

# East Devon Local Plan – Regulation 19 Publication Draft (February 2025)

Representations on behalf of **Bloor Homes  
Exeter and Stuart Partners Ltd**

March 2025

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Jeff Richards  
[REDACTED]

Andrew Ross  
[REDACTED]

**Client**

Bloor Homes Exeter and Stuart Partners Ltd

**Our reference**

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# 1. Introduction and Summary

## Introduction

- 1.1 This response has been prepared by **Turley** on behalf of both **Bloor Homes Exeter** [“Bloor Homes”] and **Stuart Partners Ltd** [“Stuart Partners”], to provide representations to East Devon District Council [“the Council”], in relation to the East Devon Local Plan [“EDLP”] Regulation 19 consultation March 2025.
- 1.2 Together Bloor Homes and Stuart Partners Ltd share significant land control within the area identified as the proposed allocation for the Second New Community (**Policy WS01**). We hope this response is useful and look forward to participating in future stages of the plan making process, including importantly and specifically the further consultation in respect of the new community policy anticipated for later in 2025. This further consultation and the further detail to be provide will be important for the robustness and sound progression of the Council’s plan.
- 1.3 Whilst Bloor Homes and Stuart Partners strongly support the emerging policy for the new community, there are aspects of the plan (as a whole) that are of concern and various objections that are made to some policies and some details within policies, which should be modified in the interests of the soundness of the plan overall.
- 1.4 We look forward to positively engaging with the Council in respect of the Local Plan and the proposals for the emerging new community. Should any further information be required as a result of or to support this response, then please do not hesitate to contact us.

## 2. Policy Responses

### Strategic Policy SP01: Spatial strategy [Support/Comments]

- 2.1 In respect of the component of the Spatial Strategy that directs significant levels of development to the West End of the district (Part A) this is strongly supported, as the available evidence strongly supports this as a suitable a logical location to meet a large proportion of the development needs within East Devon. This evidence relates to the relative absence of constraints (such as designated landscapes) and the proximity to the City of Exeter and other major strategic developments in this area, as well as associated infrastructure (such as the M5 and Exeter Airport).
- 2.2 There is also strong support for the proposed further new-community development (as identified at Part A of **Policy SP01**) which is a pragmatic and robust response to plan for the development of East Devon and this part of the wider sub-region in the South West. Planning for a second new community (with the associated delivery of new homes and employment opportunities) represents a very positive and pro-active approach from the Council, which is reflective of national planning policy, which advocates ensuring that strategic planning policies consider timescales which are beyond the plan period, on the basis that *“The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements.....”* [NPPF para 77] and that *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt”* [NPPF para 85].

## Strategic Policy SP02: Levels of future housing development [Object]

- 2.3 Paragraph 3.9 within the plan states that the policy “*responds to the Council’s priority of addressing housing needs by establishing a clear housing requirement based on the Standard Method using latest ONS statistics*”. This does not seem to be the case as the Council is seeking to progress its plan using the transitional arrangements available as part of the NPPF (December 2024), by making provision for only 80% of the housing need which is now identified by the latest version of the Standard Method. The approach being taken by the plan (and specifically **Policy SP02**) is not consistent with the Council’s stated aim and approach as recorded at Paragraph 3.9. This in turn is not consistent with national planning policy that seeks to boost significantly the provision of new housing.
- 2.4 The level of housing being planned for by the plan is not consistent with latest national policy on need (as reflected in the up-to-date standard method for Local Housing Need), with even the annual provision in the later years of the plan (1,070dpa based on a stepped trajectory) less than the new minimum figure of 1,118dpa which is derived from the latest version of the Standard Method, and which is the basis for the 80% minimum threshold to progress using transitional arrangements.
- 2.5 Although no specific unmet need has yet been identified to exist, the Council’s approach also makes no provision for any unmet needs for housing, that may arise within the City of Exeter, and where East Devon District may be well placed to meet those needs. The preparation and examination of the Exeter Local Plan will be occurring in parallel with that in East Devon and so there will remain a need to retain flexibility and act responsively in the interests of planning for this important part of Devon and wider South West.
- 2.6 There is support for the potential that the new community will contribute the delivery of 3,300 new homes within the Local Plan period to 2042. This level and pace of housing delivery is ambitious, and Bloor Homes and Stuart Partners intend to work proactively with the Council to bring forward proposals on its parts of the second new community quickly in order to support the ambition, as far as is reasonable. However, such progression will require the additional detail in respect of master planning, phasing and infrastructure delivery (expected via the further Part 2 consultation later in 2025) to be confirmed. The provision of this further detail as part of the Local Plan, including confirmation of how the Council expects this scale and pace of delivery to be achieved is critical to the success of the plan.
- 2.7 The Council is expecting that the new community development will contribute 144 new homes (completions) in the 2029/30 monitoring year. Given the lead in times required for development on this scale and assuming the adoption of the plan by the end of 2026 (as set out in the Council’s February 2025 LDS) it will be essential that the work on the additional detail required for the new community development (Part 2 consultation) is progressed at pace, and for the Council to work pro-actively and collaboratively with developers, promoters and landowners in order that relevant design and technical work can be progressed. The submission of planning applications, in parallel with the preparation and examination of the plan will be essential if these completions are to be achieved. Alternative models for development, including where the use of CPO may be

required, are unlikely to achieve the scale and pace of development required by the plan and early clarity on this will also be important; again, we welcome contributing further in respect of this element as part of the further Part 2 consultation later in the year.

