

Filtered Data Export

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

1. Introduction

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

Paragraph

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

1.3

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

4.1 As set out in national planning policy¹, strategic policies should look ahead over a minimum 15-year period from the date of the adoption of the Local Plan. In addition, planning law requires the preparation of a Local Development Scheme, which must specify the development plan documents that, once prepared, will comprise the development plan for the area. The same section of the 2004 Planning Act requires local planning authorities to provide a timetable for the preparation and revision of development plan documents and for local planning authorities to provide up-to-date information showing the “state of the authority’s compliance (or noncompliance) with the timetable...”

4.2 The latest Local Development Scheme (February 2025) forecasts adoption of the Plan in late 2026. If that occurred, there would be just over 15 monitoring years after adoption and therefore the national planning policy requirement would be met.

4.3 However, between the current consultation and adoption, there are the following likely stages of plan preparation: ? a further Regulation 19 consultation; ? Submission; ? the appointment of the examining Planning Inspector(s) and the Programme Officer by the Planning Inspectorate; ? the scheduling of the Hearing Sessions; ? the preparation of Hearing Statements; ? the Hearing Sessions; ? proposed Main Modifications (likely to be required), with supporting technical information; ? publication of the Inspector’s Report; ? to seek the recommendation of the Strategic Planning Committee for the Plan to be Adopted; and ? the Plan to be adopted by Full Council.

4.4 It is considered highly ambitious for the stages of work listed above to be undertaken in the 21 month period allowed for in the Local Development Scheme.

4.5 The most obvious benchmark is the recently adopted Cranbrook Plan. In that case, the Local Planning Authority submitted the Plan to the Secretary of State for Examination on 2nd August 2019. The Hearing Sessions, which were divided into two stages, commenced on 21st January 2020 and ended on 20th November 2023. A further consultation concerning viability was undertaken in July and August 2021, with the Proposed Main Modifications published in January 2022. The Inspector's Report was published in August 2022, with the Development Plan Document being adopted on 14th September 2022. Consequently, it took over three years from the Submission of the Cranbrook Plan to its adoption. Even allowing for the delays resulting from the Covid-19 pandemic, the period from the Submission of the Plan took significantly longer than the timeframe that has been allowed by the Local Development Scheme. 1 Para. 22 EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 15

4.6 Consequently, to ensure that the plan is consistent with national policy and is therefore a sound proposition, the Local Planning Authority must ensure that the plan period covers a 15-year period from the date of adoption. This is likely to require, for the reasons set out above, the plan period to be extended by at least a further year (i.e. to 2043).

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

4.1 As set out in national planning policy¹, strategic policies should look ahead over a minimum 15-year period from the date of the adoption of the Local Plan. In addition, planning law requires the preparation of a Local Development Scheme, which must specify the development plan documents that, once prepared, will comprise the development plan for the area. The same section of the 2004 Planning Act requires local planning authorities to provide a timetable for the preparation and revision of development plan documents and for local planning authorities to provide up-to-date information showing the "state of the authority's compliance (or noncompliance) with the timetable..."

4.2 The latest Local Development Scheme (February 2025) forecasts adoption of the Plan in late 2026. If that occurred, there would be just over 15 monitoring years after adoption and therefore the national planning policy requirement would be met.

4.3 However, between the current consultation and adoption, there are the following likely stages of plan preparation: ? a further Regulation 19 consultation; ? Submission; ? the appointment of the examining Planning Inspector(s) and the Programme Officer by

the Planning Inspectorate; ? the scheduling of the Hearing Sessions; ? the preparation of Hearing Statements; ? the Hearing Sessions; ? proposed Main Modifications (likely to be required), with supporting technical information; ? publication of the Inspector's Report; ? to seek the recommendation of the Strategic Planning Committee for the Plan to be Adopted; and ? the Plan to be adopted by Full Council.

4.4 It is considered highly ambitious for the stages of work listed above to be undertaken in the 21 month period allowed for in the Local Development Scheme.

4.5 The most obvious benchmark is the recently adopted Cranbrook Plan. In that case, the Local Planning Authority submitted the Plan to the Secretary of State for Examination on 2nd August 2019. The Hearing Sessions, which were divided into two stages, commenced on 21st January 2020 and ended on 20th November 2023. A further consultation concerning viability was undertaken in July and August 2021, with the Proposed Main Modifications published in January 2022. The Inspector's Report was published in August 2022, with the Development Plan Document being adopted on 14th September 2022. Consequently, it took over three years from the Submission of the Cranbrook Plan to its adoption. Even allowing for the delays resulting from the Covid-19 pandemic, the period from the Submission of the Plan took significantly longer than the timeframe that has been allowed by the Local Development Scheme. 1 Para. 22 EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 15

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4. Do you consider that this part of the Introduction 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR04

2. Do you consider that this part of the Sustainable Transport and Communications chapter is legally compliant?: Yes

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Sustainable Transport and Communications chapter is not sound. Please be as precise as possible.: The Cherwell Group broadly supports emerging Policy TR04, which utilises the same residential car parking requirements contained within Policy 20 of the Cranbrook Plan, which were independently examined and found to be appropriate.

They do, however, note that garages will not count as parking provision. This again follows the parking standards set within Policy CB20 of the Cranbrook Plan. However, the Cherwell Group note that despite this policy position, the Local Planning Authority insisted that Condition 39 was placed on planning permission 22/1532/MOUT, which requires any domestic garages provided within the Treasbeare Expansion Area to be kept free for the parking of motor vehicles and/or bicycles only. Consequently, there was a deliberate decision not to rigidly implement Policy CB20 of the Cranbrook Plan.

The Cherwell Group also note that Policy TR04 seeks to ensure that all developments are provided with electric vehicle charging points. As set out in para. 11.22 of the emerging Plan, this is a matter that is covered by Building Regulations and therefore it is arguable that this element of the Policy does not serve a clear purpose and duplicates the Building Regulations process. It is therefore not consistent with national planning policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Sustainable Transport and Communications 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 Sustainable Transport and Communications 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.: SUGGESTED CHANGES

“In addition to the requirements of Part S of the Building Regulations, all new parking provision must provide provision of charging points to charge electric bikes.”

4. Do you consider that this part of the Sustainable Transport and Communications 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 11. Sustainable Transport and Communications

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2. Do you consider that this part of the Sustainable Transport and Communications chapter is legally compliant?: Yes

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Sustainable Transport and Communications chapter is not sound. Please be as precise as possible.: POLICY TR04 – PARKING STANDARDS

9.48 DWH is broadly supportive of emerging Policy TR04, which utilises the same residential car parking requirements contained within Policy 20 of the Cranbrook Plan, which were independently examined and found to be appropriate.

9.49 They do however note that garages will not count as parking provision. This again follows the parking standards set within Policy CB20 of the Cranbrook Plan. However, DWH note that despite this policy position, the Local Planning Authority insisted that Condition 39 was placed on planning permission 22/1532/MOUT, which requires any domestic garages provided within the Treasbeare Expansion Area to be kept free for the parking of motor vehicles and/or bicycles only. Consequently, there was a deliberate decision not to rigidly implement Policy CB20 of the Cranbrook Plan.

9.50 DWH also note that Policy TR04 seeks to ensure that all developments are provided with electric vehicle charging points. As set out in para. 11.22 of the emerging Plan, this is a matter that is covered by Building Regulations and therefore it is arguable that this element of the Policy does not serve a clear purpose as it duplicates the Building Regulations process. It is therefore not consistent with national planning policy.

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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.: Suggested changes
“In addition to the requirements of Part S of the Building Regulations, all new parking provision must provide provision of charging points to charge electric vehicles and electric bikes.”

4. Do you consider that this part of the Sustainable Transport and Communications 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)

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Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR06

2. Do you consider that this part of the Sustainable Transport and Communications chapter is legally compliant?: Yes

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Sustainable Transport and Communications chapter is not sound. Please be as precise as possible.: Policy TR06 of the emerging Local Plan requires major development that will be used or occupied by people, to have access to terrestrial or satellite superfast broadband and high-quality communications. As a matter of principle, this is unobjectionable and is supported by the Cherwell Group.

However, as stated within para. 11.30 of the emerging Local Plan, the requirements for gigabit ready physical infrastructure and, subject to a cost cap per dwelling, a connection to a gigabit-capable network are established in Approved Document R of the Building Regulations.

Consequently, it is arguable that this element of the Policy does not serve a clear purpose and duplicates the Building Regulations process. It is therefore not consistent with national planning policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Sustainable Transport and Communications 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 Sustainable Transport and Communications 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.: SUGGESTED CHANGES

The Policy should be deleted.

4. Do you consider that this part of the Sustainable Transport and Communications chapter complies with the duty to cooperate?: Yes

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

Full name: Owen Jones

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Proposal: 11. Sustainable Transport and Communications

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2. Do you consider that this part of the Sustainable Transport and Communications chapter is legally compliant?: Yes

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Sustainable Transport and Communications chapter is not sound. Please be as precise as possible.: POLICY TR06 – DIGITAL CONNECTIVITY

9.51 Policy TR06 of the emerging Local Plan requires major development that will be used or occupied by people, to have access to terrestrial or satellite superfast broadband and high-quality communications. As a matter of principle, this is unobjectionable and is supported by DWH. However, as stated within para. 11.30 of the emerging Local Plan, the requirements for gigabit ready physical infrastructure and, subject to a cost cap per dwelling, a connection to a gigabit-capable network, are established in Approved Document R of the Building Regulations.

9.52 Consequently, it is arguable that this element of the Policy does not serve a clear purpose and duplicates the Building Regulations process. It is therefore not consistent with national planning policy.

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9.53 The Policy should be deleted.

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Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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.: PB03

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

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

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.: Emerging Policy PB03 refers to the Hedgelink guidance, the Tree, Hedge, and Woodland Strategy for East Devon and BS 42020:2013. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB03 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

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.: SUGGESTED CHANGES

“Hedgerow management should be in accordance with appropriate local guidance. Any new hedges must be distinctive to the local area.”

And

“EclAs should be informed by recent survey information undertaken at suitable time of year following best practice guidelines.”

