

Filtered Data Export

Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant):

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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?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 13.84

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?:

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2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.:

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2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.:

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2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, 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 legally compliant. 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.:

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3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.:

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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 supporting text refers to 'recent evidence', without sharing this. This appears to be supposition. Statute requires a BNG of 10%, but this paragraph dismissed this in one sentence, stating that it provides negligible gains. This is not evidenced. It is not set out why legislation is wrong. The supporting text then makes a sweeping (again unevidenced) conclusion that, due to the unevidenced conclusions on the adequacy, or lack of, of the requirement set out in legislation, that a higher target of 20% is 'necessary'. We are uncertain why it is set at that figure; why not 18%, or 36%. There is no evidence to show how this 'precautionary approach' is justified.

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.: 20% to 10%

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?:

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4(a). If yes, and you wish to support this part of the Our Outstanding Biodiversity and Geodiversity chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

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4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: for reasons set out re PB05

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Other party name (if relevant):

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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

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?:

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2(a). If yes, and you wish to support the legal compliance of this part of the Introduction chapter, please use this box to set out your comments.:

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2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.:

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2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, 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 legally compliant. 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.:

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3. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.:

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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.: Planning Practice Guidance is very clear on the relevant %age target for BNG, set out in full below

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. Paragraph: 006 Reference ID: 74-006-20240214

The justification for the 20% is, as far as we can tell, non-existent beyond moving some numbers around in the Three Dragons Paper and the reference in Statute (s90A of the TCPA) to 'at least'. These two words do not give the LPA free rein to assume that anything above what is required in Statute is acceptable as it is above the relevant %age.

s90A of the TCPA states that

The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage (this being 10%)

So, Statute tells the developer of a major development that the requirements of BNG are met if it can be demonstrated that there is a net gain of 10%, yet emerging policy as set out here deems that Statute is insufficient. This position would appear to be something that will take up time at a Public Inquiry unnecessarily as Statute trumps Policy every time.

PPG offers three matters for the LPA to consider in seeking to justify a higher than 10% requirement;

1 - is there a local need for a higher %age 2 - are there local opportunities for a higher %age 3 - assess the impacts on viability

As far as we can see, the two first matters are key here. Only when you get past an assessment of local need AND local opportunities should one then consider the impact on viability. the sole consideration for the LPA appears to have been 'can we make some numbers show that a higher %age is viable?'. There is minimal evidence on local need and/or local opportunities beyond the generis to justify a higher %age.

PPG is clear on this, stating LPAs should not seek a higher %age unless justified. This justification has not been provided and the PPG text must be adhered to.

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.: reduce the 20% to 10%

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?:

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4(a). If yes, and you wish to support this part of the Our Outstanding Biodiversity and Geodiversity chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

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4(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: This mission creep on BNG is not a policy that is dealt with in isolation. It will have implications on delivery and viability which puts the

soundness of the Plan at risk. The Three Dragons Report might make some assumptions that accord with guidance and magically show viability, but this is not the same as the real world, where assumptions on what landowners will sell their land for are off the mark. this needs to be aired at the examination.

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Proposal:

2. The Vision

1. To which part of the vision chapter does your representation relate?: Figure/Image

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: Figure 3

2. Do you consider that this part of the vision chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the vision chapter, please use this box to set out your comments.: The spatial strategy as set out on the key diagram is supported, with growth in the main towns and various service villages. Providing growth in villages is essential.

2(b). If no, please give details of why you consider this part of the vision chapter is not legally compliant. Please be as precise as possible.:

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2(c). Please set out the modification(s) you consider necessary to make this part of the vision chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter legally compliant. 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.:

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3. Do you consider that this part of the vision chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the vision chapter, please use this box to set out your comments.:

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3(b). If no, please give details of why you consider this part of the vision chapter is not sound. Please be as precise as possible.:

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3(c). Please set out the modification(s) you consider necessary to make this part of the vision 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 Introduction 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.:

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4. Do you consider that this part of the vision chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the vision chapter's compliance with the duty to co-operate, please use this box to set out your comments. :

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4(b). If no, please give details of why you consider this part of the vision chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? : No, I do not wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.:

