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Dear Local Plans Team

Representations to the East Devon Local Plan Regulation 19 Publication Draft

This Representation is made in response to the second Regulation 19 Publication Draft of the East Devon Local Plan Review 2020-2042. This representation is submitted by Savills on behalf of Summerfield Homes Ltd who have an interest in the Land adjacent to Markers Park, Payhembury (Payh_03a).

Representations were submitted to the last Regulation 19 consultation, supported by site specific information including an indicative layout plan to confirm that whilst we are fully supportive of the allocation of the site we considered amendments should be made to the allocation boundary to ensure the best possible scheme can be delivered in the future.

It is pleasing that changes have been made to the draft allocation to reflect the comments we made at the last consultation stage.

Our representations to this consultation reconfirm our position on the emerging allocation, but also address some concerns with key strategic aspects of the draft Local Plan, most notably the proposed housing requirement, which we consider remains an unsound basis upon which to proceed with the plan.

Our comments on this consultation and supporting evidence base are set out below and are made in accordance with paragraph 36 of the revised NPPF (e.g. that they are positively prepared, justified, effective and consistent with national policy), to assist in ensuring that the Local Plan is found sound when examined in the future. However, in its current form, we do not consider that the Local Plan is sound, and should not therefore progress to submission without amendment.

Strategic Policy SP02: Levels of Future Housing Development

It is noted that no changes are proposed to draft Strategic Policy SP02 from that published in the first Regulation 19 consultation draft.

Therefore, whilst we do not intentionally wish to repeat previous comments made, given the importance of what we consider to be significant issues with this draft policy which remain, we have outlined again our principal concerns below.



Firstly, in terms of the proposed plan period, this remains as 2020 – 2042. Ordinarily the plan period start date would be brought forward closer to the likely plan adoption date but we note the Council has sought to make reference to supporting evidence dating back to the 2020 start date. However, of greater concern is that the draft plan is unlikely now to be adopted until 2027 at the earliest and that will only be if the Council can, in our view, make changes to ensure the plan is found sound. Even if that is done, we consider that the plan period should be extended to ensure that a 15-year plan period is provided post adoption of the plan. The evidence base will also need to be updated to ensure that it is consistent with the plan period.

Secondly, given the absence of any changes to the proposed housing requirement for the plan period, we continue to have two principal concerns over the approach taken. These are:

- Whether the Local Plan can proceed under the transitional arrangements
- The proposed stepped trajectory

We address each of the two matters in turn below.

Whether the Local Plan can proceed under the transitional arrangements

Draft Policy SP02 remains unchanged and therefore continues to propose at least 20,909 dwellings will be delivered between 1 April 2020 and 31 March 2042, with delivery being split into two phases with 850 dwellings per annum in the first phase from 2020/21 to 2031/32 and 1,070 dwellings per annum in the second phase from 2032/33 to 2041/42.

We maintain that it was clear at the beginning of 2025, and continues to be the case given the lack of any additional evidence provided by the Council, that the Council commenced consultation on the Plan in early 2025 before the full Regulation 19 draft was ready. We continue to consider that the intention was to try and take advantage of the transitional arrangements contained in Annex 1 of the NPPF, and proceed with a housing requirement that falls below the Government's revised Standard Method output.

This intention was very clear when reading how the proposed housing requirement had been described in paragraph 3.11 of the first Regulation 19 draft in early 2025 and the text in the second Regulation 19 draft remains unchanged. The consultation text seeks to justify that the requirement has been set at a level which just, by less than one dwelling per annum, exceeds the 80% threshold in paragraph 234(a) of the NPPF.

This approach is not in accordance with the purpose of the transitional arrangements. These provisions are intended to enable Local Plans to progress where an emerging local plan has advanced but not yet reached the Regulation 19 stage, not to set a minimum threshold for Local Plans for plans which are at Regulation 18 stage. This is unfortunately how the Regulation 19 plan reads.

However, more fundamentally, given the absence of any further justification provided by the Council to support this consultation, we maintain that the draft Local Plan cannot proceed on the basis of the transitional arrangements. The relevant extract from Paragraph 234(a) of the Framework is copied below:

“234. For the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply:

a. the plan has reached Regulation 19 82 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need 83.”

This is supported by two related footnotes. The first of these – Footnote 82 – is as follows:

“Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In this context “reached Regulation 19” refers to when Regulation 19 has been complied with (i.e. when the planning authority has made a copy of each of the proposed submission documents and a statement of the representations procedure available, and the statements required in Regulation 19(b) have been sent to consultation bodies).” (emphasis added)

We highlight again reference to “each of the proposed submission documents” which is very important. In order to be considered to have reached Regulation 19, the whole of the Plan, i.e. each component part of a Regulation 19 local plan, must have been made available. This is a very deliberate piece of drafting by Government intended to preclude circumstances where a local planning authority could progress under the transitional arrangement contrary to their spirit and purpose.

