

Filtered Data Export

Full name: Jeremy Gardiner

Organisation (where relevant): Pegasus Group

Other party name (if relevant): Taylor Wimpey Strategic Land

Proposal:

1. Introduction

1. To which part of the Introduction chapter does your representation relate?:

Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

1.1

3(b). If no, please give details of why you consider this part of the Introduction chapter is not sound. Please be as precise as possible.: General comment These representations are submitted on behalf of Taylor Wimpey who is in control of land at Colestocks Road, Feniton which is being promoted for residential development. The Regulation 19 plan seeks to impose a raft of additional requirements on housing developments – examples being at least 5% self-build or custom build dwellings on major sites, the delivery of at least 20% BNG, the provision of all typologies of open space on housing sites of 300 dwellings or more, and the imposition of minimum ecological enhancement features. In combination, the weight of these additional measures will have a stifling impact on house building in the District, at a time when there is a national housing crisis and East Devon has an acute housing land supply shortfall. When this is combined with the facts that the Regulation 19 plan is proposing to only deliver 80% of local housing needs, and that a stepped trajectory of housing delivery is proposed which relies on higher levels of housing completions in the second half of the plan period (being reliant on a new settlement that hasn't even been consulted on yet delivering 300 homes per annum from 2030, which is wholly unrealistic), the recipe provided by the plan is to worsen the already acute under supply of housing, rather than plan to meet the housing needs of the present time as required by national planning guidance. About this consultation This explanatory opening section of the plan states that the local plan has reached Regulation 19 stage of production, this being a legally prescribed stage of plan making. It goes on to explain that the Regulation 19 consultation will be conducted in two stages – this first stage which “covers all local plan matters with the exception of full policy details on the new community proposals”, and then a second stage (timetabled to be conducted in May – June 2025 on the Commonplace portal) when “policy gaps in the plan can be filled in, and further policy refinement undertaken” in respect of the proposed new community. NPPF footnote 82 clarifies what “reaching” the Regulation 19 stage means: “In this

context, “reached Regulation 19” refers to when Regulation 19 has been complied with (ie. when the planning authority has made a copy of each of the proposed submission documents and a statement of the representations procedure available, and the statements required in Regulation 19(b) have been sent to consultation bodies.” Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 states in full: “Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must— (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).” With reference to NPPF paragraph 234, the local plan has been prepared on the basis that transitional arrangements have been met, given that the plan has reached Regulation 19 stage before 12th March 2025. This allows the plan to be prepared in the context of the previous version of the NPPF and requires the plan to deliver a minimum of 80% of the district’s current local housing need. The Local Plan Examination Inspector will need to consider whether the plan has reached Regulation 19 stage by 12th March 2025 as a matter of law. This is a gateway test which will inform the Inspector’s conclusions on whether the plan can proceed to Examination.

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Proposal:

3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP01

3(a). If yes, and you wish to support the soundness of this part of the Spatial Strategy chapter, please use this box to set out your comments.: This policy proposes a settlement hierarchy as the basis for the distribution of development land allocations which are intended to be proportionate to the scale and function of each settlement. No objection is raised to the proposed settlement hierarchy, which directs growth to the most sustainable locations in accordance with the NPPF.

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3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP02

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: This policy proposes to deliver 80% of the district's Standard method requirement of 1,188 dwellings per annum. Over the 22 year plan period, the Standard Method provides a local housing need total requirement for a minimum of 26,136 dwellings. The plan proposes to deliver at least 20,909 dwellings, such that it will under-provide against local housing needs by 5,227 dwellings. The Council's published position is that it currently has a 5 year housing land supply shortfall of 2.97 years. The emerging local plan therefore currently does not provide a solution to delivering the minimum local housing need, so that the current severe housing land supply shortfall will persist at least in the short term. Strategic Policy SP02 outlines a stepped trajectory, setting an annual target of 850 homes from 2020/21 to 2031/2032, which then increases to 1,070 homes per annum from 2032/33 to 2041/42. Objection is raised to this approach, because it places a heavy reliance on housing delivery including from a new settlement (which has yet to be the subject of consultation) in the second half of the plan period. The record of housing delivery from the Cranbrook new settlement evidences that this approach is not justified. The delivery of 850 dwellings per annum for the first 11 years of the plan period, against a planned average of 950 dwellings per annum (which itself only represents 80% of the local housing need) will worsen the local housing crisis.

