft Policy SD12 in its current form on the basis that insufficient allocations are included. As outlined in our response to draft Policy SP02, the housing requirement should be increased and further allocations included within the plan, including at sustainable settlements such as Broadhembury.

We outlined in our representations to the first Regulation 19 consultation why we consider Broadhembury to be a suitable location for future growth, and support for the Council's commitment to direct a proportion of the required growth to the village.

However, one a single allocation is included for the village for only 10 dwellings. We refer to our first regulation 19 representations on why we consider Broadhembury is an appropriate location to direct a higher proportion of growth, over and above this current level.

Again, in the context of the need to increase the overall housing requirement and with it the need for the Council to identify additional site allocations, we continue to promote the Land south of The Vicarage, Broadhembury (Brhe_07) as one such site which the Council could look to as an easy way to identify an additional small site at one of the sustainable villages.

The site has been assessed previously by the Council as part of the emerging local plan, and specifically through the HELAA process but was rejected in earlier stages of the draft local plan and not included as a preferred allocation in the Regulation 19 draft.

The latest site assessment evidence is contained within the Site Selection Report Broadhembury (February 2025).

Within the Site Selection Report, the site is assessed under reference (Brhe_07) 'Land south of The Vicarage, Broadhembury'. The site is assessed on the basis of a potential capacity for around 10 dwellings, consistent with the site already included as a draft allocation (Brhe_09).

We strongly disagree with the broad and sweeping conclusions for the site presented in the Site Selection Report.

Firstly, in terms of landscape impact, the Report states:

"National Landscape site. Very high landscape value and the site slopes so the upper parts are visible, increasing its development sensitivity to high".

Secondly, in terms of heritage impact, the Report states:

"Significant heritage implications- adjacent, and higher than, adjoining listed buildings and the site would (to a lesser degree) impact upon the setting and appearance of the Grade 1 listed Church"

We are amazed by how vague and generalised the landscape assessment of this site is within this Report. Whilst the site is within the National Landscape, there is no recognition of any other relevant factors, such as site containment, and reference to how the visibility of the visible in the context of the National Landscape is completely misleading.

In fact, whilst there is a gentle slope across the site, the site is in fact well contained and is not a site with high visibility from other parts of the village or wider National Landscape. Our view is that a very broad and generalised conclusion has been included in the Report without a proper assessment being undertaken.

Simply being located within a National Landscape does not support a quick conclusion that a site is simply unsuitable. The council's weak position on this is demonstrated by the fact that they have already identified a site for allocation in the village (brhe_09) which adjoins the National Landscape. The site assessment for that particular site in that instance does go into further detail on how the development of that site could manage the identified impacts, by stating:

“Adjoins National Landscape, high landscape value and intervisibility and forms part of the setting, but largely screened from it by mature trees and hedgerow to northern boundary”.

The same can be said of potential heritage impacts. Whilst the Report correctly makes reference to the local village church, it is completely misleading on the potential impacts on the church which the Report contends would result from the development of the site. There is a complete lack of reference to the fact there are already existing dwellings situated between the site and church to the west, nor any recognition that a site can be planned with careful consideration to heritage constraints.

We do not consider there would be any material impacts on the church in any case given the immediate context and existing built form of the village.

Overall, the Council's assessment of the site in terms of potential landscape and heritage impacts is poor, and entirely misleading given it does not represent a proper assessment of the site and context on the ground. It completely exaggerates potential impacts, and is too quick to conclude that such impacts would be too great to overcome. This is demonstrated by the inclusion of the following statement in the Report:

“The site performs well in terms of accessibility and ecology but landscape and heritage impacts cannot be satisfactorily overcome”.

It is completely unreasonable to make such a broad conclusion on the basis of a) a lack of proper assessment of the site in the first place, and b) without the benefit of a draft scheme for officers to reach a conclusion that there are apparently no design and layout solutions which might help to manage any identified risk (of which for the avoidance of doubt we consider to be limited in any case).

The site assessment should be prepared again so that it represents a proper and fair assessment of the site. We consider that once the site assessment is undertaken properly that will demonstrate the suitability of the site. The site has very few other constraints given it is located within flood zone 1, and there are no environmental designations or constraints to development. The site benefits from access from Dukes Square, providing onward links into the village.

Our view is that Broadhembury is a sustainable location capable of accommodating a slightly higher level of growth than that already proposed through Brhe_09. Indeed, a second allocation in the village would provide more certainty in terms of delivery and market choice. Site Brhe_07 should be reconsidered and included as an additional allocation to provide that extra delivery and choice.

To assist, we have included below our suggested wording for a site allocation for Brhe_07:

Land south of The Vicarage, Broadhembury (Brhe_07)

The site is allocated for around 10 homes. This site is sensitive in heritage and landscape terms and careful detailed assessment and design work will be needed to ensure that the design respects the special character of the area. This should incorporate an assessment of appropriate dwelling heights for this historic village and the wider character of the Blackdown Hills. The site should be landscaped to provide boundary screening appropriate to the National Landscape location to conserve and enhance the natural beauty of the site and its wider landscape setting. This should include the provision and appropriate maintenance of additional planting of native species where required. There is an absence of a defined pedestrian access to bus stops/local amenities, so opportunities to enhance this should be addressed through development.

Any application to develop the site must include a study of the impact of development on the setting of the Church, which is a Grade I listed building, and the Conservation Area. Proposals must show how adverse impacts will be avoided and where appropriate impact on these heritage assets will be mitigated.

Conclusion

This Representation is made in response to the second Regulation 19 Publication Draft of the East Devon Local Plan Review, predominantly to promote the land south of The Vicarage (Brhe_07) as an additional allocation for residential development.

We have outlined why we consider Broadhembury a suitable location for a slightly higher level of growth than that already proposed in the plan, and why the site itself is suitable to be included as a second allocation at the village.

Outside of this, we continue to have significant concerns over the proposed housing requirement and whether the plan can even proceed under the transitional arrangements set out in the NPPF.

Our concerns relate to both the proposed stepped trajectory, which we consider is not supported by any evidence or justification, and the proposed housing requirement which in our view should be increased in order to reflect the updated Standard Method.

We hope that these comments will be helpful to inform the submission version of the Local Plan, but would be very happy to assist further with any queries relating to Brhe_07, particularly any discussions relating to the site itself.

Yours faithfully,



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