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PCL Planning Ltd
13a-15a Old Park Avenue
Exeter
Devon
EX1 3WD
United Kingdom
t: +44 (0)1392 363812
www.pclplanning.co.uk

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

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 client, Waddeton Park Limited. 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.

It is noted and welcomed that the Plan does allocate several sites promoted by our client, including Land at Courtlands Cross, Exmouth and Land at Clyst Road, Topsham. Therefore, we do wish to be generally supportive of the Plan. However, it is also critical that the Plan can progress to adoption quickly without significant issues or risks to Soundness arising that will jeopardise and delay the Plan. Our representations highlight particular areas where we consider this is a current risk and that the Plan as it currently stands requires further work.

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 unfortunately 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, considerably 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.

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 has been inconsistent and potentially 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 the West End of the District in supporting the role of Exeter through strategic growth. We also support that the Plan recognises the role of Exmouth as a Principal Centre with the capacity for high levels of growth, 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 Exmouth in the town. There are further site opportunities that have been overlooked as raised further below in these representations which could contribute to addressing these needs.

However, we do remain 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 could prevent the Plan from being found sound. 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 any shortfall. 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 the level of housing requirement between emerging and previous policies and/or where strategic sites will have a phased delivery or are 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 its 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 nationwide study referred to in the evidence base. This also confirms that sites of 100 units or less (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. We outline these concerns further below in respect of representations made in regards to our client's site at Hulham Road, Exmouth which was not carried forward from the Regulation 18 Plan and the inclusion of the site at St John's, Exmouth.

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.

Modifications 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.

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.

Modifications 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.

Strategic Policy WS09: Clyst Valley Regional Park

Strategic Policy WS09 (Clyst Valley Regional Park) identifies, and contains policy for, the Regional Park. As raised previously in response to the Regulation 18 consultation, whilst we recognise the benefits of the Clyst Valley Regional Park (CVRP) in providing connected multi-functional green infrastructure in the eastern edge of Exeter, the rationale for its review and extension of its boundaries is not clearly explained or justified within the consultation material. Nor are the implications of the revised boundaries set out in terms of the overall strategy of the emerging Local Plan, strategic growth or development opportunities.

The policy contains a range of requirements for major development within, or on land adjacent to the Regional Park. Whilst some of these requirements, like providing connections to the CVRP (requirement B), are reasonable and feasible, other requirements appear inappropriate.

We are particularly concerned that requirement F of the policy requires contributions to the CVRP targets, including habitat restoration, tree canopy cover, public open space meeting certain standards, and delivering cycle trails. This policy appears to introduce a requirement that goes beyond typical delivery requirements. The implications on the deliverability and viability of relevant

allocations have not been tested or considered further within the evidence base. There is no evidence that the policy will therefore be effective.

There also remains a lack of clarity on the potential impact of the CVRP extensions on existing businesses, including farming enterprises within or adjacent to the revised boundaries and how this might impact upon those existing uses and activities.

Modifications Required

Policy WS09 requires further evidence to demonstrate that the policy objectives of the CVRP are necessary and would not place unreasonable demands on development, leading to deliverability or viability issues. Without this further evidence the policy in its current form is unjustified and would be ineffective. It should be amended to reflect broad objectives to be encouraged rather than required or be deleted from the Plan.

Strategic Policy WS10: Development next to the M5 and north of Topsham

The allocation of the urban extension to the north of Topsham for mixed use development is supported. From a sustainability perspective, we would agree that an urban extension to Exeter and Topsham, and the access to the wide range of services and facilities that the City provides, is one of the most sustainable options for the Local Plan in delivering strategic planned growth.

Whilst we agree master planning will be an important element in ensuring development can come forward in a comprehensive and planned way we do consider the proposed wording of the policy is too negative in respect of release of individual sites.

Our client's site at Land at Clyst Road forms the southern most element of the allocation, although it also has a strong relationship with the adjoining consented sites to the west and forms the next logical phase of the development currently being built out. It represents a relatively small element of the land allocated at north Topsham and the delivery of that wider strategic allocation is not dependent on it. In these circumstances there is no reason why that site could not come forward as an early phase, provided it demonstrates it will not prejudice the delivery of the wider area. A Framework masterplan has previously been provided to the Council that demonstrates that would not be the case.

There are clear benefits to this approach in that it enables elements of the allocation to be delivered as early phases to support Plan resilience and early housing delivery. It will begin to establish key principles and a direction of travel for the remainder of the allocation as well as building confidence in the Plan strategy.

Modifications Required

As set out above we are generally supportive of Policy WS10 but are concerned as currently written it does rule out a more phased and flexible approach and early delivery. The allocation should be modified to not rule out individual site release as a matter of principle. Instead wording requiring individual elements to demonstrate that they would not prejudice the delivery of the wider area would be more appropriate.

Chapter 5 – Development in the Towns and Villages

Policy SD01: Exmouth and its Development Allocations

As we have set out above, we still consider the proposed housing provision at Exmouth 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 Exmouth for a range of smaller sites to come forward that can benefit from existing infrastructure and accessibility.