## Strategic Policy SP04: Employment provision and distribution strategy [Object]

- 2.8 Overall, the total provision for new employment land being proposed as part of **Policy SP04** seems to be significantly in excess of evidenced need, allowing for additional flexibility and choice, which is supported and is a positive overall approach. However, it is essential that the plan positively makes provision for employment land to be available in the right locations and at the right time across East Devon (to respond to the demands and needs of the market), and in this respect it is not clear how the plan positively achieves this. It is also unclear how the plan has considered the potential for there to be unmet or displaced employment land needs arising from within the City of Exeter, which the West End of East Devon would be well placed to meet. As with respect to the level of future housing development, there will remain a need to retain flexibility and act responsively (as the Examination of the Exeter Local Plan takes place in parallel with the preparation and submission of this plan) in the interests of planning for this important part of Devon and wider South West.
- 2.9 With respect to the employment land proposed to be provided as part of the new community development (Policy WSO1), it is not possible to give unquantified support absent the detailed master planning and viability work that is required to support this proposal and details in respect of the new employment land provision that is to be made as part of this important scheme/allocation. As with some other policies in the plan it will be important to review Policy SP04 alongside the additional detail and evidence for the new community development to be provided as part of the further (second) Regulation 19 consultation later in 2025.
- 2.10 The Plan should recognise that there are opportunities to deliver employment development on land within and around the new community allocation (adjacent to the existing business park at Hill Barton) early in the plan period – this could form part of the masterplan and phasing details referenced under other policies for the new community, where opportunities for “early wins” are encouraged, where additional employment land and local jobs can be provided as part of an expansion to Hill Barton Business Park in a way that is complementary to (and does not prejudice) the delivery of the new community development, including in respect of the masterplan and key elements of infrastructure. This potential opportunity should form part of the Council’s ongoing masterplan, phasing and delivery review and be presented as part of the further/future detail and evidence for this area. Indeed the evidence may conclude that there is potential for this element (new large format employment development) to take place within the southern part of the new community allocation area (on land at and adjacent to the Hill Barton Business Park) in an independent but complimentary way to the overall new community scheme, where this is shown to help enhance and not prejudice this wider opportunity coming forward. This would include having regard to any interfaces with surrounding land, and the provision of appropriate access and transport links (to site boundaries) such that these can “plug in” to the future development, should this be required (flexibility is key).
- 2.11 It is also noted that the quantities of land that are specified in **Policy SP04** (for employment uses) are not clarified to be either maximum or minimum amounts. Given the overall approach to provide flexibility (as part of providing for a range and choice of land options) this may be inappropriate, but it should also be clarified that the very

specific figures provided are not a ceiling, or should be read to otherwise constrain appropriate employment land opportunities from being brought forward. There is an opportunity to further clarify this provision as part of the further new community consultation (on additional detail and evidence), in the context of the proposals for “around” 17.5ha of employment land that are specified for the new community, including how that quantum is to be provided for within the new community, noting opportunities for employment provision on and around Hill Barton Business Park, within new areas of employment within the new community, and the opportunities for employment provision with the town centre and neighbourhood centres that are expected.

## **Strategic Policy SP08: Phased Delivery of Infrastructure and Services** **[Support/Comments]**

- 2.12 Overall, the principles and approach that is proposed by **Policy SP08** are supported, as it is important that phased development proposals are appropriately co-ordinated and that there is positive planning for the wider comprehensive development of allocations where relevant.
- 2.13 In the context of the Council's plan, it is clear that **Policy SP08** will be directly relevant in the context of the planning and delivery of the second new community (**Policy WS01**). It will be important that this policy is able to work with and support the new community allocation policy, including relevant details for phasing, delivery and infrastructure provision. The Council should review this policy (if necessary) as part of the Part 2 consultation to take place later in 2025, if there are modifications required to ensure compatibility with any updated version of Policy WS01 and/or the further policy detail and supporting evidence that the Council intends to publish at that stage.