Reference to these documents could be made in the Policy’s supporting text.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity 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: Owen Jones

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9.54 Emerging Policy PB03 refers to the Hedgeline guidance, the Tree, Hedge, and Woodland Strategy for East Devon and BS 42020:2013. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB03 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

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9.55 Reference to these documents could be made in the Policy's supporting text.

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

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Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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.: PB04

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

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

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.: It is noted that the Policy establishes that schemes that are located within a 10km straight line of any part of the Pebblebed Heaths SPA/SAC and the Exe Estuary SPA, will be required to provide mitigation to offset the increased recreational pressure associated with new development. Whilst the Cherwell Group are supportive of this now well established principle, they note that the specific mitigation requirements are not embedded in the emerging Policy, but are set out in the Plan's supporting text. Moreover, in relation to SANG, the occupancy rate to be used for calculating the requirement is not set out in either the Policy or its supporting text. This is a differing approach to that utilised within the Cranbrook Plan. The Cherwell Group consider that it would provide a greater level of clarity for the Plan to refer specifically to the mitigation requirements, including the occupancy rates to be applied.

The emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB04 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

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.: SUGGESTED CHANGES

“Plans and proposals should take into consideration and be in accordance with the latest versions of all council and wider HRA guidance documents and strategies. These documents and strategies are intended to facilitate HRA assessment by providing a coherent strategic approach to the delivery of mitigation requirements whilst avoiding unnecessary duplication of assessment effort.”

Reference to the documents above should be made in the Policy’s supporting text.

Para. 13.15 should be incorporated into Policy, as follows:

“SANGS must provide 8 hectares of open space per 1,000 new residents, calculated on a residential occupancy of [insert requirement] persons, per home, and be appealing to dog walkers.”

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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

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

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

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.: STRATEGIC POLICY PB04 – HABITATS REGULATION ASSESSMENT

9.56 It is noted that the Policy establishes that schemes that are located within a 10km straight line of any part of the Pebblebed Heaths SPA/SAC and the Exe Estuary SPA, will be required to provide mitigation to offset the increased recreational pressure associated with new development. Whilst DWH are supportive of this now well established principle, they note that the specific mitigation requirements are not embedded in the emerging Policy, but are set out in the Plan's supporting text. Moreover, in relation to SANG, the occupancy rate to be used for calculating the requirement is EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 54 not set out in either the Policy or its supporting text. This is a differing approach to that utilised within the Cranbrook Plan. DWH consider that it would provide a greater level of clarity for the Plan to refer specifically to the mitigation requirements, including the occupancy rates to be applied.

9.57 The emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB04 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

9.58 It would also be useful and therefore effective for the Policy's supporting text to confirm at what scale of development it would be anticipated that SANG should be provided on site.

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.:

Suggested changes “Plans and proposals should take into consideration and be in accordance with the latest versions of all council and wider HRA guidance documents and strategies. These documents and strategies are intended to facilitate HRA assessment by providing a coherent strategic approach to the delivery of mitigation requirements whilst avoiding unnecessary duplication of assessment effort. These documents include (existing and pending production): ? South-East Devon European Sites Mitigation Strategy (existing – and undergoing review); ? Beer Quarry Caves SAC Guidance Document (existing); ? Exmouth Imperial Recreation Ground Events Protocol (existing); ? River Axe SAC Mitigation Strategy (proposed); ? Pebblebed Heaths - Vehicle emission impacting on designated site (proposed).”

9.59 Reference to the documents above should be made in the Policy’s supporting text.

9.60 Para. 13.15 should be incorporated into Policy, as follows: “SANGS must provide 8 hectares of open space per 1,000 new residents, calculated on a residential occupancy of [insert requirement] persons, per home, and be appealing to dog walkers.”

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity 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)

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Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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?: Yes

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

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.: Strategic Policy PB05 requires, unless there is a demonstrable viability concern, major development proposals to deliver a net gain of biodiversity of at least 20%, calculated using the most up-to-date statutory metric.

The Cherwell Group have a number of concerns regarding emerging Strategic Policy PB05, including:

consistency with national planning policy and guidance;

other concerns; and

consistency with evidence.

Each is addressed in turn below.

CONSISTENCY WITH NATIONAL PLANNING POLICY AND GUIDANCE

The Cherwell Group consider that the requirement for a minimum 20% net gain for biodiversity to not be based on proportionate or credible evidence. The PPG [MHCLG, Planning Practice Guidance, Biodiversity Net Gain, Paragraph: 006 Reference ID: 74-006-20240214] confirms that:

“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.”

The Cherwell Group do not consider that the tests outlined in the PPG to justify a higher percentage than the statutory minimum have been met and therefore the higher percentage proposed in Strategic Policy PB05 is not justified.

An analysis of each of the requirements set out in the PPG is provided below.

LOCAL NEED

Para. 13.23 of the Policy’s supporting text states that “the Nature Recovery Declaration (2023) commits to exceeding the 10% BNG target, recognising the link between biodiversity and climate crises.” However, the evidence base document referred to does not appear to commit to exceeding the statutory minimum 10% net gain.

It is accepted that there are links between the climate crisis and biodiversity loss, but this is not unique to East Devon and the document does not provide any locally specific evidence to suggest why a 20% net gain is justified in East Devon. Indeed, the Cherwell Group is aware that two neighbouring authorities, Exeter City Council and Teignbridge District Council, are proposing a net gain that aligns with the statutory minimum, despite also declaring a climate emergency.

Moreover, even if the paper had provided the evidence to suggest that a net gain greater than 10% was justified, no evidence is provided to suggest that the appropriate level is 20%.

The Cherwell Group also note that para. 13.24 of the Policy's supporting text states that:

"...recent evidence suggests that a 10% BNG target without species management provides negligible gains. Therefore, the council applies the precautionary principle to ensure effective biodiversity gains. Increasing BNG to 20% is feasible and necessary for significant ecological benefits."

The underlying principle of biodiversity net gain is that habitats are a proxy for biodiversity. If the statutory minimum requirement is, as is being suggested, only providing negligible net gains, then it is unlikely that an increase in the quantum of similar habitats to achieve a 20% net gain will resolve the issue, as it will continue to result in the same habitats being provided, which are not working, and for those habitats to be managed in the same way.

Instead, rather than seeking to increase the net gain requirement to 20%, it may be more appropriate for locally specific targeted habitat creation and enhancement, which would encourage more suitable net gain schemes and result in better outcomes. This could be incorporated into the emerging Local Nature Recovery Strategy.

Certainly, the Cherwell Group can find no evidence to suggest that the increase is necessary for ecological benefits. Ordinarily, it would be expected that to justify a higher requirement, there would be a need to demonstrate that species/habitat loss and fragmentation is higher in East Devon compared to the national position, but no such evidence has been provided.

LOCAL OPPORTUNITIES FOR A HIGHER PERCENTAGE

No evidence has been provided to suggest that a 20% net gain is feasible in East Devon. In other areas of the Country (e.g. Tower Hamlets), where previously developed land has been used to meet the majority of identified need, achieving a higher net gain than the statutory minimum is relatively easy, as the baseline is either extremely low, or zero.

However, in East Devon's case, as confirmed in the Plan's Sustainability Appraisal [Page 97], previously developed land that has been assessed as being potentially suitable for redevelopment is a "relatively small proportion of overall potential land supply," meaning that most development will be proposed on previously undeveloped land, including agricultural land. Whilst this may be considered to be of a relatively low ecological value, in many cases, this does not necessarily equate to a low biodiversity net gain baseline, particularly in comparison to previously developed land. Consequently, the achievement of a 20% net gain will be harder to demonstrate.

In East Devon's case, no analysis has been provided to suggest that there is sufficient land available to demonstrate that the proposed 20% requirement is feasible.

It is the experience of the Cherwell Group's ecologist, GE Consulting, that achieving a 10% net gain on site is difficult to achieve. The higher requirement of 20% is likely to lead to an increased requirement for the use of off-site credits. This will place additional demand on habitat banks, but at present, there are no registered habitat banks within East Devon on the National Register and only one potential bank is identified on the Devon Off-Site Biodiversity Net Gain Survey Map [<https://www.devon.gov.uk/environment/wildlife/biodiversity-net-gain/devon-biodiversity-net-gain-map>], which is listed as being under discussion with the Local Planning Authority.

Suitable habitat banks will be even harder to establish, due to:

the emerging Policy limiting offsetting to only be within, adjacent to or contributing to the Nature Recovery Network (see Policy PB06); and

restrictions on habitat creation are placed on sites within a 13km zone around Exeter Airport, reducing the opportunity for meaningful habitat creation in this location, which is, in any event, an area where strategic development is proposed.

Given the lengthy process for establishing a habitat bank, it is likely that there will be a deficit in locally available habitat banks at the point that the emerging Policy would come into effect (late 2026).

This analysis certainly conflicts with the claim made in the emerging Local Plan at para. 13.25 that “habitat bank proposals in East Devon indicate the potential to deliver substantial biodiversity units.”

Whilst, as is confirmed at paras. 13.25 and 13.26 of the emerging Plan that “BNG can be integrated with Suitable Alternative Natural Greenspace (SANG) and other mitigation measures” and “BNG delivery opportunities also exist through nutrient neutrality and Landscape Recovery schemes,” such locations are subject of the additionality rules, whereby this can only be used up to no net loss and not the full requirement.

VIABILITY

A net gain requirement of 20% will have an impact on development viability.

Work undertaken by DEFRA has demonstrated that a 20% net gain requirement would add c.19% to the net gain costs, to the minimum requirement of 10% [Para. 6.11.2 of the Biodiversity net gain and local nature recovery strategies: impact assessment]. It is instructive to note that this cost input appears to have been used within the emerging Local Plan’s viability work. However, rather than concluding that 20% was the most appropriate level, the DEFRA impact assessment concluded that:

“While this suggests that varying the level of net gain between 5% and 20% has very limited impact on the outcome, there is a trade-off between cost implications for developers and the likelihood of net gain being delivered at a national level (e.g. less costly/likely at 5% net gain compared to 10%, and vice versa for 20%). Our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues.”