-

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Proposal:

3. The Spatial Strategy

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

Paragraph

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

3.12

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?:

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2(a). If yes, and you wish to support the legal compliance of this part of the Spatial Strategy chapter, please use this box to set out your comments.:

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2(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not legally compliant. Please be as precise as possible.:

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2(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Spatial Strategy chapter legally compliant. 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.:

-

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

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.:

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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.: Paragraph 1.1 confirms that the requirements of Regulation 19 have not been met as 'each' of the submission documents have not been made available in accordance with Regulation 35. NPPF(234)(a) does not apply and the requirements of the December 2024 NPPF and the December 2024 Standard Method housing requirement apply for the purposes of plan making.

1.2 & 1.4 should refer to 1,188, rather than 1,146

2.1 assumes that all new homes with permission will be built out. this contradicts reality, which is acknowledged in para. 2.6, which clearly infers that not all houses that gain planning permission will be built out.

5.1's assessment of 5yr HLS is predicated on artificially lowering the already insufficient housing requirement with a view to demonstrating an adequate land supply position. If the Council bases its land supply calculation on the requirements being 71% (850 being this proportion of 1,188) of what the standard method requirement is, then it is no more than a paper exercise.

The calculations in Appendix 5 (Rolling 5yr land supply calculations) are incorrect. Planning Practice (ref. Paragraph: 013 Reference ID: 68-023-20241212) states that 'The housing requirement to be considered for the purposes of this buffer is defined as the total housing requirement, divided by the number of years in the plan period, rather than any stepped housing requirement'. This means that the 20% buffer applies to the 950 figure and not to the 850 figure as the Council has done. This seems self evident following Planning Practice Guidance. The impact on annual requirement with the buffer is that the requirement should be 1,140 rather than 1,020. This changes the supply figure for 2027/28 (assuming the buffer) as 4.63 years rather than the stated 5.18 years.

NPPF(73)(a) requires 'at least' 10% of housing supply to be from small sites under 1 hectare. The Local Plan undershoots against this very clear minimum target. The proposed get out of windfall sites bridging the modest shortfall is insufficient and is in conflict with the requirements of 73(a). this policy clearly states that the Council should identify the means of achieving this minimum target, through development plan and brownfield registers. Identifying an uncertain source of supply does not, in our view, meet the spirit or intent of the NPPF in this regard. I am not sure that a supply of one off self build windfalls meets the intent to support Small and Medium Enterprise housebuilders. More small sites should be identified in the Local Plan.

Regarding Appendix 4 (Allocated sites projections) should be amended as follows.

Axmi_24 - it has a resolution to grant and is likely to be commenced in 26/27. Delivery should be brought 6 years forward Sidm_31 - Application in awaiting determination. Commencement should be brought forward to commence in 27/28. Delivery should be brought 5 years forward. Dunk_05 - Application to be submitted 25/26, with commencement expected 27/28. Delivery should be brought 2 years forward.

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy 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 Introduction 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.: Allocate more small sites to satisfy the requirement in NPPF(73)(a). Amend delivery rates of identified sites above. Amend calculations on rolling land supply to reflect clear Planning Practice Guidance text.

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?:

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4(a). If yes, and you wish to support this part of the Spatial Strategy chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

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4(b). If no, please give details of why you consider this part of the Spatial Strategy chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. :

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Full name: Neal Jillings

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Proposal:

3. The Spatial Strategy

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

Paragraph

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

3.9

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Spatial Strategy chapter, please use this box to set out your comments.:

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2(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not legally compliant. Please be as precise as possible.:

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2(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Spatial Strategy chapter legally compliant. 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.:

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3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

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.:

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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.:

3.9 references the objective of boosting significantly housing supply, yet the plan seeks to reduce housing requirements over those existing up to the end of March 2032 as part of a plan that seeks to undershoot the standard method by 20%. there is a mismatch between words and actions.