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

### [Support/Comments/Object]

- 2.14 Proposals to identify, allocate and develop a second new community within East Devon, as proposed by the plan and specifically **Policy WS01**, are strongly supported. As stated elsewhere and previously, there is very strong evidence to support the merits of providing for strategic scale development in the relatively unconstrained and strategically well located 'West End' of East Devon, to the East of the City of Exeter, and in close proximity to other regionally significant infrastructure and areas for growth. Making this provision within the plan represents a very positive and pro-active approach by the Council as the new community will be a long-term strategic development, that will need to be delivered over multiple plan periods. Notwithstanding this there is a need for a clear focus on how and when development will be brought forward and the mechanisms and approach to allow for this, given that it is essential for housing, employment land (and supporting infrastructure and other uses) to be realised (as expected by the Council) during the plan period to 2042.
- 2.15 It is understood that the Council are progressing further master planning for the new community together with associated work on phasing, infrastructure provision, viability and delivery, with additional detail and further evidence to be part of a future further consultation later in 2025. In respect of many of these aspects and **Policy WS01** overall, this further detail and evidence will be fundamental and so Bloor Homes and Stuart Partners look further to contributing to the ongoing preparation of this further detail and evidence. At this stage we have commented on what are considered to be key aspects of **Policy WS01** (as drafted) in the expectation that this policy will be further developed and refined for the further consultation to take place.

### Masterplan and Phasing

- 2.16 **Policy WS01** states that "*Development will need to occur and proceed on the basis of an agreed whole new community masterplan and on an agreed phased basis.*" We are aware that the Council is progressing work on a masterplan for the new community development (via a consultant team led by CBRE) and we have attended workshops held as part of this work, and provided feedback as part of these sessions and the other consultation opportunities that have been provided. It is expected that this masterplan will provide important evidence to support the allocation being made in the plan and so it is important that it is progressed and made available as part of the further/future consultation to take place.
- 2.17 As drafted the plan does not help to specify or clarify the intended status of this masterplan, and how it will (or may) be used to provide the "*whole new community masterplan*" required by **Policy WS01**. Clarity around this point is essential as it feeds into many other aspects of the policy, including phasing and infrastructure delivery, and assumptions for delivery of homes during the plan period (with completions taking place from 2029).
- 2.18 Clarity on this masterplan and the alignment with the allocation area (boundary) being proposed by the plan is also important to ensure clarity around the quantum of development being allowed for in the plan period (and beyond) and interface with other

policies (such as **Policy WS09** relating to the Clyst Valley Regional Park and its proposed extension).

- 2.19 Alongside the masterplan, and on the same basis – how and when the required allocation wide Phasing Strategy will be available is fundamental for the clarity, effectiveness and success of the policy. If the policy intends for an allocation wide Phasing Strategy to be prepared and approved, as part of **Policy WS01**, or (alternatively) by the Council subsequently, then this should be very clearly set out. This would confirm and clarify where and when the Council expects delivery to take place from the new community development (both homes, new employment land and other uses), given the context of the allocation providing for a substantial quantum of land, but with only part of this expected to come forward during the plan period. We would expect the Phasing Strategy and the plan to provide additional clarity about where and when in the wider allocation area, the Council expects early delivery to occur, with obvious options for this being on land controlled by Bloor Homes to the South of the A30, and around Hill Barton Business Park to the South of the allocation, adjacent to the A3052.
- 2.20 We look forward to further clarity on this element being provided as part of any refinement to **Policy WS01** in due course and the additional evidence to be published to support this policy.

#### **Infrastructure Delivery Strategy**

- 2.21 Linked to the masterplan and phasing matters discussed above the requirement of the Policy for an (allocation wide) Infrastructure Delivery Strategy requires further clarification in respect of when and how this will be devised and published and how it has informed the final iteration of the new community policy, and how it will inform the planning applications that will be required early in the plan period in order to meet the proposed development trajectory (completions from 2029). The detail of the Council's Infrastructure Delivery Plan and the Infrastructure Delivery Strategy specifically for the new community are core elements of this policy and require further clarity in terms of the timing and detail to be provided, and how this has informed viability assessment (including in respect of the final affordable housing policy to be set by **Policy HN02**).

#### **Delivery Model**

- 2.22 At previous stages of the plan and as part of the ongoing preparation of the supporting evidence, it is understood that the Council has been considering the most appropriate future delivery model for the new community and how development is to be effectively delivered to meet the requirements set by the plan.
- 2.23 As drafted **Policy WS01** does not specify anything other than a traditional model of delivery for the new community development, and this would be strongly supported as the most effective and appropriate way for this new community to take place.
- 2.24 There are a number of key parties (and owners) involved in the promotion of the new community development, and there will be (via the provisions suggested as part of the emerging policy) appropriate mechanisms for collaboration and co-ordination, without the need for the creation (for example) of a New Town Development Corporation, where such provision is highly unlikely to be able to make provision for development in the timescales anticipated by the plan (and required to meet the urgent need for new housing and other development in the plan area). Collaboration and co-ordination is

already taking place between the main promoters/developers/owners within the allocation area with work having been jointly commissioned to look in further detail at the engineering associated with the main roads and routes through the proposed allocation area. This work is due to be shared with the Council at future meetings and we expect will be useful in order to help develop the detail and evidence required to robustly support the component parts of the allocation.