This government intention is unchanged in the latest consultation launched in December 2025 on potential changes to the NPPF. Within that consultation, the published draft NPPF at Annex 1 (paragraph 8) very clearly re-states that “any other plans being prepared should be produced in accordance with the version of this Framework published in December 2024, unless any of the transitional arrangements in Annex 1 to that Framework apply (in which case those transitional arrangements continue to apply)”.

This suggests that the direction given in the current NPPF will remain unchanged.

Furthermore, when looking at the latest guidance in the PPG, under the heading “*How do the implementation aspects of the NPPF apply to plans where more than one round of Regulation 19 consultation has been undertaken?*”, this further highlights the issues with the Council’s approach to the draft plan. Paragraph 86 states:

Some local planning authorities may undertake more than one round of Regulation 19 consultation on a plan. Where this is the case, for the purposes of implementing Annex 1 of the Framework, a plan is normally to be taken as having reached the Regulation 19 stage at the date on which the first round of Regulation 19 consultation commenced.

However, in some limited circumstances, a plan is to be taken as having reached Regulation 19 on the date that a subsequent round of consultation commenced. These limited circumstances could include instances such as when the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage. (underlining our emphasis)

It is very clear that the plan has changed significantly between the first Regulation 19 consultation and this second consultation. This consultation clearly relates to a significantly different plan. There are, for example, a significant number of track changes in this second Regulation 19 document which highlight the stark differences between the two documents. The Council themselves acknowledge back in early 2025 that the first Regulation 19 consultation would not be the final version and further consultation on the policies relating to the new community would be required. There are now a significant number of changes presented in the

latest consultation document relating to the new community which further highlights the changes to the plan as a whole.

We therefore maintain on the above basis that there is significant risk that the Local Plan may not be able to proceed under the transitional arrangements and that none of the exceptions contained within paragraph 234 of the Framework apply.

In these circumstances, it is our view that the housing requirement must reflect paragraph 62 of the Framework:

“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”.

The Standard Method output for East Devon from the revised methodology of the PPG is 1,188 dwellings per annum (dpa) as acknowledged in paragraph 3.11 of the draft Local Plan. For the reasons set out above, it is this figure which the Plan must put in place in order to satisfy the ‘Positively Prepared’ test of soundness in paragraph 36(a) of the NPPF. As it stands, our view is the draft Local Plan is unsound and may require significant Main Modifications to allocate the additional housing required between the total output from the standard method and that proposed in draft Policy SP02. This would be an additional 5,227 dwellings if assuming the standard method output would be 26,136 homes based on the same plan period, against the 20,909 homes proposed within draft Policy SP02.

Stepped Housing Trajectory

We continue to consider that there is no justification for adopting a stepped trajectory in the draft plan that effectively reduces the housing requirement for the five years (approx.) post-adoption and pushes the resultant backlog that this creates to the later years of the plan period.

The Planning Practice Guidance helpfully attends directly to the question of ‘When is a stepped housing requirement appropriate for plan-making?’. In so doing it provide the following guidance:

- *“A stepped housing requirement may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies and / or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period. Strategic policy-makers will need to identify the stepped requirement in strategic housing policy, and to set out evidence to support this approach, and not seek to unnecessarily delay meeting identified development needs. Stepped requirements will need to ensure that planned housing requirements are met fully within the plan period. In reviewing and revising policies, strategic policy-makers should ensure there is not continued delay in meeting identified development needs.”*

The guidance also advises that evidence must be provided to support a stepped approach if one is proposed. There is no such evidence in the draft plan or the evidence base.

Having raised these concerns over the first Regulation 19 consultation draft, the Council does not appear to have made specific changes or reacted to this. Rather, it continues to appear that the authority is seeking to do the bare minimum to scrape through under the transitional arrangements, when there was an opportunity

in 2025 to start the process of positively and proactively updating the policies and proposals of the Local Plan to reflect the local housing need as defined by the revised Standard Method.

As it stands, the transitional arrangements may not apply to EDDC as not all of the Local Plan has been published for consultation. In accordance with the paragraph 36 of the Framework, the housing requirement and related elements of the Local Plan should therefore be updated to reflect the revised Standard Method.

In our view, the housing requirement for the draft Local Plan should therefore be increased in order to reflect the updated Standard Method.