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy 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 Introduction 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.: Actively plan to boost significantly the supply of housing

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?:

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4(a). If yes, and you wish to support this part of the Spatial Strategy chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

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4(b). If no, please give details of why you consider this part of the Spatial Strategy chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. :

-

Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant):

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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

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Spatial Strategy chapter, please use this box to set out your comments.: Spatial distribution of development is supported

2(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not legally compliant. Please be as precise as possible.:

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2(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Spatial Strategy chapter legally compliant. 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.:

-

3. Do you consider that this part of the Spatial Strategy chapter is sound?: Yes

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.: Clause E relating to service villages should include the same text at the end of the sentence referring to 'that meets local needs and those in the immediate surroundings'. This is just as relevant as it is in relation to the Local Centres.

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.:

-

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy 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 Introduction 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.:

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4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Spatial Strategy chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

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4(b). If no, please give details of why you consider this part of the Spatial Strategy chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

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5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. :

-

Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant):

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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.: SP02

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: No

2(a). If yes, and you wish to support the legal compliance of this part of the Spatial Strategy chapter, please use this box to set out your comments.:

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2(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not legally compliant. Please be as precise as possible.: please see previous comment

2(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Spatial Strategy chapter legally compliant. 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.: meet the standard method housing requirement as the NPPF(234)(a) does not apply

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

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.:

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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.: The Council seeks to game the system provided by the transitional arrangements with the average annual requirement over the plan period equating to 80% of the new standard method figure.

For reasons expressed elsewhere relating to the scope of the Reg 19 documentation, the exemption in paragraph 234(a) does not apply (in our opinion as regulation 19 has not 'been complied with' (footnote 82) as 'each' of the submission documents are not available prior to the 12th of March 2025). Even if it is determined that it does apply, the exemption does not apply as the stepped approach to delivery plans to reduce the housing requirement from the previous standard method figure of 893 dpa and the adopted Local Plan annual requirement of 950 dpa to 850 dpa up to the end of March 2032. This delivery rate is 71.5% of the the standard method figure of 1,188 dpa. The exemption set out in NPPF(234)(a) does not apply as this is not 'at least 80% of local housing need' (for the first 12 years of the plan period). The stepped approach appears to be more related to reducing the housing requirement below that already required (by adopted LP Policy) and perhaps hoping that there is a change in the political landscape so that the step up is never required (if one were cynical, which clearly I am not). It must be noted that the 'step up' is required from April 2032 to achieve the bare minimum allowed under the transitional arrangements in the NPPF.

There are two circumstances where the stepped approach is acceptable as set out in the Practice Guidance.

- 1 - where there is a significant change in the level for the housing requirement; and/or 2
- where strategic sites will be phased for later in the plan period.

Regarding (1), a reduction in the housing requirements from 950 in adopted policy or 893 in the previous standard method requirement to 850 (or the annual average of 950) does not represent a significant change. It is rather worrying that, in the context of higher housing requirements across the board, East Devon District Council has chosen to take a step down before taking a step up in 2032. this contradicts supporting text in paragraph 3.9 of the Plan which states that stepping down delivery by 100 dpa over the first 12 years of the plan somehow equates to supporting the objective to boost significantly the supply of housing. The Plan has not been positively prepared in this regard.

Regarding point (2), this 'jam tomorrow' approach to planning to meet housing requirements cuts across the need to increase housing delivery. For all of the reasons set out above and elsewhere, this approach undershoots requirements significantly (particularly if the exemption in NPPF(234)(a) is found to not apply).

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy 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 Introduction 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.: Plan to meet the housing requirement set out in the December 2024 Standard Methodology

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: No

4(a). If yes, and you wish to support this part of the Spatial Strategy chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

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4(b). If no, please give details of why you consider this part of the Spatial Strategy chapter fails to comply with the duty to co-operate. Please be as precise as possible.: Presumably the nationally set standard methodology figures take into account requirements in neighbouring authorities. If one Authority seeks to undershoot requirements because the transitional arrangements allow this, then there must clearly be a knock on effect to other Local Plan areas in the same travel to work area. With Teignbridge District Council close to getting an adopted Plan that plans to deliver against a target of 720 dpa where the standard method is 1,090 dpa, these two Local Plan areas alone are actively planning to underdeliver by 708 dwellings per annum. Accepting the Teignbridge will be required to undertake an immediate review later this year, this figure is for illustration purposes only and highlights that such a shortfall cannot be made up in Exeter/Mid Devon/Torbay. These authorities are facing their own challenges on boosting housing supply. If one Council gets under the wire first by under providing, then the knock on effect for neighbouring authorities could be vast. This process cannot represent any duty to cooperate that has any meaning that might be considered useful in planning or housing delivery terms.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. : This matter is fundamental to delivery of a sound plan and a suitable housing requirement

Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant):

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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.: SP02

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: No

2(a). If yes, and you wish to support the legal compliance of this part of the Spatial Strategy chapter, please use this box to set out your comments.: See below

2(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not legally compliant. Please be as precise as possible.: See below. The Plan does not meet the legal requirement in s39(2) of the PCPA2004 in that significantly underperforming against the housing requirement indicates that the Plan has not been prepared with the objective of contributing to the achievement of sustainable development. Instead it has sought to do the bare minimum by planning for a figure of 80% of the need in order to slip under the wire provided by NPPF(234)

2(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Spatial Strategy chapter legally compliant. 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.: For the reasons set out below, the Plan needs to plan for a higher housing requirement. The Plan as current drafted fails to meet this housing requirement.

3. Do you consider that this part of the Spatial Strategy chapter is sound?: No

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.:

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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.: We support the inclusion of the words 'at least' prior to the overall housing requirement. We are concerned that the manner in which the Council has chosen to prepare its Plan means that it does not qualify for the exemption provided by NPPF(234)(a). As such we consider that the policies of the December 2024 NPPF apply for the purposes of preparing the Local Plan. The case for this is simply put; Regulation 19 of the relevant regs. requires that the LPA MUST make a copy of EACH of the proposed submission documents available in accordance with the requirements of Regulation 35 of the same regs. the fact is that there are proposed submission documents yet to be published (at today's date, i.e. post 12th March 2025). As such it is impossible for the LPA to comply with Regulation 19 (and 35) at this stage and the exemption in 234(a) cannot apply. The LPA must plan for the housing requirements set out in the standard methodology, which is 1,188 dwellings per annum (from the point of this standard method figure applying with previous years relating to the standard method figure relevant at the time). This appears to us a simple plain English interpretation of the relevant Regs. It is not an esoteric or academic interpretation, it is merely what the regulations state and the LPA has failed in its attempt to game the system and undershoot the clear housing requirement. If this proposition is accepted, then the Local Plan is not sound as it does not meet the housing requirement which applies (i.e. 1,188 dpa)

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy 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 Introduction 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.: Policy SP02 needs to plan for a higher housing target taking into account the standard method figure of 1,188 dpa from the relevant date. 22 years at this target equates to 26,136 dwellings over the plan period although we accept that different standard method figures apply to the time period April 2020 to December 2024.

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: No

4(a). If yes, and you wish to support this part of the Spatial Strategy chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

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4(b). If no, please give details of why you consider this part of the Spatial Strategy chapter fails to comply with the duty to co-operate. Please be as precise as

possible.: The fact that the GESP process stalled indicates that cooperation between Councils in the Exeter strategic area is less than functional. Please bring back strategic planning/structure plans/RPGs

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. : This matter is fundamental to the soundness of the Plan and should be aired. We appreciate that others may make the same point in which case it may be that we do not need to participate.

Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant):

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Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD02

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

Whilst yes, the policy text is incorrect in stating that delivery of the site is dependent on access being provided through neighbouring developments coming forward. There is a current resolution to grant (with DCC Highways support) with access from the existing adopted highway

3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.:

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3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages 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 Development in the Towns and Villages 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.: delete sentence starting 'development at this location...' is it is plainly incorrect as a matter of fact

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant):

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Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD15

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: Yes

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

We support the principle of providing new homes in the villages in the plan area and, in particular, land at Broomfields, Dunkeswell. The policy should refer to 'around 43' rather than being specific on the precise number of dwellings.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages 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 Development in the Towns and Villages 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.: insert the word 'around' between 'for' and '43'

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: We are keen to support the delivery of this allocation (as set out in the attached)

Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant):

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Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD27