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1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP03

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: This policy proposes a minimum housing requirement for each Neighbourhood Designated Area in the district. Given that the plan has been prepared under the transitional arrangements set out in paragraphs 234 – 235 of the NPPF, the proposed Neighbourhood Area housing requirements only plan to meet 80% of local housing need, consistent with draft Strategic Policy SP02. Again, this does not provide a solution to delivering the minimum local housing need. At 100% of its local housing need, the minimum requirement for Feniton would be 159 dwellings.

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3. The Spatial Strategy

1. To which part of the Spatial Strategy chapter does your representation relate?:

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP18

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: Two sites are proposed to be allocated for housing – Land at Burlands Mead (Feni_05) for around 42 dwellings, and Land adjacent to Beechwood (Feni_08) for around 60 dwellings. These two allocations together total 102 dwellings against a minimum (80%) requirement for 127 dwellings. Planning permission was resolved to be granted on 25th February, 2025 for the Burlands Mead site (application ref. 23/0296/MFUL) for 35 dwellings, so under-delivering by 7 dwellings against the above draft allocation. Assuming that Feni_08 delivers 60 dwellings (which is to be confirmed), these two draft allocations will deliver 95 dwellings, being a shortfall of 32 dwellings against the minimum requirement in Policy SD18 and a shortfall of 64 dwellings against the minimum Standard Method requirement of 159 dwellings. The southern part of promoted Site Feni_11, east of Colestocks Road, Sherwood Cross, Feniton being promoted by Taylor Wimpey should be allocated for up to 86 dwellings to ensure that the minimum local housing requirement for this Service Village is exceeded in a plan-led way, thereby delivering the sustainable development of the settlement in the plan period. This is a sustainable site which can deliver a number of additional benefits including affordable housing and flood alleviation.

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Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN01

3(a). If yes, and you wish to support the soundness of this part of the Meeting Housing Needs chapter, please use this box to set out your comments.: This policy is supported in principle and the need for new housing developments to meet existing housing needs is acknowledged – this is a requirement for the achievement of sustainable development, as set out in paragraphs 7 and 8 of the NPPF. We also welcome the recognition that up-to-date local housing need evidence assessments can be referenced when assessing existing and future housing need. To this end, we consider that the Plan should include housing allocations that deliver 100% of the housing needs of East Devon, rather than only 80%.

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Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN05

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.: Objection is raised to the requirement for “At least 5% of dwellings on sites planned to accommodate 20 or more homes must be delivered as serviced custom and self-build plots.” Firstly, including “at least” introduces uncertainty around what the requirement will actually be in any individual case – it is vague and imprecise. Secondly, the evidence base for the local plan contains document “HOU-017” which provides some data on self-build need but only up to October 2021 – the evidence base supporting this policy should be updated. Thirdly, 5% of dwellings on all sites over 20 dwellings appears to provide more than the required number of plots as evidenced in the self-build register data. Fourthly, some people on the self-build register will not want a plot within a larger housing scheme, as shown from the evidence base. The Council has already delivered self-build opportunities without requiring larger developments to put aside land for this type of use, predominantly on small individual sites. It would be preferable for this policy to encourage this type of provision so that larger sites can concentrate on delivering affordable housing, open space, community facilities, and other infrastructure which smaller schemes cannot provide.