In terms of the proposed allocations for Exmouth we offer the following comments:

Courtlands Cross (Lymp 07)

We fully support the allocation of Courtlands Cross and a Framework Plan has previously been provided to the Council that highlights the opportunity the site provides, including: a design and landscape led development on the northern edge of Exmouth, the delivery of energy efficient homes to meet local needs, including affordable housing; the provision of recreational benefits through new sports pitches and a new club house; significant areas of landscaping and public space; provision of ecological habitat and enhanced pedestrian routes and connections to the wider network.

The Framework plan demonstrates how the proposed development responds sensitively to landscape and heritage considerations and the opportunity the site provides for connectivity to the wider footpath network.

Land at St John's (Exmo 20)

Our clients are concerned that the allocation of the St John's site was based on a inconsistent approach to site selection which resulted in the site being allocated at a very late stage in proceedings, having been previously rejected for allocation at the Regulation 18 stage. Its inclusion has directly led to a number of other sites which were previously identified being removed from the Plan altogether.

This is despite officers during the site selection process raising concerns regarding a number of uncertainties relating to the deliverability of the site and the need for further work to be undertaken. It is not clear that any further work has taken place to underpin the now proposed allocation of the site.

This is important to understand because there are clear delivery issues. From an access and sustainability perspective the site is distant from existing services and facilities. This separation would be increased by a proposed northern access onto the B3179 and result in rat running on unsuitable roads as well as creating capacity issues on junctions and roads in the locality.

The site is sensitive in respect of ecology issues, particularly given its proximity to European sites. The site also includes extensive woodland areas most of which are wildlife sites. There are also important heritage matters that would need to be addressed with large parts of the site forming part of the setting of the Grade II* St John's Church which contributes significantly to its special interest and is a designated asset of the "highest significance". Residential development on the field parcels nearest the church would result in a detrimental harm to the special interest of the church, alongside other associated heritage assets. This is likely to significantly reduce the developable area of the site and its overall capacity to that assumed in the allocation.

The site appears to have been supported for allocation on the basis of quantum rather than a proper consideration of delivery factors. Instead, assumptions that a larger site will deliver additional infrastructure and services and facilities to serve its needs are unlikely to be realised because of the constraints highlighted above. In any case for a truly sustainable community to be created in this location, distant and separated from existing services and facilities, a greater scale of development would be required to make the delivery of necessary infrastructure viable.

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 at Hulham Road (Lymp_09 and Lymp_10a)

One such site that could come forward early in the Plan period that does not have the delivery concerns identified with the St John's site is our clients site land at Hulham Road (Lymp_09 and Lymp_10a), which was previously a preferred site allocation in the Regulation 18 Plan and was identified as officers for allocation in the Regulation 19 Plan. However, it was subsequently omitted through the site selection process.

This was disappointing as an indicative Framework Plan had been shared with the Council. This identified the clear positives of comprehensive development of the site through a landscape and design led scheme and demonstrated the site's opportunity to deliver an attractive residential development in close proximity to local facilities and with good connections into Exmouth, existing planned growth at Goodmores Farm and the wider area. A copy of the Framework Plan is attached at Appendix 1.

However, despite clarifications Members ruled the site out on the basis of concerns in relation to connectivity of the site to wider services and facilities. This failed to take into account the significant improvements the scheme proposed (agreed in principle by Devon County Council) along Hulham Road that would significantly improve highway safety and the walking environment for pedestrians, as well as providing safe crossing points to the south to match desire lines that link to the existing footpath network.

Other concerns raised in respect of loss of trees were unfounded and the site was incorrectly referred to as being in the adopted Coastal Preservation Area (CPA). Evidence was also provided at the Further Regulation 18 stage to show that the site did not demonstrate visual openness or have views to and from the sea or to have any visual connection that would warrant its inclusion in a revised CPA boundary. The Review undertaken by Pegasus was included in the Further Regulation 18 representations made by PCL Planning on behalf of Waddeton Park Ltd. This evidence is again appended to these Regulation 19 representations as Appendix 2.

There are no good reasons for the Plan not to allocate the Hulham Road site. It represents a logical extension to the town and will support a high-quality residential development alongside important highway improvements. Furthermore, 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 Exmouth the Plan will over rely on sites like St John's which are more constrained and difficult to bring forward, particularly given the significant uncertainties around the deliverability of that site.

Modifications required

We believe further growth at Exmouth 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 Hulham Road is unconstrained and has 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 SD01 should therefore be modified to include land at Hulham Road (Lymp_09 and Lymp_10a) as an allocation.

Further work should also be undertaken to underpin the allocation at St John's to address some of the clear delivery issues set out in these representations and raised as matters to be addressed within the relevant policy wording of the allocation. If these cannot be overcome, then this does bring significant doubt as to whether the site should continue to be allocated.

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.

Strategic Policy CC06: Embodied Carbon

This policy sets out a blanket approach requiring all major developments to undertake an embodied carbon assessment instead of setting out any considerations as to when this would add value, i.e. when a development raises significant carbon issues or where there are opportunities to utilise existing buildings/materials. It will add unnecessarily to the costs of the application process without adding any value to the majority of projects unless the policy is clearer on the circumstances it should be required.

