

East Devon Local Plan Preferred Options: Regulation 18 Consultation Draft

Representations on behalf of Bloor Homes
South West and Stuart Partners Ltd [Second
New Town for East Devon – “Denbow”]

January 2023

Contents

Executive Summary	1
2. Introduction and Summary	3
3. Response to Strategic Policies	4

Jeff Richards
[REDACTED]

Andrew Ross
[REDACTED]

Client

Bloor Homes South West and Stuart Partners Ltd

Our reference

BLOA3030

January 2023

Executive Summary

1. This response has been prepared by **Turley** on behalf of both **Bloor Homes South West** [“Bloor Homes”] and **Stuart Partners Ltd**, who together share significant land control within the area identified as the First Choice New Settlement (Option 1) within the Local Plan. The Option 1 site closely aligns with the land being promoted by Bloor Homes and Stuart Partners Ltd as the “Denbow” New Community.
2. The following documents accompany this response and help to confirm that the proposed development of a New Town and specifically the Option 1 site, has clear and compelling advantages as part of the strategy for future development with East Devon:
 - (a) **Options Appraisal for a Potential New Settlement [CBRE] – Review (Turley, January 2023)** - *This report provides a critical review of the CBRE options appraisal report which has informed the draft LP, and is accompanied by a number of technical appendices which consider specific assessment topics/criteria in more detail;*
 - (b) **Review of Sustainability Appraisal Report (Turley, January 2023)** - *This report provides a review of the Sustainability Appraisal which accompanies the draft LP;*
 - (c) **Energy and Carbon Strategy – Denbow, Exeter (Turley, January 2023)** - *This report provides an updated Energy and Carbon Strategy for the proposed Denbow new community, updating a version previously issued to the Council in 2022.*
3. Planning for a Second New Town 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 73].
4. Proposals to identify, allocate and develop a second new town within East Devon, are strongly supported. There is 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.
5. When assessing relative merits of the different new town Options that are set out in the plan, rather than being ‘marginal’ it is considered that available evidence presents a clear distinction between them – significantly favouring the preferred (First Choice) option (Option 1) which should be used as the basis for the development of the next and future versions of the Local Plan.
6. There are clear and compelling advantages of the Option 1 site (and in particular the land controlled by Bloor Homes and Stuart Partners Ltd) where (in summary):
 - Key parts of the proposed “Denbow” new community are controlled by two main parties who have significant experience in respect of the delivery of strategic scale development;

- The ability to achieve a comprehensive mixed-use development, including key linkages between the A30 and A3052 represents a distinct and clear benefit for the scheme, and ensuring that it can provide connectivity, and take full advantage of proximity, to the various regionally significant uses and infrastructure in the area;
 - The part of the New Town which is controlled by Bloor Homes and Stuart Partners Ltd can provide the core or 'spine' of the new town and help to ensure that the definition, design and delivery of the scheme is progressed effectively and to a high standard;
 - As set out in the submitted (and updated) Denbow – Energy and Carbon Strategy, there are clear ways in which the strategic location of the site can be leveraged to deliver effective strategies for contributing to the beneficial impact on net zero and climate change.
7. The potential to retain and enhance (extend) the Clyst Valley Regional Park proposals/allocation within the plan are supported (in principle). This is on the basis that this strategic green infrastructure asset can complement the strategic scale development already underway and proposed in the West End, and where there are strong links to the City of Exeter. The preferred (First Choice) New Town option (Option 1) would have clear advantages in respect of proximity to and the ability to link (in the fullness of time) with the Regional Park, and such linkages can be considered as part of the masterplanning and phasing of new development here.
8. Comments have been made in respect of a number of the general (Development Management) policies within the plan where some evolution and change will be required to ensure effectiveness and soundness.
9. Bloor Homes and Stuart Partners Ltd look forward to work pro-actively with the Council and other stakeholders to ensure the positive progression of the new Local Plan and the second new town for East Devon.

2. Introduction and Summary

Introduction

2.1 This response has been prepared by **Turley** on behalf of both **Bloor Homes South West** [“Bloor Homes”] and **Stuart Partners Ltd**, to provide representations to East Devon District Council [“the Council”], in relation to the East Devon Local Plan [“EDLP”] Preferred Options: Reg 18. Consultation Draft Plan Autumn 2022 [“the draft LP”]. Together Bloor Homes and Stuart Partners Ltd share significant land control within the area identified as the First Choice New Settlement (Option 1) within the Local Plan, and they have been promoting this land as the “Denbow” New Community (which broadly accords with area assessed/proposed as Option 1 within the draft LP. We hope this response is useful and look forward to participating in future stages of the plan making process.

Summary

2.2 We have reviewed the draft LP in full and respond to a number of the draft policies. The focus for our representations at this stage of the Plan is on the assessment and selection of Option 1 as the preferred (First Choice) option for a New Settlement (as this area broadly accords with that being promoted as the Denbow new community), as well as the Council’s current level of required and planned housing, and the basis on which a significant scale new town development is appropriate and justified.