A higher net gain requirement may also, for the reasons set out above, require off-setting. With limited opportunities available within East Devon, the price of off-site credits may mean that costs increase to a higher level than is assumed in DEFRA’s work, which has been taken forward into the Council’s own evidence base.

Given the conclusions above, it is considered that a more justified and effective conclusion would be, for the same reasons as set out within DEFRA's work, to reflect the national position.

OTHER CONCERNS

The Cherwell Group note that the emerging Policy requires, where off-site habitats are created or enhanced to deliver net gain, in full or in part, for the delivery to be provided within the locality of the impact. Notwithstanding that this does not necessarily meet national guidance regarding biodiversity net gain, for the reasons set out above, it will, for the area where the majority of development within East Devon is being proposed, be difficult to achieve, for there are restrictions on habitat creation within 13km of Exeter Airport.

CONSISTENCY WITH EVIDENCE

As set out in Section 9 of these representations, Table 3.1 of the 'East Devon – Options Appraisal for a Potential New Settlement' Report confirms that the assessment was undertaken on the basis of a 10% biodiversity net gain requirement, rather than the 20% contained within the emerging policy.

SUMMARY

The assessment work provided above clearly demonstrates that there is, against the test provided by the PPG, no evidential basis for applying a policy requirement for a 20% biodiversity net gain. No locally specific circumstances have been identified that demonstrate a need for a higher requirement (any higher requirements than 10%, including 20%), that there are opportunities locally to meet the higher requirement and that it would not impact on development viability.

Consequently, the Cherwell Group consider that Policy PB05 is, as currently drafted, ineffective, unjustified and not consistent with national planning policy. It is therefore unsound. The national minimum biodiversity net gain level (10%) should be taken forward in future versions of the Plan.

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.: SUGGESTED CHANGES

"All development proposals will need to deliver biodiversity net gain (BNG) of at least 10% to be calculated using the most up-to-date statutory metric."

And

"Where offsite habitats are created or enhanced to deliver BNG, in full or in part, they should contribute to ecological networks and published strategies in accordance with BNG principles."

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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

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

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

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

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB08 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

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.: SUGGESTED CHANGES

"Where trees are present on a development site proposals will need to be designed, and schemes implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows. This is to specifically include protection of : ancient woodland; ancient and veteran trees; those with visual amenity value; those that support wildlife."

And

“All development proposals where trees over 75mm diameter at 1.5m and native hedges are present, or where trees outside of the boundary are within the root protection area or the crowns of which overhang the development boundary will need to be informed by relevant British Standards for trees in relation to design, demolition and construction (or the most up to date version), the recommendations of which will be taken fully into account in the scheme design.”

And

“No building, hard surfacing, drainage or underground works will be permitted that does not accord with relevant national guidelines unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.”

And

"The provision of new trees and hedges shall be based on the principles outlined in the latest local guidance for trees, hedgerow and woodland and other relevant national guidance.”

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity 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: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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

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

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

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

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.:

9.89 The emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB08 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

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.: Suggested

changes "Where trees are present on a development site proposals will need to be designed, and schemes implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows. This is to specifically include protection of : ancient woodland; ancient and veteran trees; those with visual amenity value; those that support wildlife (such as some appropriate U category trees as part current BS 5837..." And "All development proposals where trees over 75mm diameter at 1.5m and native hedges are present, or where trees outside of the boundary are within the root protection area or the crowns of which overhang the development boundary will need to be informed by relevant British Standards for trees BS 5837 Trees in relation to design,

demolition and construction (or the most up to date version), the recommendations of which will be taken fully into account in the scheme design.” And “No building, hard surfacing, drainage or underground works will be permitted that does not accord with relevant national guidelines the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees – Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.” And “The provision of new trees and hedges shall be based on the principles outlined in the Devon Tree Strategy, the Tree, Hedge, and Woodland Strategy for East Devon, Devon County Right Tree Right Place Guidance, and New Devon Hedges and relevant guidance provided by Trees and Design Action Group (TDAG). latest local guidance for trees, hedgerow and woodland and other relevant national guidance.”

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity 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: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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.: PB09

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

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

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The Cherwell Group note that the Policy requires developers of major developments to provide a financial bond prior to the commencement of development, which will be realised on fulfilment of the requirements set out in the Policy. However, there appears to be little evidential basis for this requirement and it has not been demonstrated that a conventional approach to monitoring and replacement planting could not continue to be used, or is not presently working.

Moreover, the Policy does not appear to be clearly written and therefore contrary to national planning policy, for no information is provided about when and how the bond will be returned to the developer (i.e. does the Local Planning Authority need to visit the site after five years and what happens at the end of the monitoring period if there is a disagreement over whether the works are satisfactory).

Consequently, the emerging Policy, as currently drafted, is unjustified and not consistent with national planning policy. The Policy is capable of being sound if the requirement for a bond is removed.

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.: Remove "For major developments..." (second sentence, first paragraph) through to and including the third paragraph of the policy.

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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.: PB09

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

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.:

-

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.:

9.90 DWH note that the Policy requires developers of major developments to provide a financial bond prior to the commencement of development, which will be realised on fulfilment of the requirements set out in the Policy. However, there appears to be little evidential basis for this requirement and it has not been demonstrated that a conventional approach to monitoring and replacement planting could not continue to be used, or is not presently working. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 59

9.91 Moreover, the Policy does not appear to be clearly written and therefore contrary to national planning policy, for no information is provided about when and how the bond will be returned to the developer (i.e. does the Local Planning Authority need to visit the site after five years and what happens at the end of the monitoring period if there is a disagreement over whether the works are satisfactory).

9.92 Consequently, the emerging Policy, as currently drafted, is unjustified and not consistent with national planning policy. The Policy is capable of being sound if the requirement for a bond is removed.

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.:

Suggested changes “For major developments this will also require the placement of a financial bond by the developer prior to the commencement of construction, equal to 25% of the calculated planting cost for the scheme, or agreed phase, to be released on fulfilment of the following to the satisfaction of the planning authority: A. Within 1 month of the completion of planting works, the issue of a signed certificate by the developer’s landscape architect or other appropriately qualified/ experienced professional consultant confirming that the planting works have been overseen by them and completed in accordance with the approved details. B. For years 1-5 thereafter, the issue of an annual inspection report by the developer’s landscape architect confirming that maintenance of the scheme has been carried out in accordance with the approved details and identifying any plant failures or other defects that require rectification together with a program for their implementation at the earliest opportunity. The annual certificate shall also confirm the satisfactory rectification of any defects identified during the previous year’s inspection.”

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal: 14. Open Space and Sports and Recreation

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

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

2. Do you consider that this part of the Open Space and Sports and Recreation chapter is legally compliant?: Yes

3. Do you consider that this part of the Open Space and Sports and Recreation chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Open Space and Sports and Recreation chapter is not sound. Please be as precise as possible.: The Cherwell Group acknowledge that the emerging standards are based upon the Fields in Trust guidance and Natural England's Green Infrastructure and Accessible Greenspace Standards. However, the Cherwell Group are aware that the Local Planning Authority is currently preparing both an open space strategy and a playing pitch strategy. It is these documents that, as required by para. 102 of the 2023 version of the NPPF, will be used to provide the locally specific, robust and up-to-date assessment of the need for open space, sport and recreation facilities and to identify opportunities for new provision. Accordingly, it is possible that, once the evidence base underpinning Policy OS02 is complete, there may be the need to revisit the standards established within the Policy.

OCCUPANCY RATE

The Cherwell Group is concerned about how emerging Policies OS02 and PB04 could interact with each other.

Policy OS02 outlines that the open space requirements should be calculated on the basis of an occupancy rate of 2.26 residents per home. However, at Cranbrook, the Cranbrook Plan establishes an occupancy rate of 2.35 persons, per home for SANG and open space.

It is not clear, and it is therefore ambiguous, as to whether the SANG occupancy rate at Cranbrook is to be used in the emerging Local Plan for the whole local authority area, or whether, as it derived from evidence regarding the new community, it will be used in a more geographically focused manner, or not at all.

Should the Cranbrook SANG occupancy rate be used in the emerging Local Plan, then there could be two differing occupancy rates being employed for differing open space typologies, on the same site.

It is therefore suggested that the occupancy rates for public open space provision set out within emerging Policy OS02 and within Policy PB04 are reviewed. It may be the case that the Local Plan needs to be more specific about the occupancy rates to be employed for public open space provision and SANGS, or adopt differing occupancy rates in different parts of the Local Authority.

3(c). Please set out the modification(s) you consider necessary to make this part of the Open Space and Sports and Recreation 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 Open Space and Sports and Recreation 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 Cherwell Group acknowledge that the emerging standards are based upon the Fields in Trust guidance and Natural England's Green Infrastructure and Accessible Greenspace Standards. However, the Cherwell Group are aware that the Local Planning Authority is currently preparing both an open space strategy and a playing pitch strategy. It is these documents that, as required by para. 102 of the 2023 version of the NPPF, will be used to provide the locally specific, robust and up-to-date assessment of the need for open space, sport and recreation facilities and to identify opportunities for new provision. Accordingly, it is possible that, once the evidence base underpinning Policy OS02 is complete, there may be the need to revisit the standards established within the Policy.

OCCUPANCY RATE

The Cherwell Group is concerned about how emerging Policies OS02 and PB04 could interact with each other.

Policy OS02 outlines that the open space requirements should be calculated on the basis of an occupancy rate of 2.26 residents per home. However, at Cranbrook, the Cranbrook Plan establishes an occupancy rate of 2.35 persons, per home for SANG and open space.

It is not clear, and it is therefore ambiguous, as to whether the SANG occupancy rate at Cranbrook is to be used in the emerging Local Plan for the whole local authority area, or whether, as it derived from evidence regarding the new community, it will be used in a more geographically focused manner, or not at all.

Should the Cranbrook SANG occupancy rate be used in the emerging Local Plan, then there could be two differing occupancy rates being employed for differing open space typologies, on the same site.

It is therefore suggested that the occupancy rates for public open space provision set out within emerging Policy OS02 and within Policy PB04 are reviewed. It may be the case that the Local Plan needs to be more specific about the occupancy rates to be employed for public open space provision and SANGS, or adopt differing occupancy rates in different parts of the Local Authority.