Modifications Required

Policies CC01, CC02 and CC05 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.

Policy CC06 needs to be clarified in respect of the circumstances where such a requirement (embodied carbon assessment) would add value rather than setting out an unnecessary blanket approach for all major development. Otherwise, it should be deleted.

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.

Strategic Policy AR02: Water Efficiency

The policy identifies that all new dwellings should achieve the Optional Technical Housing Standard of 110 litres per day per person for water efficiency. In doing so it seeks a higher standard than Building Regulations, instead making an optional standard a requirement. The only evidence offered is a reference to the Water Cycle Study which is yet to be published. This is not sufficient evidence to set additional standards and the PPG is clear that such an approach must be justified by clear evidence. Furthermore the Written Ministerial Statement in relation to the optional new national technical standards is clear that they should be relied upon only where there is a clear evidenced need. These tests have not been met by the Plan's evidence base and the policy is unjustified.

Modifications 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.

Strategic Policy AR02 should be deleted from the Plan as it is unjustified and instead the matter can be appropriately dealt with through Building Regulations.

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 which 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 sets a 5% self-build requirement on all sites of 20 or more dwellings, yet provides no evidence of the needs or demands to support this requirement or ultimately the likelihood of the policy being effective. There is no evidence to support the idea that self-builders will want to build within the context of a general housing estate and it may reduce the ability to be innovative and creative. It also is likely to create logistical issues during the construction process

Requirement A of 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.

Requirement C of the Policy requires the size of the self build dwellings to be demand led, even though the provision is not driven by demand, it is driven by a unevidenced proportional approach. Matching local demands will therefore be difficult in many circumstances.

Additionally, this policy requires self-build houses to be completed within 3 years of purchasing a developable plot. There is no indication of the consequences of such a policy on a project that is underway which may have been delayed because of a change of circumstance or issues as part of the build process. This is unreasonable and not justified and should therefore be removed from the policy.

Modifications 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 significantly modified to reduce the length of marketing period and to remove the 3-year completion period as these are both unreasonable and unjustified. The basis for requiring a proportion of self-build on all schemes of 20 or more dwellings needs to be re-considered and evidenced by needs and demands, otherwise the policy will be ineffective and unjustified. We would suggest that the policy should be modified to be supportive in general of self-build development and set out the circumstances where applications would be positively received rather than set out specific site specific requirement that reduce the flexibility and innovation intended to be a key part of self-build. As an alternative specific allocation of self-build sites that is evidenced by local need and demand is likely to be far more effective.

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.

Modifications 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

Strategic Policy OL03: Coastal Preservation Areas

We have previously (at the Further Regulation 18 stage) questioned the evidence base for defining the extended areas of the Coastal Preservation Area now included in the Plan and provided a review undertaken by Pegasus in relation to the extended CPA Area 5 – Topsham to Exmouth). This highlighted that the Council over relies on the CPA designation, seemingly placing it higher in the hierarchy of designations than National Landscapes, despite being a local designation.

The appraisal within the Pegasus review sets out that there is no evidential basis on landscape and visual grounds to support the proposed extension of the CPA between Topsham and Exmouth. Critically the CPA extension is not supported by fieldwork evidence to test visual connectivity and instead relies on desktop assessment which do not fully represent actual views. In contrast the Pegasus review includes ZTV mapping and field work that give a more accurate appraisal of views.

The review concludes that further inland between Exmouth and Lymptone views of the sea are typically fully restricted by roadside planting and built development. It confirms that whilst there are extensive views of the estuary in the immediate vicinity of the shoreline, further inland views are reduced to occasional glimpses as a result of mature hedgerows and hedgebanks. Similarly the field work confirms views of the land within the CPA from the sea is very limited and confined to the fields between coastal settlements, west of the A367 and within 300m of the estuary. The Pegasus Review is attached at Appendix 3.

We remain concerned that the Council continues to take a blanket approach to CPA as a designation and has failed to appropriately justify its extent and purpose within the Plan.

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.

Modifications 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.

Modifications 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 still raises a number of concerns regarding the ability of the Plan to be found sound. As set out above there are areas of the Plan that our clients are supportive of, and we recognise that some sites that we have promoted are included in the Plan.

However, this vested interest means that we clearly wish the Plan to be found sound so our comments above highlight areas where we are concerned the Plan does not justify particular approaches or provide sufficient evidence, which could lead to the Plan not being found sound.

To that end we have set our comments largely to be helpful in flagging areas of the Plan where more work is required and where further opportunities to provide resilience to the Plan can be achieved.

What is clear is 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.

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,



Stuart Houlet BA(Hons) MA MRTPI
For PCL Planning Ltd
e: s.houlet@pclplanning.co.uk

Enclosures:

- Appendix 1 – Framework Plan for Hulham Road, Exmouth
- Appendix 2 – CPA Designation Review: Area 5 – Exmouth to Topsham (prepared by Pegasus Group) June 2024