2.3 The following documents accompany these representations:

- **Options Appraisal for a Potential New Settlement [CBRE] – Review (Turley, January 2023)**
 - *This report provides a critical review of the CBRE options appraisal report which has informed the draft LP, and is accompanied by a number of technical appendices which consider specific assessment topics/criteria in more detail;*
- **Review of Sustainability Appraisal Report (Turley, January 2023)**
 - *This report provides a review of the Sustainability Appraisal which accompanies the draft LP;*
- **Energy and Carbon Strategy – Denbow, Exeter (Turley, January 2023)**
 - *This report provides an updated Energy and Carbon Strategy for the proposed Denbow new community, updating a version previously issued to the Council in 2022.*

2.4 Various other masterplan and visioning documents have previously been submitted to the Council as part of the plan making process, and we have participated in presentations to members of the Council’s Strategic Planning Committee. Should any further information be required as a result of or to support this response, then please do not hesitate to contact us.

3. Response to Strategic Policies

Strategic Policy 1 – Spatial Strategy

- 3.1 The policy states that new development will be directed towards the most sustainable locations in East Devon, including:
- Focusing new development on the western side of the district, including a new town and other major strategic developments close to Exeter;
- 3.2 In this respect the proposed Spatial Strategy is strongly supported as there is an abundance of evidence to support strategic scale development being directed to the West End of East Devon district, where there is land that is relatively unconstrained (primarily outside of AONB and other statutory designations), and significant locational advantages in terms of proximity to key existing infrastructure and other areas of employment.
- 3.3 Planning for a Second New Town also 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 73].

Strategic Policy 2 – Housing Distribution

- 3.4 This Policy sets out the proposed housing distribution for East Devon. The housing numbers relate to the period of 2020 to 2040. It will be significant for the plan overall that Strategic Policy 2 is subject to significant review and scrutiny to ensure that it is sound and provides a good basis on which the Council can base housing delivery over the plan period – including the first five years.
- 3.5 In respect of the New Town proposals which sit at the top of the hierarchy being established by the Spatial Strategy (Strategic Policy 1), it is expected that some 2,500 new homes will be delivered in the plan period.
- 3.6 The justification for this number and the need for a balanced approach to delivery, having regard to both lead-in time for commencement, and expected delivery rates is very clearly understood; however, as part of developing the plan further (through Reg 19 and to adoption) the actual potential for delivery from the New Town should be subject to additional review and assessment, as it is possible that based on an earlier start on site (in advance of the current 2030 assumption) higher levels of housing development could be achieved in the plan period. Bloor Homes and Stuart Partners would be very keen to work with the Council further to better understand and inform how this can be achieved.
- 3.7 As covered in respect of Strategic Policy 3 the total level of housing anticipated within Strategic Policy 2 (18,167) is significantly less than the overall number which is being planned for (at least 18,920), and less again from the total figure with appropriate

“headroom” applied – at 20,800 (as referenced at paragraph 3.17 of the plan. It will be essential for soundness that Strategic Policies 2 and 3 are appropriately aligned and that opportunities to achieve housing delivery, from strategic sites such as the proposed New Town, are maximised as soon as possible (and then throughout) the plan period.

Strategic Policy 3 - Levels of future housing development

- 3.8 The Policy states that Housing provision will be made for at least 18,920 dwellings to be delivered between 2020 and 2040. The minimum requirement has been derived from the standard methodology, in accordance with government guidance. The Council needs to be mindful going forward in the preparation of this plan for LHN updates to ensure that at the point of submission for examination the housing requirement specified in SP3 is up to date and based on the latest available inputs to the Standard Methodology calculation at that time. Failure to plan to meet the minimum objectively assessed need would undermine the plan’s ability to be ‘positively prepared’ and ‘consistent with national Policy’ – two key tests of ‘soundness’.
- 3.9 Part 3 of the policy confirms that provision will be made for a supply headroom of approximately 10% to provide housing supply flexibility in the district in the plan period. Supporting paragraph 3.17 confirms this equates to about 20,800 dwellings. The Council forecasts that there is potential to deliver approximately 20,441 dwellings in the plan period, providing about 8% ‘headroom’.
- 3.10 It is important that the final housing figure continues to be expressed as a ‘minimum’ figure – there is a national housing crisis and a serious and significant shortage of new homes being delivered across the country where there are pressing affordability issues that are further compounded by a shortage of new homes coming forward. The housing requirement should not be a cap for development, the figure represents the minimum number of new homes that should be planned for in the authority area and in order to achieve this.
- 3.11 As such, the principle of providing a buffer / headroom housing figure is supported. However, the supporting text to the policy therefore confirms that there is currently insufficient supply to meet the policy requirement of 10% ‘headroom’. In order to meet the policy requirement, a greater number of deliverable housing Sites will need to be identified. At present, the supply forecast is at odds with the drafted policy. This is particularly important, given the 2021 Census confirmed that population growth in East Devon exceeded the 2014—based household projections for 2021 (which is used to inform the Standard Methodology). The population size had increased to 150,800 in 2021, compared to the predicted figure of 143,280. Population growth is projected to steadily increase over the next 10 years within England¹.
- 3.12 Given the population of East Devon has already exceeded the 2014—based household projections for 2021, it is crucial that there is sufficient to supply to meet the policy requirement of 10% ‘headroom’. It is considered the Council utilises existing

¹ [National population projections - Office for National Statistics](#)

sustainable locations for areas of growth to accommodate future local needs over the next twenty years.