Strategic Policy SD24: Development allocation at Payhembury

We continue to support Strategic Policy SD24 and specifically the proposed allocation at Payhembury, the Land adjacent to Markers Park (Payh_03a).

We outlined in our representations to the first Regulation 19 consultation why we consider Payhembury to be a suitable location for future growth, and support for the Council's commitment to direct a proportion of the required growth to the village.

We continue to maintain that the proposed allocation of Land adjacent to Markers Park (Payh_03a) for the development of around 15 residential dwellings will provide much needed market and affordable housing to help meet local housing needs, as well as helping to sustain the vitality and viability of the existing services and facilities in the village.

In terms of the draft allocation itself, we specifically welcome the proposed changes to the draft policy text which partially addresses the comments we made at the last Regulation 19 stage.

We note the new draft wording reads:

Land adjacent to Markers Park (Payh_03a)

This site is allocated for 15 homes.

*Design and layout of proposals should be appropriate to this village gateway location and sensitively ~~and appropriately~~ **sited to** take account of **both** the topography, **with built development limited to the lower two-thirds** of the site and the heritage and any ecological significance of the marl pit (a non-designated heritage asset) which must be retained in the end proposals. Access should be designed to retain existing mature trees and minimise hedgerow removal, whilst ensuring highway safety. No house shall be occupied until a footpath connection is provided with existing pedestrian routes to the centre of the village. Landscaping which responds appropriately to the introduction of built form in this location shall be provided, including the introduction of substantial boundary screening along the southern boundary to maintain the rural character of the lane and the significance of the setting of the Grade II listed Glebe Farm on the southern approach.*

We consider that whilst the scale of development proposed is supported, it would be helpful in order to provide flexibility for future delivery to amend the allocation text to read:

*"This site is allocated for **around 15 homes**".*

Whilst we welcome the changes already proposed which have introduced a recognition that the lower parts of the site are likely to be more suitable in order to help manage heritage and ecological constraints, we cannot see any proposed changes to the extent of the draft allocation boundary. In our representations to the first Regulation 19 consultation we appended the attached Indicative Layout Plan (**Appendix 1**) which we

consider would best enable the delivery of the new homes whilst providing a suitable access and associated open space.

We continue to maintain that the allocation boundary for Payh_03a should be amended to align broadly with the extent of the Indicative Layout Plan attached at **Appendix 1**. This would help to ensure the future allocation best reflects what is likely to be delivered on the site.

Indeed, to ensure flexibility for future delivery we suggest that the new allocation boundary broadly reflects that suggested in Appendix 1, but also ensures space within the allocation boundary to accommodate not only the developable area but also the necessary landscaping and public open space which would be required as part of a future planning application. We therefore recommend officers build in this flexibility and propose a revised allocation boundary with this extra space incorporated rather than a boundary which is unnecessarily tightly drawn.

We did provide an Indicative Layout Plan with our first Regulation 19 representations which reflects the current extent of the allocation boundary, confirming that none of the identified constraints represent an insurmountable bar to delivery of the policy aspirations. It is our view however that the allocation should best reflect the extent of site which will facilitate the best scheme for the site, and therefore our view is that the boundary should be amended as requested above.

Conclusion

This Representation is made in response to the second Regulation 19 Publication Draft of the East Devon Local Plan Review, predominantly to support the emerging allocation for the Land adjacent to Markers Park, Payhembury (Payh_03a).

We fully support the inclusion of the Land adjacent to Markers Park (Payh_03a in the plan, and consider Payhembury to be a suitable location for future growth and to accommodate a proportion of the required growth within the spatial strategy.

The proposed allocation of Land adjacent to Markers Park (Payh_03a) for the development of around 15 residential dwellings will provide much needed market and affordable housing to help meet local housing needs, as well as helping to sustain the vitality and viability of the existing services and facilities in the village.

We have however suggested in the representations some changes including that we consider it would be sensible to amend the extent of the allocation boundary to align with the Indicative Layout Plan appended to these representations.

Outside of this draft allocation however, we continue to have significant concerns over the proposed housing requirement and whether the plan can even proceed under the transitional arrangements set out in the NPPF.

Our concerns relate to both the proposed stepped trajectory, which we consider is not supported by any evidence or justification, and the proposed housing requirement which in our view should be increased in order to reflect the updated Standard Method.

We hope that these comments will be helpful to inform the submission version of the Local Plan, but would be very happy to assist further with any queries relating to Payh_03a, particularly any discussions relating to the proposed allocation boundary.

Yours faithfully,



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Director
Planning

Appendix 1: Indicative Layout Plan for alternative allocation boundary



Payhembury		A
Sketch layout - Option		MP/DC
250204 SK250225 02	1:1000 @ A3	Feb 2025

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