4. Do you consider that this part of the Open Space and Sports and Recreation 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 14. Open Space and Sports and Recreation

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

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

2. Do you consider that this part of the Open Space and Sports and Recreation chapter is legally compliant?: Yes

3. Do you consider that this part of the Open Space and Sports and Recreation chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Open Space and Sports and Recreation chapter is not sound. Please be as precise as possible.: POLICY OS02 – SPORT, RECREATION AND OPEN SPACE PROVISION IN ASSOCIATION WITH DEVELOPMENT

9.93 DWH acknowledge that the emerging standards are based upon the Fields in Trust guidance and Natural England’s Green Infrastructure and Accessible Greenspace Standards. However, DWH is aware that the Local Planning Authority is currently preparing both an open space strategy and a playing pitch strategy. It is these documents that, as required by para. 102 of the 2023 version of the NPPF, will be used to provide the locally specific, robust and up-to-date assessment of the need for open space, sport and recreation facilities and to identify opportunities for new provision. Accordingly, it is possible that, once the evidence base underpinning Policy OS02 is complete, there may be the need to revisit the standards established within the Policy. Occupancy rate

9.94 DWH is concerned about how emerging Policies OS02 and PB04 could interact with each other. For instance, and using the Cranbrook Plan Area as an example, Policy OS02 outlines that the open space requirements should be calculated on the basis of an occupancy rate of 2.26 residents per home. However, at Cranbrook, the Cranbrook Plan establishes an occupancy rate of 2.35 persons, per home.

9.95 Accordingly, in the case of a non-allocated site within the Cranbrook Plan Area, the application of differing occupancy rates in the Cranbrook Plan and the emerging Local Plan, could, in the terms of para. 16 of the NPPF, create ambiguity about how a decision maker should react to development proposals. It therefore conflicts with national planning policy and is unsound.

9.96 More worryingly, in the event of such a conflict, planning law suggests that the conflict should be resolved in favour of the policy which is contained within the last document to be adopted, approved or published, which in this case would be the emerging Local Plan. However, the EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 60 occupancy rate within the emerging Local Plan is significantly lower than the Cranbrook Plan, which amongst other things, was set at a rate to ensure that suitable mitigation was provided to mitigate the impact of development on internationally designated sites. The application of a lower occupancy rate might therefore accord with Development Plan policy, but not provide sufficient mitigation to enable the Local Planning Authority to conclude within an Appropriate Assessment that there will not be a likely significant effect as a result of the development alone or in combination with other plans and projects on internationally designated sites.

9.97 It is therefore suggested that the occupancy rates for public open space provision set out within emerging Policy OS02 and within Policy PB04 are reviewed. It may be the case that the Local Plan needs to be more specific about the occupancy rates to be employed for public open space provision and SANGS, or adopt differing occupancy rates in different parts of the Local Authority.

3(c). Please set out the modification(s) you consider necessary to make this part of the Open Space and Sports and Recreation 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 Open Space and Sports and Recreation 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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DEV EL O PMENT

9.93 DWH acknowledge that the emerging standards are based upon the Fields in Trust guidance and Natural England's Green Infrastructure and Accessible Greenspace Standards. However, DWH is aware that the Local Planning Authority is currently preparing both an open space strategy and a playing pitch strategy. It is these documents that, as required by para. 102 of the 2023 version of the NPPF, will be used to provide the locally specific, robust and up-to-date assessment of the need for open space, sport and recreation facilities and to identify opportunities for new provision. Accordingly, it is possible that, once the evidence base underpinning Policy OS02 is complete, there may be the need to revisit the standards established within the Policy.

Occupancy rate

9.94 DWH is concerned about how emerging Policies OS02 and PB04 could interact with each other. For instance, and using the Cranbrook Plan Area as an example, Policy OS02 outlines that the open space requirements should be calculated on the basis of

an occupancy rate of 2.26 residents per home. However, at Cranbrook, the Cranbrook Plan establishes an occupancy rate of 2.35 persons, per home.

9.95 Accordingly, in the case of a non-allocated site within the Cranbrook Plan Area, the application of differing occupancy rates in the Cranbrook Plan and the emerging Local Plan, could, in the terms of para. 16 of the NPPF, create ambiguity about how a decision maker should react to development proposals. It therefore conflicts with national planning policy and is unsound.

9.96 More worryingly, in the event of such a conflict, planning law suggests that the conflict should be resolved in favour of the policy which is contained within the last document to be adopted, approved or published, which in this case would be the emerging Local Plan. However, the EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 60 occupancy rate within the emerging Local Plan is significantly lower than the Cranbrook Plan, which amongst other things, was set at a rate to ensure that suitable mitigation was provided to mitigate the impact of development on internationally designated sites. The application of a lower occupancy rate might therefore accord with Development Plan policy, but not provide sufficient mitigation to enable the Local Planning Authority to conclude within an Appropriate Assessment that there will not be a likely significant effect as a result of the development alone or in combination with other plans and projects on internationally designated sites.

9.97 It is therefore suggested that the occupancy rates for public open space provision set out within emerging Policy OS02 and within Policy PB04 are reviewed. It may be the case that the Local Plan needs to be more specific about the occupancy rates to be employed for public open space provision and SANGS, or adopt differing occupancy rates in different parts of the Local Authority.

4. Do you consider that this part of the Open Space and Sports and Recreation 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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.:

3.11

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.: ///// PART 2 - CONTINUED FROM PART 1 67fe83735867810013eba9a4 /////

HIGH SPEED PROVISION

It is noted that the emerging policy requires the provision of high speed broadband. However, since December 2022, for new homes, it has been a requirement of Approved Document R of the Building Regulations for developments to provide: (1) gigabit-ready physical infrastructure necessary for gigabit-capable connections up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to that distribution point; and (2) subject to a costs cap, a functioning gigabit-capable connection.

As such, for residential development, it is considered that the policy requirement duplicates Building Regulations and therefore it does not serve a clear purpose. Accordingly, it conflicts with national policy and should be removed from future iterations of the Plan.

WASTE TRANSFER STATION AND WASTE WATER TREATMENT WORKS

The Cherwell Group are aware of the need for a new waste water treatment works to serve the new development. They are also aware that the utility provider is currently undecided as to whether it should be located within the new community. Whilst the Cherwell Group are aware of its strategic need and if necessary, its location within the new community, it should not be at the expense of restricting delivery from it. Indeed, whilst the waste water treatment works is being constructed, existing capacity and if necessary, temporary package treatment works, should be utilised to ensure that housing delivery from the new community comes forward as early as possible.

STEWARDSHIP

Policy WS01 confirms that a town-wide stewardship vehicle and governance will be required early on in the planning and delivery process. There remains a requirement for the allocation wide masterplan to provide a stewardship strategy that provides full details of the governance structure, methods of funding the stewardship vehicle, details of the public spaces and community assets to be owned, managed and maintained by the stewardship vehicle and an indicative programme for the establishment of the proposed stewardship vehicle. It is noted that para. 4.8 of the Local Plan confirms that public spaces and community assets within the new community will need to remain in public ownership.

The Cherwell Group acknowledge that stewardship will be a critical component of the new community. They are also aware that, as the proposed new community is the second that will occur within East Devon, many of these considerations will have been debated previously at Cranbrook. The Cherwell Group is aware of an East Devon Cabinet Paper dated 28th July 2021, which discussed the various stewardship models that had been discussed in the context of Cranbrook, which by the time that the paper was written, was a thriving community, with the established Town Council providing effective local leadership.

The Paper discussed various stewardship models. It confirmed that initially within Cranbrook, as with many developments, an estate management company was responsible for, amongst other things, the management and maintenance of public spaces. This was funded by a management charge applied to each home. However, in 2018, public assets and services were transferred to Cranbrook Town Council, with their management and maintenance being funded through the parish precept and residents having their estate charge removed. This did not require any commuted sums to be paid

by the developers to the Town Council, but is reflected on the Council Tax bill for each property.

Two further options were considered within the Cabinet Paper for the stewardship of assets; asset endowment and profit share. In terms of the former, LRM Planning have been involved in a development where such an approach was used, alongside a conventional estate charge.

As part of the Former Wisley Airfield development, a Stewardship Strategy and an In Perpetuity Funding Framework was agreed. Through that work it was agreed that the Wisley Airfield Community Trust would be established, which is a charitable trust responsible for the operation and maintenance of the community assets (after they were fully funded and built out) and the promotion of community activities to aid with placemaking. The Trust is to be governed by a board of Trustees including residents, the Council, the County Council, the Parish Council, specialist stakeholders, the developers and other business interest groups.

The Strategy and Framework confirms that the Trust is to be responsible for:

maintenance of public open spaces and community facilities;

the maintenance of the SANG land;

sustainable transport initiatives, including bus services and subsidy, e-bikes and car clubs;

costs for the Trust's staff and its ongoing operation; and

placemaking, including community development, activities and events.

A number of potential sources of revenue were identified, including:

an estate charge for each dwelling and commercial unit;

income from community assets, periodic income and charitable grants; and

a scheme of endowment, whereby a number of residential properties were gifted to the charitable trust to be let to private tenants to provide a long term and unrestricted income. Initially, 19 dwellings were endowed to the Trust.

Subject to viability, such an approach to delivering the stewardship of the new community over the longer-term would be supported by the Cherwell Group.

THE COUNCIL'S EMERGING MASTERPLAN

The Cherwell Group note that the Council's more detailed proposals for the new community will be published in the second Regulation 19 consultation later in 2025. They therefore understand that the Council's masterplanners will be continuing to work on the masterplan until that point and that the versions of the masterplan issued by the Council to the landowners in January 2025 is subject to change. However, in order to assist the Council in preparing their final masterplan, the Cherwell Group have the following comments on the most recent version of the masterplan shared in January 2025:

Park and ride – the park and ride is currently proposed to be located to the west of the proposed access from the A3052. It is within land that is not controlled by the Cherwell Group. As shown in the Cherwell Group's masterplan, which is provided in Appendix 2, there is sufficient room within land controlled by the Cherwell Group for the park and ride to be accommodated within their masterplan. To allow for its earlier delivery, the park and ride should be relocated to the east of the proposed access road from the A3052 and within land controlled by the Cherwell Group.