- 2.25 It is noted that the Council (or other government or public sector bodies) may consider the use of compulsory purchase powers in order to progress delivery of infrastructure. Whilst the option may need to be kept open for the Council, it is not considered that this will be necessary for most (or all) of the new community development, where a traditional model of delivery can be effectively used (guided by the documents suggested in **Policy WS01**) and where there may be potential for land to be made available to the Council (or other bodies) in order that the Council (or other bodies) take control over the delivery of parts of the scheme, such as schools, other community infrastructure, or the town/district centres as a whole. Further detail and evidence around these elements should be provided as part of the ongoing work on the masterplan, phasing, and infrastructure delivery plans for the new community and the next iteration of the policy and supporting evidence base.

#### **Development Quantum's and Density**

- 2.26 Linked to above issues and detail around masterplan and phasing plans, is a requirement for additional clarity on the quantum of land needed and to be provided for housing, employment, town centres, BNG and SANG, all of which are essential for the overall soundness of the allocation policy and for clarity around the timing and location for delivery in the plan period. These issues will (as has already been discussed with the Council and their consultant team) overlap with other policies, such as the proposed Policy PB05 requirement for a minimum of 20% BNG, where this has the potential to significant impact on the quantum of green infrastructure land required within and for the scheme and so the associated quantum of built development that is likely to be achieved.
- 2.27 Density for the new community development is being set at an average of 45dph. As part of the further detail and evidence for the new community policy to be progressed this needs further review in line with the masterplan and viability work , to ensure that an appropriate average is being set, as part of range of densities that will be required to reflect the typologies expected in the market for this location and as part of a new community within Devon. Whilst some higher densities, including apartment typologies will be possible in and around centres (at or around the 55-60 dph suggested in the draft policy, predominantly this development will comprise prevailing context and market for development in this location. An average density that is less than 45dph may be most appropriate and this requires further critical review and part of the further detail and evidence that the Council is preparing.
- 2.28 With respect to the provision of jobs, the draft plan states that a range of employment provision will be accommodated to meet the needs of business as they develop and grown. Serviced or other land/premises is expected to be made available for occupation on a phased basis that is proportionate to housing occupations. The logic for this is clear but overlooks that in this case there is significant interest in and potential for large

format employment development to come forward early in the trajectory for this development, and potentially in advance of housing completions. The plan and Policy WS01 should make positive provision for this, such that land at and around Hill Barton Business Park can contribute to the expanded provision for employment land and premises early in the plan period, where this is shown to help enhance and not prejudice the wider delivery of the new community development. This is a benefit of the site allocation area that has been selected and should be properly reflected in the final version of the plan/policy.

### **Gypsy and Traveller Provision**

2.29 **Policy WS01** proposes that the new community development should make provision for gypsy and traveller pitches both during the plan period and beyond, and that this provision is to be brought forward in line with “bricks and motor” housing development and integrated within the new community. The specific evidence to support the inclusion of pitches as part of the new community development (rather than any other locations, including on land controlled by the Council or the County Council) should be provided in order to support this proposed requirement, together with evidence to support why/how this provision would be successful as part of the new community, rather than in other specific locations that could be identified by the Council. At this stage there is not evidence to support the inclusion of pitches as part of the new community and so there is an objection to this element of the policy, which requires further consideration and amendment.

### **Stewardship**

2.30 **Policy WS01** as drafted requires that a robust and sustainable stewardship vehicle and governance is put in place early in the planning and delivery process. This is to be informed by a Stewardship Strategy (to form part of the allocation wide masterplan). It is not clear from the policy what type or form of stewardship this element of the policy is intended to support, either via a new public authority (such as a new Town Council) for the new community (in place of, or via the reorganisation of existing Parish Council’s for the new community area), or more traditional arrangements for oversight via the District and County Councils, with the use of Management Companies for the ongoing management and maintenance of some communal areas and assets. The policy should be more specific about expectations around this aspect of

### **Waste Transfer Station and Waste Water Treatment Works**

2.31 Further evidence is required to support the inclusion of these two elements within and as part of the new community given that it is likely that they will likely support development beyond the new community. Evidence provided to support any updated version of Policy WS01 should include justification for the inclusion of these elements and their spatial requirements. If evidence shows that they are required within and as part of the new community, then they should be accounted for as part of the masterplan, phasing and delivery plans (including viability assessment) and optimum locations considered having regard to form and function as well as possible environmental impacts and issues. It is likely that there would be (subject to detailed design and other constraints assessment) locations in the southern part of the new community near to the existing industrial uses at Hill Barton Business Park that would/could be suitable for these uses as part of the comprehensive development contemplated for the new

community. This provision needs further clarification as part of the additional detail and evidence required for **Policy WS01**.