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Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The requirement for all major housing developments of 10 or more homes to deliver a BNG of at least 20% is onerous and will add costs to developments. All developments should only be required to deliver the national minimum requirement of 10% BNG. The provision of in excess of 10% BNG is a benefit of development that can be weighed in the planning balance, and many developments will seek to achieve this where possible, but this should not be translated into a policy requirement.

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Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB07

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Objection is raised to this policy as it is overly prescriptive and unnecessary. The need for ecological enhancement features in each case should be informed by the site-specific ecological appraisal reports submitted with any planning application. These reports confirm the habitats existing on and around the site and the presence or otherwise of protected species. Specific mitigation and enhancement measures are identified in these reports. Blanket minimum policy requirements could add to development costs without necessarily delivering biodiversity enhancements.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be deleted.

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Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB08

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: This policy, spanning three pages, is overly prescriptive and detailed, and may have the unintended harmful consequence of encouraging tree removals in advance of development proposals being prepared.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy should be reduced in length and simplified, perhaps linked to an SPD.

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Proposal: 14. Open Space and Sports and Recreation

1. To which part of the Open Space and Sports and Recreation chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: OS02

3(b). If no, please give details of why you consider this part of the Open Space and Sports and Recreation chapter is not sound. Please be as precise as possible.: It is not clear what the “Fields in Trust derived standards” means. In any event, the policy’s requirements are overly prescriptive. For example, requiring all sites of 300+ dwellings to provide all open space typologies on site including playing pitches will significantly reduce the net development capacity of allocated sites and introduce additional substantial costs, not just for laying out pitches but also for providing parking and changing facilities. It should be clear that financial contributions in lieu of direct provision are equally acceptable and that larger sports provision such as playing pitches should be provided in locations that most meet identified needs for such facilities. The “Additional requirements for residential developments over 200 dwellings” may be difficult to comply with in the circumstances of every development site and may lead to otherwise acceptable planning applications stalling or being refused.

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Proposal:

9. Supporting the Economy and Town Centres

1. To which part of the Supporting the Economy and Town Centres chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SE05

3(b). If no, please give details of why you consider this part of the Supporting the Economy and Town Centres chapter is not sound. Please be as precise as possible.: This policy states that “Compliant Employment and Skills Statements must adhere to the respective requirements set out in the relevant guidance published and available online via the Council’s website.” That guidance does not appear to be available – it could not be found in the evidence base for the local plan. If the guidance has not been published yet, that is required before any meaningful comments can be made. In any event, any conditions or obligations will need to be broad and flexible enough to be achievable for larger developments to properly implement, as workforce strategies over the course of a number of years can face changing environments.

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Proposal: 10. High Quality Design

1. To which part of the High Quality Design chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: DS04

3(b). If no, please give details of why you consider this part of the High Quality Design chapter is not sound. Please be as precise as possible.: Green Infrastructure provision is an important consideration for new housing developments. However, it is understood that Natural England's 5 Green Infrastructure Principles are meant for a strategic level and not individual sites. The link in Footnote 63 takes you the Natural England document which confirms this. Guidance which is relevant to green and blue infrastructure provision and design at development site level is required.

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1. To which part of the High Quality Design chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: DS04

3(b). If no, please give details of why you consider this part of the High Quality Design chapter is not sound. Please be as precise as possible.: The requirement for a design code for all major residential developments is excessive. "Major" should be specifically defined in this context as generally it refers to residential schemes of over 10 dwellings.

3(c). Please set out the modification(s) you consider necessary to make this part of the High Quality Design chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the High Quality Design chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Supporting paragraph 10.11 refers to NPPF paragraphs 123 to 130. This should be amended to 124 to 130. The policy should also refer to a source of guidance on the expected scope and content of Design Codes, for clarity.

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Proposal:

7. Adapting to Climate Change

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Objection is raised to this policy. East Devon is not a water stress area so the justification for limiting water usage for new development is questionable. Water consumption is a matter covered by the Buildings Regulations regime. This limits water consumption to 125 litres per person per day. A local plan policy on water efficiency is unnecessary.