Secondary school – the Cherwell Group note that the only secondary school proposed within the emerging masterplan is located in the north eastern area of the land under their control. However, Policy WS01 of the emerging Local Plan indicates that the preference is for the site to accommodate a “an education campus which will provide

primary and secondary school places as well as provision for early years, pupils with special educational needs and Post 16.” There therefore seems to be a disconnect between the emerging Policy and the Council’s proposed masterplan. There is approximately a 2.25ha difference in size between a secondary school and an education campus. Analysis undertaken by the Cherwell Group’s masterplanner has indicated that there is not the sufficient quantum of land within the north eastern portion of the Cherwell Group’s landholding, of a suitable level, to accommodate an education campus and its ancillary infrastructure, including playing pitches. In order to ensure that the masterplan and therefore Policy WS01 of the emerging Local Plan is effective, there will be a need to relocate the school to an alternative location.

APPLICATION REQUIREMENTS

The emerging Policy requires proposals within the new community to progress in accordance with an agreed allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and a financial appraisal. Additionally, the Policy also confirms that a stewardship strategy is required as part of the site wide masterplan. Unless otherwise agreed with the Local Planning Authority, each planning application should accord with the approved documents.

The Cherwell Group has four principal concerns with these elements of the Policy, as follows:

To ensure that the emerging Policy is clearly written and unambiguous, the Plan should be clear as to what stage of the development management process the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and the financial appraisal is required to be agreed (i.e. is it prior to the submission of the first application, or as part of it). In that regard we draw attention to the wording of the Cranbrook Expansion Area policies, which state that “the parameter plans shall be agreed in writing by the Local Planning Authority as part of the first approval of any planning application for development...”

Again, to ensure that the emerging Policy is clearly written and unambiguous, there will be a need for the Policy to indicate how the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and financial appraisal is required to be agreed.

As there is no obvious lead developer (i.e. with an overall controlling portion of the second new community), there will, given the significant implications that the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and financial appraisal will have on the deliverability of all development proposals within the new community, be a need for these elements of work to be undertaken with meaningful engagement with all landowners. Agreement should be reached with all members of the consortium before the work is approved by the Local Planning Authority. To ensure that Policy WS01 is effective, this should be specified in the wording of the Policy.

The Policy states that whilst the emerging Local Plan only allocates land to accommodate 8,000 new homes and supporting facilities and infrastructure, infrastructure capacity should take account of the ambition to grow the community by a further 2,000 homes, to 10,000 in the longer term. Whilst for some elements of infrastructure this could be a possibility, without any surety over where the additional development will be located, it may be difficult for others. For instance, what assumptions will or can be made about trip assignment in relation to junctions onto the existing public highway and the location of education provision, when the location of the additional 2,000 homes is unknown?

OTHER CONSIDERATIONS

LAND USE BUDGET

No land use budget has been provided with the current Local Plan consultation that can be used to demonstrate that the development proposed in the area of land allocated at Policy WS01 is deliverable and therefore effective. The Cherwell Group reserves the right to provide further comment on this matter in future iterations of the Plan.

VIABILITY

Financial viability was a key consideration for the Cranbrook new community and it is likely to be for the second new community, particularly given the likely requirements for significant levels of infrastructure that will be necessary to support such a

development. At Cranbrook, a detailed Infrastructure Delivery Plan was prepared to support the Cranbrook Plan. The Cherwell Group notes that the Local Planning Authority intends to publish an Infrastructure Delivery Plan for the second new community alongside the second Regulation 19 version of the Local Plan. The necessary infrastructure listed in that document and total costs for delivering the infrastructure will be key to understanding whether or not the new community is financially viable and therefore deliverable and in turn effective. The Cherwell Group therefore reserves the right to comment on the infrastructure delivery plan and the scheme's financial viability in their representations to future iterations of the Plan.

In addition, whilst the Community Infrastructure Levy is operational in parts of East Devon, the Local Planning Authority made Cranbrook exempt during the plan-making process. Instead, infrastructure has been secured through the conventional Section 106 process. The approach to funding and delivering infrastructure at the second new town needs early consideration and confirmation.

CONFORMITY WITH PARAGRAPH 74 OF THE NPPF

Para. 74 of the 2023 version of the NPPF confirms that the supply of new homes can often best be achieved through planning for larger scale development, such as new communities, provided they are:

well located;

well designed; and

are supported by necessary infrastructure and facilities.

Moreover, working with communities and other stakeholders, local planning authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;

ensure that the size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development, or in larger towns to which there is good access;

set clear expectations for the quality of the places to be created and how this will be maintained;

ensure appropriate tools, such as masterplans and design codes are used to secure a variety of well-designed homes to meet the needs of different groups of the community;

make a realistic assessment of likely rates of delivery; and

consider whether it is appropriate to establish a Green Belt around or adjoining new developments of a significant size.

An assessment of how the new community proposed at Policy WS01 of the emerging Plan accords with each of these tests is set out below in turn.

WELL LOCATED

As has been demonstrated in Section 5 above, the new community provides a strong fit with the Plan's spatial strategy, which was assessed through the Sustainability Appraisal and was found to be the preferred option. It mirrors the strategy employed in the Adopted Local Plan.

Moreover, three options for the location of the new community have been assessed within the evidence base supporting the Local Plan, including the Sustainability Appraisal. The location of the new community was again found to be the most appropriate when considering reasonable alternatives.

WELL DESIGNED

The Local Planning Authority's own assessment work underpinning the emerging Local Plan, the design work required by Policy WS01 of the emerging Local Plan, together with other more generic design related policy, including Policy DS01 and DS02, will ensure that the new community is well designed. SUPPORTED BY NECESSARY INFRASTRUCTURE AND FACILITIES

We understand that the Infrastructure Delivery Plan for the second new community, which will be published later in 2025, will establish the necessary infrastructure and facilities that will need to support the new community. This will ensure that the services and facilities required on a daily basis by the future residents of the new community will be available and can be accessed via active and sustainable modes of travel. It will also ensure that the impact of the development is mitigated.

EXISTING OR PLANNED INVESTMENT IN INFRASTRUCTURE

The location of the new community ensures that it is in close proximity to the strategically important Clyst Valley Regional Park, which aims to, amongst other things, connect communities with nature, by traffic free trails. The active travel strategy prepared by AWP ensures that the new community will provide active travel connections between the development and the Clyst Valley Regional Park, including via green connections, which will also provide a functional connection for the benefit of biodiversity interest.

The new community is also located in close proximity to an energy from waste facility. There are proposals for the facility to provide residual heat to the Cranbrook New Community and we understand that it could also supply heat for all or some of the second new community. Whilst, as discussed in Section 8 below, there are potentially other alternatives, it does, in the context of para. 73(a) of the 2023 version of the NPPF, constitute an opportunity presented by infrastructure.

ECONOMIC POTENTIAL

The employment land proposed within the new community will complement the existing and planned strategically important employment provision located within the western area of East Devon and on the eastern edge of Exeter.

NET GAINS TO BIODIVERSITY

An appropriate net gain to biodiversity can be achieved from the new community. Functional green connections are also proposed to the Clyst Valley Regional Park.

SERVICES, FACILITIES AND EMPLOYMENT OPPORTUNITIES WITHIN THE NEW COMMUNITY AND IN THE WIDER ENVIRONS

As set out in Policy WS01 of the emerging Local Plan, the new community will house a full range of social, community and education facilities, a town centre, a number of smaller neighbourhood centres and employment land. The new community will also be located in close proximity to the services, facilities and employment opportunities located within the West End, on the eastern edge of Exeter and within Exeter city centre.

EXPECTATIONS ABOUT THE QUALITY OF PLACE

The combination of the vision for the new community and the detailed policy framework provided by Policy WS01 of the emerging Local Plan, and more generic development management policies, ensure that there are clear expectations regarding the quality of the place.

MASTERPLAN AND DESIGN CODES

Policy WS01 and DS02 of the emerging Local Plan will require the submission of an allocation wide masterplan and a design code or codes.

REALISTIC ASSESSMENT OF RATES OF DELIVERY

The Cherwell Group provided an assessment of the anticipated rates of delivery in Section 6 above. They consider that whilst the rates of delivery for the new community are ambitious, they are aspirational, but deliverable.

GREEN BELT

The Cherwell Group do not consider it necessary for a Green Belt to be provided to the east of Exeter. The proposed new community benefits from strong defensible boundaries to the west, south and north, including the Clyst Valley Regional Park, the M5, the A3052 and the A30.

No such designation has been required for the Cranbrook New Community and it is considered that, if necessary, other development management policies would suffice. The Cherwell Group are aware that, for instance, Green Wedge designations have successfully been used at Cranbrook. Moreover, such a designation may impact on the ability for the Local Planning Authority to allocate land for the additional 2,000 homes that is to be made in a subsequent development plan document. Consequently, it is not considered that the tests of para. 144 of the NPPF have been met in this instance.

SUMMARY

It can be seen that the proposed new community strongly accords with para. 74 of the NPPF. It is therefore, in these terms, consistent with national planning policy.

SYNTHESIS

The Cherwell Group considers that, fundamentally, the second new town is a sound proposition. They consider that it is founded on robust evidence and provides a strong fit with national planning policy.

They have suggested a number of minor amendments to the proposed wording of Policy WS01. These suggested alterations are proposed to ensure that the allocation is both justified and effective.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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.:

3.11

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

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.: The Cherwell Group's comments on housing land supply are limited to the proposed second new community. Please see Section 6 of the attached representation (see below):

HOUSING SUPPLY

The following section of this representation provides a broad assessment of the proposed housing land supply contained within the East Devon Local Plan. It specifically concerns lead-in times associated with strategic sites, including the second new community.

LEAD-IN TIMES ASSOCIATED WITH THE SECOND NEW COMMUNITY

In order to meet the proposed housing requirement within the emerging Local Plan, the Local Planning Authority have rightfully identified the need for strategic housing allocations, including a second new community. Housing monitoring information published by the Local Planning Authority confirms that strategic allocations provided a valuable and consistent component of supply and will continue to do so.