## Strategic Policy WS09: Clyst Valley Regional Park [OBJECT]

- 2.32 Whilst the principles of extending the extent of the proposed Regional Park, as suggested via **Policy WS09**, are supported, including integration alongside the second new community development, it is premature to define the detailed (extended) boundaries for this (as shown on the policies map) absent and in advance of detailed boundaries for the new community and the associated policy and master planning to support this also being resolved (as is required through the future further Reg 19 consultation).
- 2.33 It is also unclear how the detailed Regional Park boundary takes account of the **Policy WS01** requirement that the new community may be expanded from the 8,000 new homes to be allocated in the Local Plan (3,300 for delivery in the plan period), to accommodate the potential for 10,000 new homes overall. If additional land is required for this provision (beyond that being allocated in this plan) then this may impact on land being identified now as part of the Regional Park. This includes in respect of land immediately adjoining the proposed new community boundary to the East, on land previously promoted to be part of the new community development area. This aspect of the plan needs to be kept under review alongside and as a complementary part of the new community development proposal.

## Strategic Policy HN01: Housing to address needs [OBJECT]

- 2.34 **Policy HN01** seeks to provide an “appropriate mix” of homes across East Devon during the plan period. Whilst this aspiration is supported overall, as drafted the policy is not clear and will not be effective, as the way in which the mix for developments will be prescribed, assessed or controlled is not clear.
- 2.35 If it is intended that the provisions of the mix suggested by Parts A-E will be derived via other policies of the plan (including where relevant site allocations) then this should be clearly stated, with other aspects of housing mix (for the open market element of standard major housing proposals) having regard to available evidence of need, but fundamentally information available to developers in respect of local housing demand and supply, where those delivering housing are best able to assess the types of housing that are appropriate at different sites and different stages of phased developments.
- 2.36 As drafted **Policy HN01** is not clear, nor justified and should be modified to ensure that it is effective.

## Strategic Policy HN02: Affordable housing [Support/Comments]

- 2.37 It is agreed that relevant affordable housing provisions should be made within the plan as part of supporting communities across East Devon and to meet needs arising during the plan period.
- 2.38 In respect of the second new community (as at Strategic **Policy WS01**), it is essential that the policy provision for this component of the plan is subject to robust viability testing (which is not yet available), and has regard to the final details for this fundamental component of the plan, including the masterplan and infrastructure delivery plan. We expect this provision to be clarified as part of future consultation on the updated Regulation 19 plan in due course and will review and comment further at that stage.
- 2.39 To complement the approach being taken by **Policy HN02** it would be useful if the policy or the supporting text (associated with this policy) clarified the level of affordable housing provision which is being targeted via the plan (and its associated policies) and how this is meeting the evidenced levels of need arising via the Council's Local Housing Needs Assessment (HOU-002).
- 2.40 Elsewhere in the plan (at Paragraph 3.10) it is stated that the affordable housing target for the plan is some 4,400 new affordable homes; however this is significantly short of the stated need (from HOU-002) at around 8,000 affordable homes or around 400 new affordable homes per year.
- 2.41 The plan as drafted is unlikely to be making provision to meet all of this level of need via **Policy HN02** and other mechanisms for affordable housing delivery. This points to the plan needing to provide for higher levels of housing growth overall, consistent with the objective stated elsewhere to "*maximise the delivery of affordable housing across East Devon*" and this should be reviewed further by the Council.