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

This brief representation is made on behalf of the landowners of the subject site. It is supported by two indicative layouts; one for the 45 dwellings referenced under Strategic Policy 26 and one for a one form entry primary school, with some limited residential development on the eastern part of the site fronting the main road. We are aware that the existing school suffers from severe flood risk and there has recently been an allocation of funding under the School Rebuilding Programme. There have been previous efforts to relocate the school to Ottery St Mary. In fact Local Plan states that it should be noted that in the event that land is allocated in Ottery St Mary for the relocation of the primary school in Tipton St John then the village would no longer meet the threshold for a Tier 4 settlement and this potential allocation would not be taken forward. We believe that the proposal to take a primary school out of the village is in direct conflict with NPPF(79) and also reference within this Local Plan to a desire to make settlement 'more sustainable'. Actively planning to remove such an integral part of the community's facilities will be counter productive to the future sustainability of the village. We consider that the local planning authority should work in partnership with the education authority to ensure that the school remains in the village. Now that funding has been secured, there will clearly need to be a formal process of assessing suitable sites and we would consider that a site in the village should be given preference over moving the school to the nearest town. If a site is found for a school elsewhere in the village, the subject site should be upgraded to a first-choice allocation for around 45 dwellings. If, on the other, the subject site is considered suitable for a school site, the landowners have intimated a desire to work with the relevant officers of the District and County Councils to potentially deliver this. As part of a comprehensive scheme for the

site, we propose a small amount of self/custom build housing. Release of a small amount of land for housing would facilitate the possible release of land for the new school. This is a genuine offer, and we would be happy to discuss further with both the District and County Councils. We commend the subject site to the LPA and would like to confirm our availability to discuss this site further with relevant officers and ward members on either option shown on the attached. We appreciate that setting out such a complex and multi-faceted document is a difficult task for the local planning authority. We look forward to working through our comments at the eventual examination.

4. Do you consider that this part of the Development in the Towns and Villages chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Neal Jillings

Organisation (where relevant): Summerfield Homes Ltd

Other party name (if relevant):

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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.: HN04

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:
No

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.: The requirement for 100% of new housing to be at least Part M(2) compliant is justified in supporting text in that it 'aligns' with the Government's approach. We support and understand the need for some new housing to be as accessible and adaptable as possible. It is disingenuous for the supporting text to state that this policy requirement aligns with the Government's aspirations. The Building Regulations refer to Part M(2) as optional. Footnote 51 of the NPPF refers to the optional standards, 'where this would address an identified need for such properties'. We are not aware of evidence suggesting that all new dwellings necessarily need to be Part M(2) compliant. The sole evidence appears to be the assumption that the requirement for all new dwellings to be Part M(2) compliant 'aligns' with the Government's approach. We query this and highlight that Part M(2) is 'optional' which policy HN04 ignores.

Having said the above, which relates to the principle of this policy requirement, we consider that the draft policy wording is flawed in that its one size fits all is inappropriate. There is a greater ability for larger dwellings (3 bed and above) to incorporate the requirements of Part M(2). The effect on 1 and 2 bed units is disproportionate where standard sizes for certain elements are more difficult to easily incorporate. Anecdotally, Building Regulations may look to reflect this fact. An absolute requirement for all units, including those smaller sizes, may have the unintended consequence of reducing the supply of smaller dwellings.

If there is no evidence to justify the imposition of the draft target for Part M(2) across all dwellings, then it should not be imposed. There is a potential consequential impact on delivery of housing. The increase in build costs is unlikely to be offset by a increased sales values.

The 2021 document 'Research into Access to and Use of Buildings' (January 2021 Ministry of Housing, Communities and Local Government) concludes that 'there is a significant body of qualitative evidence of benefits to individuals from living in accessible housing, but robust quantitative evidence establishing how frequently these benefits are derived from building to higher standards of accessibility are lacking to enable accurate assessment of overall social benefits at a national level'.

3(c). Please set out the modification(s) you consider necessary to make this part of the Meeting Housing Needs 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 Meeting Housing Needs 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 requirement relating to Part M(2) compliance should be reviewed to take into account whether there is an identified local need for all new dwellings to be compliant and also review the impact on delivery.