For instance, over the period 2013/14 to 2023/24 the strategic allocations located within the West End alone have contributed just under 50% of total housing completions (4,932 homes out of 9,984 net total completions), with Cranbrook alone contributing approximately 29% of supply over the same timescale. Moreover, Table 14 of the latest Housing Monitoring Update continues to demonstrate that the expansion areas at Cranbrook will provide a valuable source of housing over the period 2026/27 to 2030/31 and beyond.

Notwithstanding the above, so as to ensure that the objectively assessed need for housing is deliverable over the plan period, which in turn will ensure that the emerging Local Plan is positively prepared, justified, effective and consistent with national policy, there is a need to ensure that the components of housing supply will deliver as anticipated by the Plan.

As the largest allocation proposed within the emerging Local Plan, the delivery assumptions for the second new community should be carefully considered. Indeed, para. 74(d) of the 2023 version of the NPPF confirms that when planning for largescale development, such as a new community, Local Planning Authorities should, amongst other things, make a realistic assessment of the likely rates of delivery, given their lead-in times, and identify opportunities for supporting their rapid implementation.

Reflecting on the delays in the delivery of the Cranbrook Expansion Areas (see para. 6.2 of the latest Housing Monitoring Report), it appears that the Local Planning Authority is, in order to speed up the rate of delivery from the second new community, advocating a conventional approach, with planning applications being submitted pursuant to Policy WS01, rather than, as was the case with the Cranbrook Expansion Areas, requiring the delivery of a second geographically specific development plan document.

Even with the accelerated option, it is likely that it will take a number of years to achieve first completions, with ordinarily, the following stages being required:

the pre-application advice process;

the submission and determination of an outline planning application (resolution to grant);

the completion of the Section 106 Legal Agreement;

site acquisition;

preparation of pre-reserved matters applications, such as a design code;

preparation of a reserved matters application;

submission and determination of a reserved matters application;

submission and discharge of any pre-commencement and pre-occupation planning conditions and obligations;

site clearance/infrastructure servicing; and

first legal completions.

Research undertaken by Lichfields [Lichfields, 'Start to Finish,' March 2024]. indicates that the median timeframe for an application of over 2,000 homes to be validated to the first detailed permission (which could be either an outline and a reserved matters application, or hybrid/full application) is 5.1 years. Whilst it is acknowledged that the new community is likely, given land ownerships, to be brought forward via multiple applications, which could seek permission for a smaller quantum of development on an individual basis, it provides a conservative, yet realistic timeframe for a development of the comprehensive scale being proposed. Lichfields then conclude that sites of over 2,000 dwellings will take between 1.4 and 1.7 years to move from the first planning permission to first occupations. Consequently, they predict that for a site of the scale of the proposed new community, the overall lead-in time to first completions is between six and seven years.

At a local level, the most obvious comparisons are the Expansion Areas at the Cranbrook New Community. An application on the Treasbeare Expansion Area was submitted at the end of July 2022. East Devon District Council resolved to grant approval on the Expansion Area in February 2023 and outline planning permission was approved in June 2024. Consequently, planning permission was achieved in just under two years. The Council's latest housing Monitoring Report confirms that first completions from the Expansion Area are forecast in monitoring year 2026/27. This analysis suggests that it will take five monitoring years from submission of the outline planning application to first completions at the Treasbeare Expansion Area. Consequently, there exists the potential to accelerate delivery from the new community beyond that advocated by Lichfields.

BUILD OUT RATES

Lichfields' analysis confirms that for developments of 2,000 dwellings or more, the average annual completion rate ranges from 100 to 188 dwellings per annum. They do, however, identify three sites where the annual average build-out rate was in excess of 200 dwellings per annum. Again, looking more locally, research by LRM Planning indicates that over the period 2012/13 to 2023/24, a total of 2,879 homes were constructed at Cranbrook, which provides an annual average completion rate of 240 homes. Delivery peaked in 2014/15 at just under 400 completions. This rate of delivery was also achieved whilst other developments in close proximity to Cranbrook and within the West End were also delivering, including Redhayes (Tithebarn Green/Mosshayne) and Pinhoe, which could have impacted on the 'absorption rate.' Again, it indicates that historically, annual average delivery rates at the upper end of Lichfields analysis have recently been achieved within the West End.

It is acknowledged that the rates of delivery from Cranbrook were achieved in differing economic circumstances, but equally delivery from the new community is envisaged over the medium and longer terms and therefore over a full economic cycle.

Moreover, Table 12 of the latest Housing Monitoring Update also envisaged an annual average delivery rate of 288 homes per annum from the Cranbrook Expansion Areas over the period 2026/27 to 2030/31. Excluding the first year of completions, which are ordinarily lower, annual average delivery rates are anticipated to be over 300 homes per annum.

LEAD-IN TIMES

The analysis undertaken by Lichfields suggests that it could take between six and seven years from the submission of a valid planning application to first legal completions. More locally, the Treasbeare Expansion Area is forecast to come forward within five monitoring years.

Based on more locally specific examples, and an assumption that at least one planning application on the new community would be submitted by the time of the Local Plan Examination in Public, a realistic lead-in time until first legal completions is set out in Table 1 on page 20 of the attached document.

On the basis of the lead-in times outlined in Table 1 above, this would leave 12 monitoring years for the 3,300 homes envisaged by Policy WS01 to be delivered by 2042 to be completed. This equates to an annual average delivery rate of 275 homes per annum. Whilst this represents an increase in the historic delivery rates at Cranbrook, it is a rate of delivery that has been achieved across the West End as a whole and it accords with the rate of delivery forecast from the Cranbrook Expansion Areas. Accordingly, it is considered that the planned provision proposed for the second new community is aspirational, but a deliverable proposition. Therefore, the quantum of development proposed for the second new community over the plan period (3,300 homes) will be effective.

However, the historic rates of delivery within the West End and Cranbrook were only achieved because multiple outlets were all delivering homes at the same time. To achieve the rates of delivery anticipated for the second new community within the emerging Local Plan, there will again be the need for multiple outlets delivering at least from both the north and the south simultaneously.

THE SECOND NEW COMMUNITY

Consistent with the Plan's spatial strategy, which has been demonstrated to be the most appropriate, Policy WS01 proposes the allocation of a second new community. Following an assessment of three potential options through both a discrete technical

assessment and via the Sustainability Appraisal, the Regulation 19 version of the Local Plan continues to identify land to the north of the A3052, east of the M5 and to the south of the A30 as being the preferred location for the second new community.

The Cherwell Group strongly supports the Local Planning Authority's assessment that a second new community is required in order to meet the housing requirement and agree with its proposed location. Indeed, as set out in Section 10 below, the Cherwell Group's own analysis of potential locations for the second new community would suggest that the Local Planning Authority's own assessment work underplays the scoring for the proposed location for the new community.

However, their concerns only strengthen the conclusions presented within the Local Planning Authority's assessment work; that Option 1 is the most sustainable option and has rightfully been taken forward as the preferred option in the consultation version of the Local Plan.

Notwithstanding the above, this section of these representations does not focus on the evidence base underpinning the emerging Local Plan, but instead focuses on Policy WS01 of the emerging Local Plan, and the Local Plan's Policies Map.

The Cherwell Group's comments on these matters is provided below.

POLICIES MAP

Whilst not a document that will be subject of Examination, the Cherwell Group are supportive of the Policies Map, which allocates land at Axehayes Farm as part of the wider second new community.

Having regard to the technical work prepared by the Cherwell Group and the Local Planning Authority, the site's allocation is a justified proposition. The development proposed on the site will help to ensure that Policy WS01 and therefore the wider Local Plan, is deliverable and therefore effective.

HOUSING

The emerging Local Plan proposes that around 3,300 new homes will be brought forward on land allocated within the proposed new community in the period up to 2042, with a further 4,700 new homes to follow in the period after 2042. The Local Planning Authority also proposes to increase the size of the new community by a further 2,000 homes, to 10,000 homes, over the longer term.

As set out in the section above, in the period up to 2042, in order for the housing provision envisaged from the second new community to be delivered in full, there is likely to be the need to adopt an average annual rate of delivery of around 275 homes per annum. It has been demonstrated above that whilst this rate of delivery is aspirational, it is deliverable and therefore effective.

In order to achieve the required annual average rate of delivery from the new community, it is highly likely that multiple development locations, each delivering housing at the same time, will be required. This will require development to occur from at least the north and south development nodes. With each development node having multiple outlets, it is likely that the rate of delivery could be achieved. In this regard it is noted that the HELAA methodology states that sites of this scale (or in this case nodes given the geographical area of the second new community) could deliver 150 homes per annum.

FORMS OF HOUSING

The Cherwell Group intend, as is proposed to be required by the emerging Local Plan, for a range of types, sizes and tenures of homes to be provided. Housing will be provided to meet the needs of the community, including families, those that want to build or commission their own homes and the elderly.

PHASING

The Cherwell Group are aware that the Local Planning Authority's advisors have prepared an indicative phasing strategy. It shows Axehayes Farm as coming forward in

the period to 2042. Such an approach would ensure that development closest to the services, facilities and employment opportunities within Exeter would come forward in advance of more peripheral locations to the east. It would help to ensure that the required sustainable and active travel connections within the western areas of the southern development node of the proposed new community come forward before development to the east.

DENSITY

The Policy sets an expectation that there will be a site wide density of 45 dwellings per hectare, with higher density of at least 55 to 60 dwellings per hectare within the town centre, neighbourhood centres and around key destinations and transport hubs.

Based on the land use budget contained within the landowner presentation provided by the Council's consultants, the Cherwell Group have a number of concerns with this approach, including:

the topography across the wider new community presents a significant challenge. Achieving consistent gross densities of 45dph in sloping areas is unlikely to be feasible without compromising on quality design, accessibility and placemaking;

the calculations underpinning the masterplan appear to be based on gross density, which does not reflect how density is actually delivered in residential parcels. Once incidental open space, existing landscape features that will need to be retained and infrastructure (including streets) are factored in, the net density within development parcels would need to be considerably higher, potentially pushing beyond what the local market can realistically support;

in order to achieve these density requirements, the housing mix would need to be skewed heavily towards higher density typologies, which may not reflect local housing need or demand.