- 3.13 It is possible that more than the 2,500 new homes in the plan period that are currently accounted for could be delivered by a Second New Town in East Devon. This potential should be assessed and reviewed as part of the progression of the plan.

Strategic Policy 4 - Employment Provision and Distribution Strategy

- 3.14 The need for a sufficient (robustly evidenced) quantum of new employment land within East Devon, to help secure and maintain relevant economic growth, and meet the needs of the wider sub-region (including any displaced employment provision from within Exeter City, as a result of their Liveable Exeter programme) is strongly supported and essential for the soundness of the plan.
- 3.15 Strategic Policy 4 makes reference to the scale and location of new employment land that it is anticipated will be required and provided by the plan, this includes the Western side of the District in and around the existing Enterprise Zone. This approach is supported as this area clearly represents an appropriate and attractive location for the provision of enhancement employment provision – given that it already functions as a strategic location within Devon. It is not referenced within the plan, but there would be potential to consider the expansion of the Enterprise Zone to include new strategic sites that are to be allocated within the West End of District, including potentially some or all of the new town.
- 3.16 It is also stated that new provision will be made at main towns – to include the new settlement (town) which is proposed as a key component of the plan’s spatial strategy. This is strongly supported and there is clear potential for a new town to deliver new employment land as part of a balanced new community, and where there are opportunities to locate this adjacent to key strategic transport routes (A30 and A3052) and key areas of existing provision – such as Hill Barton Business Park. Stuart Partners are the owners and operators the Business Park at Hill Barton and experienced commercial developers (across a variety of types/sectors) – they are therefore well placed to make a strong contribution to the delivery of employment provision as part of the new town proposal.

Strategic Policy 5 – Mixed use developments incorporating housing, employment and community facilities

- 3.17 The draft policy requires 0.4ha of employment land for every 100 homes on all allocated sites at Tier 1 and 2 settlements and 0.1 hectares of employment land for every 25 homes in Tier 3 and 4 settlements. The policy ‘notes’ the fact that the emerging new town proposal (policy) has its own specific policy targets, however it is not clearly stated the extent to which Strategic Policy 5 is expected to apply (or otherwise) to the new town. This should be made clear in future versions of the plan for effectiveness.
- 3.18 We appreciate what the draft policy seeks to achieve, by ensuring that employment opportunities are delivered alongside new housing. However, we have concerns with

the principle and wording of this policy. As drafted, it currently applies a one-size fits all approach to proposals. It does not account for the specific characteristics and constraints of a Site that may prevent it delivering employment uses alongside housing. Furthermore, it assumes that the location for each site that falls within the policy threshold, would be appropriate for delivering employment uses. However, this approach is too broad brush; certainly, there will be site locations where the inclusion of employment would not be appropriate when considering the existing or proposed surrounding uses.

- 3.19 It is noted that the Policy allows for 'sufficient viability or other evidence' to be submitted 'which precludes the delivery of necessary employment provision within mixed use sites'. However, it is considered that the above wording is too ambiguous. It is not clear what constitutes 'sufficient evidence' to satisfy the Council and how this evidence will be assessed. It is considered that further supporting text that explains what would be considered 'sufficient' is provided.
- 3.20 It is also noted that where viability or other evidence has been provided, a financial contribution to the Council will be required. However, the Council has not yet provided the calculation for this contribution. It is considered this calculation needs be provided during the next consultation stage to ensure it is justified.
- 3.21 Overall, it is considered that the Council needs to apply a more discerning and considered approach to allocating housing and employment land. As drafted, the policy is unclear and unjustified, with requirements that could prevent deliverable housing sites coming forward. This is of particular concern when there is a national housing crisis, and the Council needs to ensure sufficient homes can be delivered to meet the LHN requirement.
- 3.22 It is considered that the policy be deleted or re-worded, so it makes it clear that the policy objective is required where relevant to the Site in question. This includes making clear how the policy would apply to (or exempt) the new town – where specific provision for the delivery of employment alongside new homes (and other infrastructure) is to be made by other policies in the plan.

Strategic Policy 8 – Development of a second new town east of Exeter

- 3.23 Proposals to identify, allocate and develop a second new town within East Devon, as shown in the emerging Local Plan are strongly supported. As stated in response to Strategic Policy 1 (Spatial Strategy) there is 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.
- 3.24 Making this provision within the plan represents a very positive and pro-active approach by the Council as the new town will (as is stated in the draft policy) be a long-term strategic development, that will need to be delivered over multiple plan periods.
- 3.25 In principle, the need for the new town to provide for a significant quantum of new homes, jobs (employment land), supporting uses (such as retail and other leisure, and

community facilities), infrastructure, and relevant open spaces incorporating habitat mitigation and all associated features (as required for high quality strategic development) is supported. Detailed comments are not provided as part of this consultation response in respect of the quantum of all of the uses that are set out in draft Strategic Policy 8, although it will be essential for the Council to continue the iterative process of developing and refining the detail contained within the policy, based on the ongoing collection of up-to-date evidence and analysis, and having regard to relevant viability testing and sustainability appraisal.