## Policy HN05: Self-build and custom build housing [OBJECT]

- 2.42 There is not sufficient evidence to support the Council's approach to **Policy HN05** and it needs to be deleted or substantially modified. By providing 5% of new dwellings on all developments over 20 homes as self or custom build housing, the policy would be seeking to deliver far more self and custom build homes than evidence suggested is needed. The Council's self-build and custom build monitoring information (lined as footnote 45 within the plan and document HOU-017) is out of date and in any event show only around 200 entries for people interested in self and custom build housing options. This is significantly less than the level of provision that would be secured from the 5% requirement being suggested by **Policy HN05**.
- 2.43 Rather than a blanket approach to self and custom build provision as part of all larger residential developments, the plan should be taking a more refined approach to identifying those sites that are most suitable to the types of self and custom build homes that are attractive and valuable for those interested in this provision, including projects that would be attractive to Community Led Housing Groups, Community Land Trusts and Cohousing groups (as identified in the supporting text at 8.21 of the plan).
- 2.44 There is no evidence to show that the generic approach being proposed by **Policy HN05** would meet the needs of those interested in self and custom housebuilding options, either in respect of the total quantum, or the types of sites (plots) that may be made available.
- 2.45 If there is intended to be provision as part of larger strategic development sites (which often results in limited take up), then this can often only be meaningfully achieved via the provision of "shell homes" following a 'custom build' model, where future occupiers have the option to significantly influence the internal layout and fitout of these buildings including the way in which internal works are procured and progressed. Other options for fully self-build plots often result in significant phasing, completion, infrastructure and health and safety issues, where the timing and rate of construction is not able to be controlled alongside the build out of the other parts of the development.
- 2.46 In all cases where self or custom homes or plots are secured as part of any planning permission, then there should always be 'cascade' mechanisms included to ensure that these homes/plots can revert to standard models of provision after an appropriate marketing period (not more than 12 months).
- 2.47 As drafted **Policy HN05** is not sound as it is not supported by appropriate robust evidence and is not justified. If the policy is to be retained then it should be substantially modified to better reflect evidenced levels of need in East Devon for self and custom build housing, and how this can be provided in a way that meaningfully contributes to meeting those needs, and not adversely impacting on the capacity and delivery of all major housing sites.

## Strategic Policy DS01: Design and local distinctiveness [OBJECT]

- 2.48 **Policy DS01** (part D) requires that new development is designed to meet “nationally and locally described space standards”. There is no in principle objection to this requirement for development designed to meet Nationally Described Space Standards [“NDSS”], which is in alignment with the approach to a clear single national standard advocated in government policy/guidance.
- 2.49 However, it is not clear from the plan what other locally described space standards are intended to apply and if/how these differ from NDSS. The plan policy, supporting text and associated evidence base documents contain no details in respect of what additional locally described standards might apply and what these standards are. There would be no way for an applicant to know what local standards are expected and no opportunity for the Council to test the viability implications of this standard, if it is not clearly defined. On this basis the policy is not justified and not effective (so not sound) and this element should be deleted.

## Policy DS02: Housing density and efficient use of land [OBJECT]

- 2.50 As drafted **Policy DS02** is not justified and will not be effective. Not all major development schemes would require the production of a design code, as is stated by the policy. The plan does not, either via the policy or the supporting text, provide justification for the requirements that are contained within the policy.
- 2.51 Major developments are (as is referenced elsewhere in the plan) those which (in respect of residential development) propose 10 or more dwellings or are on a site of greater than 0.5ha. There are many instances where developments of this scale would not require a design code to have been produced in order to be granted planning permission (such schemes may be proposed via full planning application which enable the Council to fully assess the detailed design of the development). Additionally, there are instances where larger scale development may come forward as part of a large major development, but where a design code is not necessary, such as the delivery of infrastructure or larger scale employment development which might be part of a mixed use development allocation.
- 2.52 Whilst the intent of **Policy DS02** around density and the efficient use of land is supported, the detailed around design codes is poorly constructed and won't be effective. Alternative policy provision should be made around the use of Design Codes if this is necessary to support the implementation of the plan as a whole, where there should be greater clarity about how design codes are to be used and the types and scales of development that are relevant. The plan should also clarify the Council's intentions in respect of District wide design codes that it will produce in order to support the policies in the plan (there is no clarity on this point currently within the text that supports **Policy DS02**, although there are references to the intention for a District Design Guide linked to **Policy DS01**).

## Policy TR05: Aerodrome safeguarded areas and Public Safety Zones [OBJECT]

- 2.53 As drafted **Policy TR05** is not clear and so not effective as the “*aerodrome safeguarded areas*” referenced in the policy are not clearly shown on the policies map (or any other plan or diagram) and so it is not clear what area this relates to and how it may interact with other policies of the plan. This contrasts with the “*public safety zones*” which are shown clearly on the proposals maps and so the spatial implications for the element of the policy are clear (impacting on small areas of land at either end of the runway at Exeter airport).
- 2.54 **Policy TR05** should be amended to ensure clarity in respect of the “*aerodrome safeguarded areas*” to which the policy relates, and these should be clearly shown on the policies map or other plans/diagrams. This is especially relevant/important given the proximity of the proposed second new community development to the aerodrome at Exeter airport, and so that there is clarity around any implications of this policy for this development allocation.