These concerns will need to be responded to in the next consultation version of the Regulation 19 Plan.

GYPSY AND TRAVELLER

Policy WS01 of the emerging Local Plan seeks the provision of 30 Gypsy and Traveller pitches within the new community, of which 15 will be provided in the period up to 2042.

The Cherwell Group acknowledges that the Council has a duty to meet the housing needs of the Gypsy and Traveller community. However, the Cherwell Group have a number of issues with the approach being adopted by the Local Planning Authority, which include:

the need for Gypsy and Traveller provision;

the location of the proposed Gypsy and Traveller provision;

reasonable alternatives; and

viability.

THE NEED FOR GYPSY AND TRAVELLER PROVISION

The Gypsy and Traveller Accommodation Assessment (GTAA) confirms that the following provision is required over the plan period to 2042:

Gypsy and Traveller provision that met the planning definition – 18 pitches;

undetermined Gypsy and Traveller need – up to 7 pitches;

Gypsy and Travellers that do not meet the planning definition – 4 pitches; and

Travelling Showpeople – 0 pitches.

At most, there is a need for 29 pitches, although as stated in the Council's GTAA, it is envisaged that the needs of households that were assessed as part of the evidence base work that do not fall within the definition of Annex 1 of the national planning policy for traveller sites "should be met as part of the general housing need [ORS , East Devon District Council Gypsy and Traveller Accommodation Assessment (2024), para. 8.5]." Consequently, there is a need for 25 pitches over the plan period.

The assessment work does not include an assessment of provision that benefits from planning permission, but which has not, as yet, come forward. In that regard we note that planning permission has been secured for 15 pitches from the Cobdens [Application 22/0406/MOUT] and Treasbeare Expansion Areas [Application 22/1532/MOUT]. If, as is suggested by the document, this additional provision has not been included in the assessment, then the residual requirement would reduce to just 10 pitches.

The Cherwell Group are also aware that Policy WS11 of the emerging Local Plan proposes to allocate land to the east of the M5 for at least five pitches. Consequently, on a worst case basis, including assuming that no Gypsy and Traveller provision came forward through criteria-based Policy HN09, then there would be a residual requirement for only five pitches.

To plan for a higher quantum, without the necessary evidence to suggest that it is required, would not be a justified approach.

Over the longer-term, it would appear that there is limited evidence to suggest that there is a need for a further 15 pitches in the period post 2042. The Local Planning Authority's evidence base work only establishes needs between 2023 and 2045. It only identifies a further need for three additional pitches in the period between 2042 and 2045. It does not suggest that there is a need for a further 15 pitches beyond the plan period. Consequently, it would be an unjustified strategy to plan for this additional provision at this stage. Instead, it is considered that the additional provision post 2042 should, if it is to be provided within the second new community, be considered as part of the subsequent development plan document that will allocate the additional 2,000

homes required to ensure that the new community reaches 10,000 homes in total. That would ensure that the requirement is evidenced and would therefore be a justified strategy.

THE LOCATION OF THE PROPOSED GYPSY AND TRAVELLER PROVISION

Without prejudice to the points made above, should there be a need for Gypsy and Traveller provision to be made within the second new community, then its/their location will need to be carefully considered. There will be a need to ensure that, amongst other things, the chosen site or sites is/are suitable from a topographical, landscape and access perspective. Experience from the Cranbrook development would also indicate that noise is a significant constraint given the inability for noise mitigation to be provided for trailers. This could suggest a location divorced from existing noise sources, including the strategic transport network and existing employment sites, would be more appropriate.

Moreover, previous studies have highlighted the A30 as being a key travelling route [Devon Partnership, Gypsy and Traveller Accommodation Assessment, 2015]. As such, a location in close proximity to that strategic route could be appropriate.

REASONABLE ALTERNATIVES

The emerging Local Plan only proposes to make two allocations to meet the needs of the Gypsy and Traveller community; within Policies WS01 and HN09 of the emerging Local Plan. Other than these two options, both of which are allocated for development, there does not appear to be any assessment of other reasonable alternatives within the District where the housing needs of the Gypsy and Traveller community could be met.

This is particularly important, as the evidence base underpinning the spatial strategy confirms that the most preferable distribution of development would see 60% of housing need met within the West End. However, having regard to the committed Gypsy and Traveller development within Cranbrook and proposed allocations WS01 and HN09, 100% of the Gypsy and Traveller need is proposed to be focused in the West End. This appears to conflict with the conclusions of the evidence base and is not, therefore, a justified proposition.

VIABILITY

Evidence prepared in support of the Cranbrook Plan demonstrated that the proposed Gypsy and Traveller provision from the Expansion Areas would have resulted in a financial loss. Cranbrook Plan Document PSD36 confirmed that the cost for constructing the 15 Gypsy and Traveller pitches within the Cranbrook Expansion Areas would be £1,808,000. Cranbrook Plan Document PSD21a confirms that the values of the Gypsy and Traveller plots was, at that time, £55,000, giving a total value for the 15 pitches of £825,000. Consequently, a loss of £983,000 was predicted. We are aware that since the Cranbrook Plan was made, developers are now, via the Section 106 Legal Agreements, required to construct the pitches at their cost, and transfer them for £1 to the Local Planning Authority. Consequently, their construction cost will be a cost borne to the wider development.

Given the above, and assuming that there is a requirement for the development to provide the constructed pitches, as there was at Cranbrook, in order to ensure that the new community is an effective proposition, the loss associated with the Gypsy and Traveller provision should be fully reflected within any viability assessment.

EMPLOYMENT LAND AND THE TOWN CENTRE

The proposed development at Axehayes Farm does not, as reflected in the Council's proposed masterplan for the second new community, propose any employment land or town centre uses. Consequently, the Cherwell Group do not provide any detailed comments regarding the proposals.

Notwithstanding the above, they are supportive of the provision of both employment land and town centre uses within the second new community, which will provide a strong fit with national planning policy [Para. 74 and 105 of the NPPF]. The provision of employment and town centre uses (housing a range of services and facilities) will be key components of the proposed new community. Both the employment and town centre uses will ensure that the daily needs of the residents of the new community are met, which will, by internalising trips, therefore limit the need to travel, which in turn will help to reduce congestion and emissions.

SOCIAL, COMMUNITY & EDUCATION FACILITIES AND OTHER INFRASTRUCTURE

The Cherwell Group acknowledge that to ensure that the second new community constitutes sustainable development, there will be a need for it to include social, community and education facilities. For large-scale development such as that being proposed, this is a requirement of national planning policy [Para. 74 and 97 of the NPPF].

In regard to Policy WS01, it is noted that there will be a requirement for a full range of social, cultural, leisure, health, community and education facilities. This is not disputed by the Cherwell Group. Indeed, they will be an important placemaking component of the second new community. However, it is noted that a number of key evidence base documents that will be required to underpin the Local Plan, including the infrastructure delivery strategy for the new community, the playing pitch strategy and the open space strategy, have not, as yet, been produced. These will need to be published alongside the second Regulation 19 consultation in order to demonstrate that the proposals are justified and effective.

Indeed, it is highly likely that the social, community and education requirements for the new town will be informed by consultation with key infrastructure providers. These responses will need to be assessed to ensure that they satisfy the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations and are afforded a prioritisation. As with the Cranbrook Plan, the prioritisation will be an important element of work so as to ensure that the development is a viable proposition.

We comment on the proposals shown in the Council's latest masterplanning work for an all-through school to be located within land that is within the control of the Cherwell Group in the masterplanning section below.

INFRASTRUCTURE

PUBLIC OPEN SPACE PROVISION

The Cherwell Group acknowledge that the new community will be required to provide on-site public open space provision. As stated in national planning policy, access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and has other wider benefits [Para. 102 of the NPPF].

However, national planning policy also states that policies should be based on robust and up-to-date assessment of needs for open space, sport and recreation and opportunities for new provision. At the time of writing, neither the playing pitch strategy nor the open space strategy has been published. As stated above, these documents will be required to be published alongside the second Regulation 19 consultation in order to demonstrate that the Council's masterplan proposals are deliverable within the land allocated in the emerging Local Plan for the new community, and therefore Policy WS01 is an effective and justified proposition.

SANG

As set out in para. 13.15 of the emerging Plan, the provision of SANG land forms a key element of mitigation for developments that are located within 10km of the Exe Estuary Special Protection Area (SPA) and the Pebblebed Heaths Special Area of Conservation (SAC). The emerging Plan's supporting text suggests that mitigation should be provided at a rate of 8ha per 1,000 population, which was the same requirement as set out in Policy CB14 of the Cranbrook Plan. However, unlike Policy CB14 of the Cranbrook Plan, an occupancy rate is not provided. To ensure that there is no ambiguity regarding the expectations for SANG land, an occupancy rate should be clearly stated within the emerging Plan.

ACTIVE, SUSTAINABLE TRANSPORT AND OTHER HIGHWAYS IMPROVEMENTS

As evidenced by AWP's joint commission, which is discussed in Section 2 above, the Cherwell Group are supportive of the transport strategy for the new community affording a priority to active and sustainable modes of transport as part of a wider 'vision and validate' approach. Indeed, alongside the mix of uses proposed within the development, it will ensure that journeys within the new community are capable of being made by active and sustainable modes of transport. This will not only reduce carbon emissions and have health benefits, but it will also potentially avoid physical

infrastructure improvements. Active and sustainable transport connections will also be proposed to local destinations, including via the provision of park and rides and mobility hubs.

The Cherwell Group's masterplan, which is described in Section 2 above, incorporates the proposed pedestrian, cycle and highway connections proposed in AWP's work.

COMMUNITY ENERGY/HEATING AND ON-SITE RENEWABLE ENERGY PRODUCTION

The Cherwell Group comment on the emerging policy framework in relation to carbon reduction, district heating and renewable energy generation in Section 8 of these representations.