- 3.26 Notwithstanding this, the ability for the new town to make a significant contribution to the delivery of new homes and jobs is a fundamental benefit of this approach, and so there is **strong support** for the delivery of the quantum of new homes and employment land (jobs) being targeted, i.e. 8,000 new homes (2,500 in plan period) and 56ha of employment land (17.5ha in plan period). The areas that have been defined for the new town (c.521ha) within the plan (and associated evidence base) are based on various land budget assumptions (Table 3.1 in the CBRE Options Appraisal Report) and these assumptions (including more detailed evidence to support them) will need to be developed further as the plan is progressed. Sufficient land will need to be included within the allocation (as a whole, and for release in the plan period) to ensure that the relevant quantum's of development can be achieved (i.e. at least 2,500 new homes, and 17.5ha of employment land in the plan period, and 8,000 new homes and 56ha of employment land overall). This will be a critical aspect to inform the soundness of the approach and the plan overall.
- 3.27 We would welcome the ability to continue to engage with the Council in respect of these issues and to help with the development of well informed and robust policy for the new town.
- 3.28 As well as supporting the principle of the new town proposal, and the general ambit of Strategic Policy 8, this response has focused on the assessment and identification of Option 1 as the preferred (First Choice) location for accommodating the required new town. This is primarily on the basis that the consultation plan has considered and identified three main options for the new town, and despite expressing a preference, the supporting evidence/assessment² has recommended that more than one option is subject to consultation and scores the two best performing closely, when considering the criteria and scoring methodology employed.
- 3.29 To provide a review of the evidence/assessment that has led to the identification of Option 1 as the preferred (First Choice) option for the new town Turley has (on behalf of Bloor Homes and Stuart Partners Ltd) undertaken a critical review of both the CBRE Options Appraisal Report, and the Draft Sustainability Appraisal which supports the draft Local Plan. These review reports are enclosed separately with this consultation response, but can be summarised as follows:

² CBRE Options Appraisal Report
<https://democracy.eastdevon.gov.uk/documents/s18350/East%20Devon%20Options%20Appraisal%20Report.pdf>

CBRE Options Appraisal Report – Review

- Whilst the original assessment identified Option 1 as the most highly scoring and therefore ‘preferred’ option based on this assessment, there was only assessed to be a marginal difference between the overall scores. The difference between Options 1 and Option 3 in the assessed scores within the Options Appraisal Report is 0.1;
- On the basis of the review provided in the enclosed report, including the additional technical evidence and justification that has been provided, an updated and adjusted scoring for the three options can be deduced;
- The review score has resulted in a much clearer and more substantial distinction being possible between Option 1 and Option 3 (now 6.4 points) as compared to the marginal position within the Options Appraisal Report;
- The updated and adjusted scores presented in the review reflects our assessment (also reflected in previous assessment work submitted to the Council) that Option 1 represents a clear preferred option for the location of a Second New Town within East Devon;
- If relevant weighting were to be applied to the assessment that favours key criteria such as Net Zero, Sustainable Accessibility and/or Deliverability, then it is likely that Option 1 would be even more clearly demonstrated to be the preferred option, given that it scores most highly against these criteria (based on the adjusted Turley review scoring).

Draft Sustainability Appraisal – Review

- The SA is a critically important evidence base supporting the Local Plan through the assessment of all reasonable alternatives to deliver the policy options and allocations. It is a legal requirement of the plan making process and an independent source of evidence to support the plan maker;
- It is considered that the SA supporting the Regulation 18 Local Plan is sound and has utilised a robust and transparent methodology to demonstrate that Option 1 is the most sustainable reasonable alternative for the delivery of a new community at East Devon;
- The SA has correctly identified that Option 1 will result in a number of major positive sustainability impacts in key areas such as; Climate Change Mitigation, the provision of new Homes, Jobs and Employment opportunities and Connectivity and Transport;
- The submissions made as part of this consultation response has provided further evidence to support these conclusions.

3.30 As set out above, rather than being ‘marginal’ it is considered that available evidence presents a clear distinction between the available options – significantly favouring the preferred (First Choice) option (Option 1) which should be used as the basis for the development of the next and future versions of the Local Plan. Option 1 broadly accords with the ‘Denbow’ new community which is being promoted by Bloor Homes

and Stuart Partners Ltd and we would welcome the opportunity engage further with the Council in respect of policy for this strategic scale development.

