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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 The Exeter Diocesan Board of Finance Ltd who have an interest in north of Grove Road, Whimple.

The site was previously assessed by the Council under reference Whim_13 (Land North side of Grove Road, Whimple, Exeter) but is not currently included within the plan as a draft allocation.

Representations were submitted to the last Regulation 19 consultation, promoting the site for inclusion in the plan to assist the Council in increasing the overall housing requirement. Given the concerns we raise in this representation, particularly in relation to 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, we consider it all the more important for the Council to explore the inclusion of further site allocations.

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.

Response to Draft Policies

The following section sets out our responses to the draft policies within the Draft Plan.

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. We therefore object to the Policy on the basis of whether the Local Plan can proceed under the transitional arrangements and the proposed stepped trajectory.

In terms of whether the Local Plan can proceed under the transitional arrangements, it is noted that 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 the approach taken by the Council suggests an 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, when looking at the NPPF, 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.

In addition, the PPG states that *"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"*.

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.

On this basis we are concerned that the second Regulation 19 consultation draft has not sought to make changes or provide further justification. We therefore maintain on that 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 and therefore should be increased to reflect the Standard Method output for East Devon which is 1,188 dwellings per annum (dpa) as acknowledged in paragraph 3.11 of the draft Local Plan. 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.

We also consider there to be 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.

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: SD29: Development allocations at Whimble

We continue to object to draft Policy SD29 in its current form on the basis that insufficient allocations are included. As per our response to draft Policy SP02, the housing requirement should be increased and further allocations included within the plan, including at sustainable settlements such as Whimble.

Whimble, unlike a number of other small towns and villages in the district, benefits from a railway station providing mainline railway services. The village is therefore very well connected to Exeter, providing direct connections into Exeter. These public transport services provide residents with good connections to Exeter and the range of regional employment, retail and leisure facilities on offer as a result.

The village hosts a range of day-to-day services and facilities which supports its sustainability and promotes self containment. This includes a shop / convenience store, post office, primary school and GP surgery.

As a result, we continue to maintain that Whimble is an entirely appropriate location for additional growth beyond that proposed.

Again, in the context of the need to increase the overall housing requirement and with it the need for the Council to identify additional site allocations, we continue to promote the land north of Grove Road, Whimble, (Whim_13) as one such site which the Council could look to as an easy way to identify an additional small site at one of the sustainable villages.

We specifically consider that the land north of Grove Road, Whimble, (Whim_13) should be included in the plan as an allocation to help support a potential increase in the overall housing requirement.

The site has been assessed previously by the Council as part of the emerging local plan, and specifically through the HELAA process but was rejected in earlier stages of the draft local plan and not included as a preferred allocation in the Regulation 19 draft.

The latest site assessment evidence is contained within the Site Selection Report Whimble (February 2025).

Within the Site Selection Report, the site is assessed under reference 'Whim_13' 'Land North side of Grove Road'. The site is assessed on the basis of a potential capacity for around 100 dwellings.

However, the Council's site assessment assess the whole site, identifies the relevant constraints and then makes conclusions on that basis. The red line boundary for the whole site assessed under Whim_13 is far larger than it necessarily needs to be, and results in the site being considered unsuitable as a whole.

However, there is no recognition in the site assessment that the north western part of the site, closest to the village, is suitable for development. Indeed, the top field is separated from the remainder of the site to the east by a tree / hedgerow which provides two distinct and separate parcels. Instead the top field is very well

contained, surrounded by either existing built development or trees / hedgerows on all sides. Any landscape and visual impacts of developing that parcel would be limited.

The top parcel is outside of the flood zone, identified in the Council's assessment as covering the bottom part of the site, beyond the centre tree belt.

This parcel of land already benefits from an existing access from Grove Road between existing housing. As stated, this parcel falls within flood zone 1 with only the northern boundary of the site falling within flood zone 3 nearest to a watercourse. There are no other environmental designations or constraints to development.

We therefore consider that the Council's assessment of the site unnecessarily discounts Whim_13 on the basis that there are constraints relating to the part of the site we would consider to be least suitable. Equally, it is misleading to assess a potential site capacity of around 100 homes and then use that to conclude that the site is unsuitable as it would represent a scale of development too large for the village. If the Council were to assess just the top parcel then that would likely represent a scale of development of around 50 dwellings.

Overall, there is a clear need for the Council to revisit and increase the housing requirement as part of the draft local plan and Whimble is a suitable location to accommodate a proportion of the future growth. To assist the Council with this inevitable further work, we have appended to these representations a plan which outlines the boundary for the site we consider should be reassessed, and for which we are confident officers would agree is suitable for inclusion as an additional allocation. The plan is attached at Appendix 1.

In addition, to further assist, we believe the text for an allocation for the site could be included as set out below:

Land north of Grove Road, Whimble, (Whim_13)

The site is allocated for around 50 homes.

The site will need to deliver safe and accessible walking and cycling routes through to the primary school, shop and other facilities at the centre of the village.

Conclusion

This Representation is made in response to the second Regulation 19 Publication Draft of the East Devon Local Plan Review, predominantly to promote the Land north of Grove Road, Whimble, (Whim_13) as an additional allocation for residential development.

We have outlined why we consider Whimble a suitable location for a higher level of growth than that already proposed in the plan, and why the site itself is suitable to be included as a third allocation at the village.

Outside of this, 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 Whim_13, particularly any discussions relating to the site itself.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Yeates', written in a cursive style.

Dan Yeates BSc (Hons) MA MRTPI
Director
Planning

Appendix 1: Plan outlining suggested draft allocation boundary

Site Location Plan - Land north of Grove Road, Whimble, (Whim_13)