## Policy OL05: Green wedges [OBJECT]

- 2.55 **Policy OL05** specifies that within the defined green wedges development will generally not be permitted. The green wedge designation on land to the East of the M5 and South of the A30 is retained from the previous Local Plan within the new Local Plan, although this designation now overlaps in part with the allocation proposed for the Second New Community (via **Policy WS01**).
- 2.56 The detail of the green wedge policy, and/or the allocation, is not sufficiently clear to resolve this inherent conflict between these two policy provisions and this should be amended to ensure clarity and the effectiveness of the plan. There will be a range of Green Infrastructure provided as part of the new community development, as part of a comprehensive and co-ordinated masterplan. However, early masterplan work being progressed by the Council has suggested the potential for built development (as part of the new community scheme) within this parcel that is also part of the green wedge, and this would be inconsistent with the policy approach of **Policy OL05**. Amendment is required as the policy as drafted and shown on the policies map is not justified or effective and so is not sound.

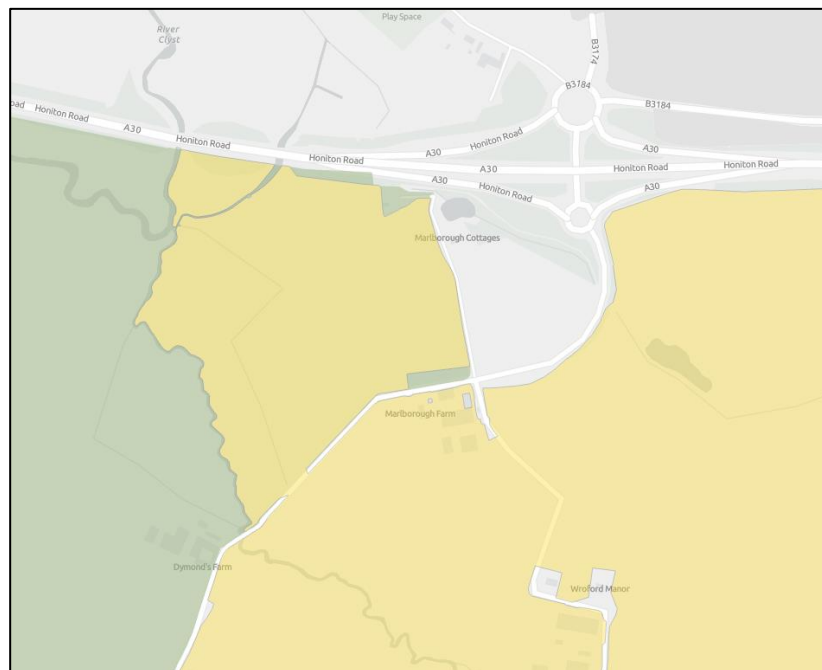


Figure 1 - EDDC Interactive policies map extract

## Strategic Policy PB05: Biodiversity Net Gain [OBJECT]

- 2.57 The proposed policy requirement for all major development proposals to deliver Biodiversity Net Gain ["BNG"] of at least 20%, as per **Policy PB05**, is fundamentally inconsistent with the national approach on this matter as set out within National Planning Policy, Guidance and Legislation. There is no compelling evidence to support the need for East Devon to target gains at this elevated level where development proposals would otherwise be mandated to demonstrate and secure measurable net gain for biodiversity at the level of at least 10%. There may be instances where additional gains can be achieved, but this should not be set as a requirement for all major developments, and there will be other ways that the District Council is able to pursue its aims in respect of nature recovery (in a way that is complementary to and in parallel with the controls that are imposed on new major development projects).
- 2.58 Planning Practice Guidance is very clear and states (at Paragraph: 006 Reference ID: 74-006-20240214) 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."*
- 2.59 The Council has provided no compelling or thorough justification to support a policy requirement that seeks a higher percentage than the statutory minimum of at least 10% (either in respect of need, opportunity or viability impacts) and so this policy is fundamentally unsound.
- 2.60 Whilst it is acknowledged and positive that development can and should make contributions to addressing biodiversity decline and nature recovery (as is required by national policy) the Council has not produced compelling evidence of need that is specific to East Devon and justifies the proposed policy requirement. The need to contribute at least 10% BNG via new major development proposals is established via the statutory BNG framework and there is not any need to go further via the policies in this Local Plan.
- 2.61 The viability impacts of providing elevated minimum levels of BNG have also not been robustly assessed, where the higher costs (stated as 19% within the Council's Viability Assessment) to achieve 20% BNG will have a significant impact on the viability and delivery of development sites across East Devon (including the key site allocations within the plan on which the Council relies to meeting housing and other development needs). As noted within the Council's assessment the ability to deliver high levels of BNG, and also the potential for additional costs arising, are site specific *"depending on both the existing site characteristics and the ability of development form to both mitigate and provide additional gain"*, with the conclusion that it is therefore *"difficult to gauge a suitable allowance for meeting the requirements"*.
- 2.62 Not only is it clear that the possible cost and viability impacts of this policy have not been robustly assessed (so as to be shown to be soundly based and compatible with the plan as a whole), it is not clear how the policy requirement has been considered and tested

as part of the process of identifying the various development site allocations that form a fundamental component of the plan. Given that at this stage there is not detailed baseline assessment available of all of these sites, the land or other requirements to achieve this policy, whilst meeting the capacity expectations for development from these sites is far from clear. It is possible that in many cases requirement to provide at least 20% BNG on an allocated development site would have the effect of either significantly reducing the capacity for development (where this requirement is being met on site), or an off-site solution is proposed (via an offsetting solution and the use of credits) an additional financial cost that puts further pressure on the timely delivery of development and the provision of other planning obligations.