- 3.31 Given the phasing associated with delivery of the new town within the plan – i.e. some 2,500 new homes to be delivered within the plan period and other new homes beyond this (as well as a similar split for other key elements and land uses), it will be important for future versions of the plan/policy (or associated supporting documents) to clearly identify how the phasing of delivery is expected to be realised.
- 3.32 This response does not repeat all of the advantages of the Options 1 site (and in particular the land controlled by Bloor Homes and Stuart Partners Ltd) which has been rehearsed in previous submissions and presentations to the Council, but in summary, and as part of facilitating clear, early and effective delivery:
- Key parts of the proposed “Denbow” new community are controlled by two main parties who have significant experience in respect of the delivery of strategic scale development.
 - The ability to achieve a comprehensive mixed-use development, including key linkages between the A30 and A3052 represents a distinct and clear benefit for the scheme, and ensuring that it can provide connectivity, and take full advantage of proximity, to the various regionally significant uses and infrastructure in the area;
 - The part of the New Town which is controlled by Bloor Homes and Stuart Partners Ltd can provide the core or ‘spine’ of the new town and help to ensure that the definition, design and delivery of the scheme is progressed effectively and to a high standard – a collaborative approach with the Council and all other stakeholders will be key and we welcome the opportunity to contribute to this;
 - As set out in the submitted (and updated) Denbow – Energy and Carbon Strategy, there are clear ways in which the strategic location of the site can be leveraged to deliver effective strategies for contributing to the beneficial impact on net zero and climate change.

Strategic Policy 16 – Green infrastructure and the Clyst Valley Regional Park

- 3.33 Overall, the potential to retain and enhance (extend) the Clyst Valley Regional Park proposals/allocation within the plan are supported (in principle). This is on the basis that this strategic green infrastructure asset can complement the strategic scale development already underway and proposed in the West End of East Devon, and where there are strong links to the City of Exeter. The preferred (First Choice) New Town option (Option 1) would have clear advantages in respect of proximity to and the ability to link (in the fullness of time) with the Regional Park, and such linkages can be considered as part of the master planning and phasing of new development here.
- 3.34 Planning at a strategic scale (as would be done for the New Town proposal) will ensure that the biodiversity, climate, and health advantages advocated by the Regional Park policy can best be supported and realised. Other approaches to development, which

do not have the same large scale and strategic vision, are less likely to be able to effectively support the aspirations for the Regional Park.

- 3.35 Defining any proposed extensions to the Regional Park should be approached iteratively and co-ordinated with the development of proposals for the Second New Town allocation and any high-level masterplan. This is on the basis that it is likely that the New Town proposals can contribute to the delivery of parts of the Regional Park, via the Green Infrastructure networks that are to be retained and will be enhanced as part of these proposals (reflecting, for example, key flood risk, drainage, and biodiversity corridors) and through new public open space and recreational routes which link new development with surrounding GI assets.
- 3.36 Any regional park retention and extension policies should be drafted to complement all other allocation and development management policies within the plan, and be subject to appropriate technical scrutiny and viability testing to ensure consistency and soundness.

Strategic Policy 27 – Climate Emergency

- 3.37 Strategic Policy (SP) 27 presents the targets to which new development must respond in order to meet the climate emergency and the commitment by East Devon District Council (EDDC) to be carbon neutral by 2040. The targets listed by SP 27 are:
- Delivering net-zero development;
 - Maximising opportunities for delivery of renewable energy, district heat networks, zero-carbon energy, and energy storage facilities; and
 - Calculating the impact of embodied carbon and retaining existing buildings where possible.
- 3.38 We fully support the Council’s target of net zero by 2040 and agree that new development can play a significant role in supporting this transition. The strategic targets listed in SP 2 are supported however it is important to ensure that suitable timeframes are in place for these targets as part of a transition to net zero by 2040. Whilst the development industry is moving at pace to net zero, huge advances in supply chains and technologies are required to deliver net zero buildings. It is important that these challenges are recognised in draft Policy and the targets outlined are not introduced immediately on plan adoption but phased in over a suitable timeframe.

Strategic Policy 28– Net-Zero Carbon Development

- 3.39 SP 28 places a number of targets and requirements upon new development which includes achieving Net Zero Carbon (NZC) emissions. The targets are:
- All new residential and commercial development to deliver net zero carbon development;

- Homes will be future proofed to avoid temperature discomfort as a result of rising temperatures
- Maximising the use of renewable energy and ensuring the performance gap is minimised.
- A requirement to undertake a Whole Life Carbon (WLC) assessment in accordance with a nationally recognised methodology.

3.40 We fully support the strategic objectives of SP 28 and the delivery of NZC although it is noted that the policy contains three requirements other than NZC which could be confusing to the reader and those implementing the policy.

3.41 Taking each of these draft Policy requirements in turn we would like to make the following comments:

- The requirement for Net Zero Carbon requires further detail to suitably define the definition of NZC and the delivery mechanism. For example there are several definitions of NZC which have very different commercial and technical implications for buildings. We consider that to ensure the policy is sound and deliverable from the point of plan adoption, the draft Plan should utilise the Governments definition of NZC³ which is delivered as follows:
 - (i) From 2025 construct all dwellings to the Future Homes Standard (FHS) which will require the construction of a highly energy efficient building which uses electricity for heating, lighting, and power. Heat is provided through air or ground source heat pumps and electricity is provided via photovoltaic cells. As a result of an all-electric strategy, the carbon footprint of the building constantly reduces as the electricity grid decarbonises eventually reaching net zero carbon around 2040. Assuming the local plan is adopted in 2024, then this route to NZC is deliverable and achievable. For non-domestic buildings, compliance with the 2025 Future Buildings Standard (FBS) would achieve the same output.
 - (ii) We consider that Policy SP 28 should be amended to confirm that the NZC definition is that used by the Government through the delivery of the Future Homes Standard.
 - (iii) The requirement within SP 28 to future proof homes to avoid temperature discomfort is noted and supported. We consider however that this element of Policy SP 28 is at risk of duplicating national policy. In December 2021, the Government published a new Building regulations requirement, Part O, which requires an overheating assessment on new buildings which considers the impacts of climate change. We consider that this element of SP 28 should be deleted given it is covered by Building Regulations.

³ <https://www.gov.uk/government/news/new-homes-to-produce-nearly-a-third-less-carbon>

- (iv) We support the Local Plans ambition to maximise the delivery of renewable energy in new buildings. It is important to note that this ambition will be delivered because of all new buildings meeting the FHS and FBS respectively. This legislation will require all new homes and non-domestic buildings to deploy extensive renewable heat and electricity generating technologies. We consider that this element of Policy SP28 should be amended to note that compliance with the FHS and FBS should meet this requirement.
- (v) We support the requirement for new development to undertake a Whole Life Carbon Assessment to calculate the carbon footprint of the building and identify mechanisms to reduce construction and operational carbon. With regards to the 'nationally recognised methodology', we recommend that the Council consider the use of the 'OneClick' Life Cycle Assessment software⁴ which is widely used and respected across the industry. It is also a relatively easy to use process for undertaking WLC assessments. We would also suggest that the Policy recognises that for outline planning applications in particular, there is rarely sufficient information to complete a full WLC assessment and therefore the policy should be amended to permit the full WLC assessment with the Reserved Matters or Detailed planning application.

Strategic Policy 33 - Heat Networks

- 3.42 SP 33 has been drafted to require new developments to consider the potential for the development of on-site heat and energy networks which have the potential to save significant volumes of carbon emissions provided they are fuelled by energy sources other than fossil fuels.
- 3.43 EDDC has a proven track record with the delivery of heat networks as demonstrated at the west end of the District at Cranbrook and Monkerton in Exeter. We are supportive of SP 33 and the ambition of EDDC to expand the delivery heat networks across East Devon.
- 3.44 Whilst we fully support the deployment of heat networks it is important that such networks are planned in a manner that will reduce carbon emissions in a cost-effective manner. To ensure this, we consider that SP 33 should reflect the following:
 - That decentralised heat networks can only save carbon if they are powered by means other than natural gas. Given the pace of decarbonisation of electricity from the national grid, the carbon content of electricity is currently significantly lower than gas⁵ which means that a gas fuelled heat network will release more carbon emissions compared to heating by electric systems.
 - In addition, new homes and buildings are considerably more energy efficient than existing stock and the introduction of the FHS and FBS in 2025 will further

⁴ <https://www.oneclicklca.com/>

increase energy efficiency ratings. This will result in very low heat demands from dwellings and the majority of non-domestic buildings which will render a neat network unviable. We recognise the desire of EDDC to promote heat networks however and would like to suggest the following amendments to SP 33 to provide the flexibility to determine on the viability of such a system on each application:

For all major developments proposed within 1km of an existing heat network a feasibility study will be undertaken to determine the commercial and technical viability of connection to that network and that it will result in a reduction in carbon emissions. In addition, where no heat network currently exists, a feasibility study will be required for proposals above 1,200 homes or 10 ha of commercial floorspace.

Strategic Policy 34 – Embodied Carbon

- 3.45 Strategic Policy 34 requires new development to take action to reduce embodied carbon emissions. The ambition of this policy is supported, and there is commitment to a range of measures within Section 5.2.1 of the Denbow Energy and Carbon Strategy to reduce measure and reduce embodied carbon where viable.

Strategic Policy 40 – Affordable Housing

- 3.46 This Policy states that in most locations at least 35% of residential schemes of 10 or more dwellings should be affordable, with a target of “at least” 15% at the proposed Second New Town. This differentiation is strongly supported as the issues of delivery and strategic infrastructure provision associated with a New Town are substantially different to other (more typical) development on much smaller development sites. This approach should be kept under review based on a holistic understanding of need, infrastructure planning, and viability to ensure a robust (sound) policy is developed. It will remain necessary to strongly evidence the 15% target if that is what is carried forward into the next (Reg 19) version of the plan.
- 3.47 It is essential for the overall soundness of the plan that the proposed affordable housing quantum (and other policy aspects) is subject to robust viability assessment. This should have regard to all other policy requirements for development and ensure that the total policy ‘ask’ is clearly assessed as part of a robust viability model to inform the plan. This will naturally include issues of affordable housing mix, and how the plan will meet the ‘First Homes’ policy set by government. This issue is likely to go to the heart of the deliverability of the plan and the soundness of policies which are being included to guide sustainable development in East Devon.