- 2.63 Given the above **Policy PB05** should be significantly modified to ensure that it is sound. This is primarily on the basis that a requirement for at least 20% BNG is not justified in terms of being necessary, viable and in terms of the impact it may have on how the plan will secure other sustainable development objectives. As part of any modification to Policy PB05 there should also be a further critical review to ensure that any elements of the policy that may remain, only do so on the basis that they complement rather than duplicate the statutory framework for BNG. Beyond the headline objective of seeking an elevated level of minimum BNG, much of Policy PB05 is unnecessary as it duplicates aspects of the statutory regime for BNG and matters that would be covered through the submission, approval and implementation of Biodiversity Gain Plans (linked to relevant planning permissions).
- 2.64 Unmodified **Policy PB05** would have a significant impact on the potential for East Devon to deliver the development requirements and other policy objectives set in the plan. The statutory framework now exists to ensure that all qualifying new developments make a meaningful contribution to address nature recovery goals by contributing at least 10% BNG. The Council can do more to go further, including encouraging higher levels of BNG where this is both feasible and viable, but this should not be linked to major development proposals via Development Plan policy in the way suggested by this policy.

## **Policy PB07: Ecological enhancement and biodiversity in the built environment**

### **[OBJECT]**

- 2.65 There are two parts of **Policy PB07** which are of concern as drafted and should be modified or deleted to ensure that the policy is justified, effective and sound.
- 2.66 Part C of the policy requires that all major planning application should provide an integrated bat loft, if ecologically relevant. The basis for this policy (to require one integrated bat loft on any size major development, from two houses on a site area over 0.5ha or 1,000s of new homes proposed as a major development, seems to be irrational and not clearly justified. There is also a lack of clarity around how, where and why this feature might be considered to be "*ecologically relevant*". The potential delivery implications of this feature, including ongoing management/maintenance (and enforcement of this), does not seem to have been considered as part of devising the policy wording. It would seem preferable to omit this element and use Part B in order to secure appropriate features for the use of bats within new development. This part of the policy could even possibly be strengthened to prescribe the rate at which new bat box provision should be made.
- 2.67 Part E of the policy requires that all major developments should provide overhanging eaves suitable for nesting house martins. This requirement provides no flexibility and assumes that all developments (or all scales and typologies) will be able to provide this feature and that it would be architecturally appropriate to do so. This will not always be the case and so the requirement needs to be omitted as it is not justified. In any event the provision of integrated bird boxes is dealt with by Part A of the policy.

## Policy PB09: Monitoring requirements for new planting schemes [OBJECT]

- 2.68 **Policy PB09** as drafted introduces a requirement on major developments for the placement of a financial bond (prior to the commencement of construction), equal to 25% of the calculated planting cost for the scheme (or agreed phase). The bond would be released only following the certified completion of relevant planting works and following 5 years of monitoring by a landscape architect. This requirement is onerous and unjustified and presents a potentially significant financial burden on development that has not been accounted for in the Council's viability assessment.
- 2.69 On very large or even moderately sized major development schemes, the financial bonds required could be sizeable – many hundreds of thousands of pounds. Whilst the Council's financial viability assessment seems to have accounted for the need for planting schemes as part of the standard landscaping (plot or site infrastructure) costs (as would be expected), the additional costs associated with bonds have not been.
- 2.70 Bloor Homes is an experienced developer of new homes and major new developments across various parts of the South West and rest of England. There are nearly always controls imposed on the grant of relevant planning permissions to ensure that the design, implementation and maintenance of new landscape planting is secured. However, in no locations has Bloor Homes experienced the need to provide a financial bond to underwrite this provision.
- 2.71 Notwithstanding issues relating to cost/viability (and the robust assessment and testing of this), the supporting text for **Policy PB09** does not seek to provide any reasoned justification for the requirement in the policy for a financial bond. The use of planning conditions can appropriately secure the implementation of landscaping as part of new development, with provisions identified (where necessary) for the longer-term management and maintenance of new landscaped spaces (either via transfer for adoption to relevant public authorities, or the use of appropriate management companies). There is no supporting evidence or justification for the Council's proposed policy requirement for financial bonds to secure the implementation of planting schemes.
- 2.72 **Policy PB09** should be deleted or substantially modified in order to be sound, it is not necessary (so not positively prepared or effective) and not justified.

Turlev Office