Strategic Policy 41 – Housing to Meet the Needs of Older People

- 3.48 We are supportive of the principle of the Policy in providing homes that are suitable to meet the needs of older people and disabled people. However, as drafted, it currently applies a one-size fits all approach to proposals. It does not account for the specific characteristics and constraints of a Site that may prevent it delivering homes appropriate for older and disabled people. It is considered the policy should be

amended to allow for greater flexibility to ensure deliverability is not impacted and Sites can come forward in an efficient manner.

- 3.49 It is also essential for the overall soundness of the plan that the quantum of proposed housing for older people and disabled people is subject to robust viability assessment. This should have regard to all other policy requirements for development and ensure that the total policy 'ask' is clearly assessed as part of a robust viability model to inform the plan.

Strategic Policy 42 – Accessible and Adaptable Housing

- 3.50 This Policy relates to Accessible and Adaptable Housing. It sets out the standards from Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings) (or replacement standards) that will apply to new dwellings, subject to consideration of site suitability and site viability.
- 3.51 We are supportive of providing homes that are suitable to meet the needs of older people and disabled people. The draft plan is accompanied with a Local Housing Needs Assessment that identifies the need for nationally described standards for accessible and adaptable homes (Part M4(2)) and wheelchair users (Part M4(3)). The report concludes that the need is largely driven by a growing population of older persons.
- 3.52 It is considered that the draft policy be modified to take into account Planning Practice Guidance which states that Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied (ref. 008 Reference ID: 56-008-20160519)
- 3.53 It is also considered that any additional standard which are imposed via this policy (or any modified version) should be subject to robust viability assessment as part of preparing a final version of the plan.

Strategic Policy 43 - Market housing mix

- 3.54 The policy sets out how the Council will seek to achieve a mix of housing types and sizes across East Devon. The need for a variety (mix) of new housing is supported. It is recognised that the draft policy currently includes acceptable circumstances where a proposals departure from the required housing mix is justified. It is recommended that this wording to allow for flexibility in schemes is retained within future iterations of the draft plan. It helps to ensure where Sites are particularly constrained or face viability concerns, will be able to come forward.

Strategic Policy 44 – Self-Build and Custom Build Housing

- 3.55 The need for a variety (mix) of new housing is supported, but Strategic Policy 43 should take a flexible rather than prescriptive approach. Further evidence around viability should be presented to support the requirements for self and custom build housing

being proposed by the policy and which is to apply in a blanket way across major developments of 20 homes or more.

Strategic Policy 71 - Aerodrome Safeguarded Areas and Public Safety Zones

- 3.56 Strategic Policy 71 references “aerodrome safeguarded areas” and “public safety zones” but there is a lack of clarity and neither of these are defined spatially with reference to any plans or diagrams and are not shown on the proposed policies map. Whilst it is clearly relevant for the plan to have regard to the operation of the airfield at Exeter International Airport (and other airfields), planning policy needs to be clear and effective in respect of these issues. This is especially relevant in respect of the proposed New Town proposals, where there should be clarity about how this proposed policy (and associated allocation boundaries) interacts with these identified areas, and any overlap or proximity. Emerging masterplanning and other technical work associated with the proposed Denbow New Town has already accounted for noise sources at the airfield, and we would be happy to work further with the Council to develop these policies in an effective and co-ordinated way.

Strategic Policy 84 – Protection of Internationally and Nationally Important Wildlife Sites

- 3.57 This policy relates to international, national, regional, and locally important wildlife sites so the title of this policy should be amended to reflect this scope. The first part of the policy relates to internationally and nationally important sites so the first sub-heading needs to be amended to reflect this i.e. reference to locally-important sites should be removed from the sub-heading.
- 3.58 Reference is made to biodiversity net gain for impacts to all Wildlife Sites. It is considered that this duplicates policy requirements set out in Policy 87 – Biodiversity Net Gain, and should therefore, be removed. Furthermore, proposed avoidance, mitigation and, as a last resort, compensation measures for impacts to designated sites (refer also to Paragraph 2.4 below) should ensure that the integrity of these site is maintained and significant harm avoided e.g., in relation to the Conservation Objectives for National/International Wildlife Sites such as SACs, SPAs or Ramsar Sites, or the ‘Favourable Condition’ of sites such as SSSIs. There is no requirement to achieve a net gain for these sites, either in the National Planning Policy Framework (NPPF), legislation or elsewhere.
- 3.59 The application of the ecological mitigation hierarchy for impacts to National/International Wildlife Sites such as SACs, SPAs and Ramsar Sites should be amended to reflect the due process that it required under the Conservation of Habitats and Species Regulations 2017 (as amended; the ‘Habitats Regulations’) for ensuring that the integrity of these sites is maintained. The effect of a plan or project on the integrity of these sites should only consider avoidance and mitigation measures for adverse effects in the first instance. If the plan or project is considered to have a residual adverse effect on site integrity following consideration of these measures, compensation measures should only be proposed after it has been concluded that no alternatives exist and that the ‘Imperative Reasons for Over-riding Public Interest’ (IROPI) test has been satisfied.

- 3.60 Habitats of Principal Importance (note Principal spelt incorrectly in the Policy and at other locations in the Consultation Local Plan) have been included in this Policy. These are not Wildlife Sites and it is considered that these habitats should be addressed through inclusion under Policy 85 to ensure a clear and consistent approach.

Strategic Policy 85 – Protection of irreplaceable habitats and important features

- 3.61 As set out above, Habitats of Principal Importance should be addressed by this policy.

Strategic Policy 86 – Habitats Regulations Assessment

- 3.62 Habitats Regulations Assessment is a legal requirement under the Conservation of Habitats and Species Regulations 2017 (as amended) for a plan or project that could affect a SAC, SPA, pSAC, pSPA or Ramsar site. Therefore, policy requiring this approach is considered to be duplication of a legal process and is not required. Accordingly, it is recommended that the section of the Policy entitled 'HRA process and requirements' is deleted. The Policy should then be changed to 'HRA avoidance and mitigation strategies and guidance'.
- 3.63 Following the current proposed section on 'Specific mitigation strategies and guidance', Policy 86 details 'Specific HRA policy requirements to avoiding mitigating and compensating for HRA impacts'. There is significant duplication of text within this latter section and guidance provided in the mitigation strategies referenced. To avoid duplication of text and inconsistency, it is recommended that the Policy relies on the strategy documents referenced. If these strategy documents are considered to be deficient and/or require updating, these should be updated accordingly.

Strategic Policy 87 - Biodiversity Net Gain

- 3.64 Under this Policy, development proposals will need to deliver a minimum of 20% net gain in biodiversity. The Environment Act 2021 sets out a minimum of 10% net gain for development. Whilst this requirement is not currently law, per se, secondary legislation requiring this level of gain (likely to become law in November 2023) is unlikely to change the 10% minimum requirement initially. Therefore, once a legal requirement, development that would deliver a gain of 10-19% would be legally compliant (acceptable in law) but would not be policy compliant under proposed Strategic Policy 87. To ensure consistency with the proposed legislation, it is recommended that the Policy aligns with the legal net-gain requirement in place at that time, with 10% net gain set as the initial default position. This flexible and consistent approach would obviously allow the Policy net-gain requirement to increase above 20%, should the legislation set a higher requirement in the future.
- 3.65 Notwithstanding the above requirement for parity between the legal and policy requirements for net gain in biodiversity, it is noted that the justification for Policy 87 (Paragraphs 13.37-13.44 of the Consultation Local Plan) does not present evidence that justifies the increase in the net-gain requirement from 10% to 20%. Documents referenced in the justification are all pre-November 2021 (when the Environment Act became law) so the Government and its nature-conservation advisors would have been fully aware of this information when setting the 10% target. The documents identify

the clear and significant declines in biodiversity globally and within the UK but do not identify a specific situation in East Devon that justifies the requirement for net-gain delivery to be greater than that set nationally. Specific evidence should, therefore, be provided to demonstrate why East Devon warrants a higher net-gain requirement. The position, if progressed, should also be supported by a specific viability assessment relative to East Devon.

Strategic Policy 88 – Local Nature Recovery Strategy and Nature Recovery Network

- 3.66 Clarification is required as to the meaning of ‘proposals’, which, as per the proposed Policy, ‘must contribute to the strategic objectives of the Local Natural Recovery Strategy....’.

Strategic Policy 89 – Ecological Impact Assessment

- 3.67 The first section of this Policy should be entitled ‘Ecological Impact Assessment process’. It is considered that policy text could be rationalised in this section e.g. text on deviation from best practice could be included in the ‘Justification’ section, which follows the Policy. It is recommended that the heading ‘Protected and notable species’ before paragraph 13.53 on the Consultation Local Plan is deleted. Text within paragraph 13.53 can simply be included within the ‘Justification’ sub-section above. This will avoid confusion with the following policy, Strategic Policy 90, which relates to protected and notable species.

Strategic Policy 90 – Ecological Impact Assessment

- 3.68 Reference is made to the consideration of European Protected Species, defined as species listed under Annex II and IV of the Habitats Directive. It is considered that this should be modified and defined as species listed under Schedules 2 and 5 of the Habitats Regulations. The fifth bullet point in the first series of bullet points (defining protected and notable species) should be modified to text only i.e. not a bullet point.

Strategic Policy 91 – Ecological enhancement and incorporation of design features to maximise the biodiversity value of proposals

- 3.69 As identified for Strategic Policy 88, clarification is required as to the meaning of ‘proposals’ within this Policy.

Turley Office
40 Queen Square
Bristol
BS1 4QP

T 0117 989 7000