SURFACE WATER DRAINAGE

As set out in Section 2 above, on behalf of the wider consortium, AWP have prepared a surface water drainage strategy for the new community. It has, where relevant to Axehayes Farm, been incorporated into the Cherwell Group's masterplan.

NEW EDUCATION PROVISION

As indicated above, the Cherwell Group acknowledge that education provision will be an important component of social infrastructure within the new community that will help with place-making. They are therefore supportive of its provision on-site. They do, however, have concerns relating to the proposed location of the campus school. These concerns are set out below.

///// PART 1 - CONTINUED IN PART 2 6825bd8a8d67220013ed5d07 /////

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.: N/A

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.: N/A

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. : Due to the significant policy issues concerned

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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.:

3.11

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

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

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.: Transitional arrangements

5.1 Page 5 of the consultation Local Plan suggests that as the Local Plan has reached the Regulation 19 stage on or before 12th March 2025 and its draft housing requirement can meet at least 80% of local housing need, it benefits from the transitional arrangements set out within para. 234 of the 2024 version of the NPPF.

5.2 However, as shown in para. 4.2 of the Local Development Scheme, a second Regulation 19 consultation is due to be undertaken in Spring 2025. It is our understanding that the second Regulation 19 consultation will focus on the second new community, which is a key element of the proposed housing delivery strategy.

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.:

5.3 It is DWH view that the requirement for a second Regulation 19 consultation to ensure a 'complete' draft Plan, which will occur after the 12th March 2025 deadline, means that the transitional arrangements set out in para. 234 of the NPPF are not applicable in this case. Consequently, the Plan should be assessed against the 2024 version of the NPPF and provide the full objectively assessed need for housing.

4. Do you consider that this part of the Spatial Strategy 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. : Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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

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.: *THE SPATIAL STRATEGY AND THE DISTRIBUTION OF DEVELOPMENT*

The following section of this representation considers the proposed spatial strategy and the distribution of development proposed within the consultation version of the Local Plan. Each topic is considered in turn below.

THE SPATIAL STRATEGY

The Local Plan's proposed spatial strategy is set out within Strategic Policy SP01 and its supporting text. The strategy seeks to direct new development to the most sustainable locations within the District. The Policy indicates that development will be focused at the West End of the District in the first instance, including a further new community, on-going development at Cranbrook and other strategic development close to Exeter. Significant development is then planned at the Principal Centre of Exmouth and the five other Main Centres, with development that meets local needs being supported at five Local Centres. Limited development is proposed at 23 Service Villages.

A strategy that seeks to focus strategic development in East Devon's West End in the first instance, represents a continuation of the spatial strategy used in the 2016 Local

Plan. It responds to the District's constraints and opportunities and those found within neighbouring areas.

In terms of constraints, there are three National Landscapes that are located within East Devon (the East Devon National Landscape, the Blackdown Hills National Landscape and a small extent of the Dorset National Landscape), which cover approximately two-thirds of the District. The designations cover most of the southern, south eastern, eastern and northern areas of East Devon.

Given the availability of land to accommodate housing outside of these designations and in other areas of the District, major development within the three National Landscapes is likely to conflict with national planning policy [Para 190 of the NPPF].

In terms of opportunities, the central and western areas of the District are also located in close proximity to the city of Exeter. A strategy which focuses growth in the western area of East Devon therefore ensures that new homes are provided in close proximity to the services, facilities, employment opportunities and infrastructure provided within Exeter city centre and those found within its more peripheral locations close to East Devon, including Sowton Industrial Estate. As this strategy has been one that has been employed within East Devon for a number of years, there are a number of strategic developments in the western portion of East Devon that now supplement the services, facilities, employment opportunities and infrastructure found within Exeter.

Given the above, the proposed spatial strategy will ensure that homes are provided closest to where most jobs are likely to arise, where there is the greatest potential to secure increased active and sustainable transport investment and usage, and where there exists the greatest range of services and facilities. Given these characteristics, it will result in a pattern of development which limits the need to travel and provides for a genuine choice of transport modes. In turn, this will help to reduce greenhouse gas emissions and improve air quality and public health.

A concentration of development within the West End of East Devon also responds to market demand; there remains strong developer and market interest for residential development in the western portion of East Devon.

As stated above, the proposed spatial strategy is a continuation of the spatial strategy contained within the 2016 Local Plan. It was subject of Independent Examination in 2014 and 2015 [Please refer to para. 22 of the Inspector's Report, January 2016] and was found to be a sound proposition. It is based on the principles of sustainable development, including those contained within the NPPF (including paras. 11(a) and 110).

EVIDENCE BASE

The proposed spatial strategy also provides a suiA response to addressing climate change. Research undertaken by the University of Exeter [Please refer to Section 2.3.1 of the 2020 Low Carbon and Climate Change Evidence Base for the Greater Exeter Strategic Plan Report]. has demonstrated that "location is the single most important factor in determining potential emissions arising from new development."

The work concluded that in general terms, transport related emissions were lower when development was located closer to existing major urban areas. Indeed, the work indicated that the location of development and the range of sustainable transport options available to residents would, on average, result in a greater carbon emission reduction than requiring all new dwellings to be constructed to 'zero carbon' for regulated emissions.

Consequently, a strategy that focuses development in the western portion of the District, in close proximity to Exeter city and existing developments on the western edge of East Devon, will, with additional sustainable transport measures, result in lower carbon emissions.

SUSTAINABILITY APPRAISAL

As indicated above, the proposed spatial strategy seeks, in general terms, to continue to follow that set out in the adopted Local Plan, which itself was prepared in the context of the 2012 version of the NPPF. Consequently, at Examination, it would have been necessary for the Local Planning Authority to demonstrate that it was "the most appropriate strategy, when considered against reasonable alternatives... [Para. 182 of the 2012 version of the NPPF]."

It follows that unless there has been a material change in circumstance since the Inspector's Report was published in January 2016, the proposed spatial strategy should again be considered as being appropriate (noting that for the emerging Plan to be justified and therefore a sound proposition, the 2023 version of the NPPF only requires the Local Plan to promote "an appropriate strategy," rather than "the most appropriate strategy" in the 2012 version of the NPPF).

The Cherwell Group is not aware of any material considerations that would suggest that a more appropriate spatial strategy should be adopted.

Indeed, the Sustainability Appraisal published alongside the consultation version of the Local Plan continues to suggest that the proposed spatial strategy is preferred as it:

"...promotes development at existing settlements where there is a range of jobs, services, and facilities; whilst also focussing development where there is good connectivity in close proximity to a much wider range of jobs, services, and facilities in the West End and Exeter. The scale of development proposed in the new town offers the greatest potential for a mix of uses, reducing the need to travel and providing opportunities sustainable travel links, which provides better accessibility and reduced carbon emissions (sic) [Page 140]."

THE DISTRIBUTION OF DEVELOPMENT

THE WEST END

As set out above, the emerging Plan's spatial strategy seeks a continuation of the spatial strategy adopted in the 2016 Local Plan, which, in the first instance, focused development within East Devon's West End. For the reasons set out above, this strategy continues to be the most appropriate.

Excluding windfall provision, Strategy 2 of the adopted East Devon Local Plan seeks to focus 10,563 dwellings out of the 16,393 dwellings planned for, in the West End. This equates to approximately 64% of the planned provision.

The Regulation 19 Sustainability Appraisal (CSD-003) confirms that the preferred option for the distribution of development is Option A, which is a continuation of the housing distribution in the current Local Plan. However, the preferred option considered a focus of only 60% of development within the West End (12,500 dwellings).

Whilst the emerging Local Plan sought to focus nearly two-thirds of provision within the West End, this level of provision has not materialised. Table 3 of the Council's latest Housing Monitoring Update confirms that 4,932 homes have been constructed in the West End in the period April 2013 to March 2024. This represents a shortfall of around 1,523 homes against the annualised requirement for the West End of 597 homes per annum. Over that same period, 50% of the District's total housing completions have occurred within the West End.

Moreover, the Monitoring Report forecasts again that there will be a shortfall in delivery within the West End against the distribution set out in Strategy 2 of the adopted Local Plan by the end of the plan period. Around 52% of forecast completions are to occur in the West End (7,882 dwellings are forecast to be completed in the West End, against total forecast completions of 15,216 homes). Whilst, prima facie, it could be argued that a lower housing apportionment should be afforded to the West End, it is noted that only around 25% of the overall anticipated delivery from the Cranbrook Expansion Areas is forecast to occur by the end of the plan period. Consequently, the majority of delivery from the Expansion Areas is likely to occur outside the plan period. The Local Planning Authority attributes the shortfall in the West End to the delay in the adoption of the Cranbrook Plan. This therefore justifies the approach being taken in the emerging Local Plan not to prepare a second development plan document for the new community.

However, it does suggest that the Local Planning Authority is correct to place less reliance on the West End in meeting objectively assessed needs, for such a focus is unlikely to be deliverable or effective. Consequently, there is a need, in order for the Plan to be both deliverable and effective, for a reduced focus within the West End, but to a level that does not undermine the achievement of the benefits of adopting such a strategy, as set out in the Sustainability Appraisal. The preferred distribution of development as set out in the Sustainability Appraisal strikes this appropriate balance.

Across the plan period, it would result in an average annual delivery rate for the West End of 568 homes, which is a rate of delivery that has been achieved in the West End before, suggesting that it is both a deliverable and an effective proposition.

As set out in Section 3 of these representations, land along the A3052 corridor has previously been identified as having the potential to accommodate strategic development, including a second new town. Its identification within the emerging Local Plan as a key element of the planned provision of housing in the West End is therefore supported by the Cherwell Group.

It should be noted that no equivalent table to that set out in Strategy 2 of the current Local Plan is provided within the emerging Local Plan. Moreover, this information cannot be obtained from the table contained within Strategic Policy SP03 or easily from Appendix 2 of the emerging Local Plan, as they:

do not encapsulate a full picture of supply over the plan period, as they exclude elements such as the Second New Community;

establish a requirement for neighbourhood planning areas, which are often wider than settlement level;

in some cases, attribute development to a designated neighbourhood area that principally relates to the West End. For instance, in Whimple's case, of its total requirement of 611 dwellings, 500 dwellings are attributable to a Cranbrook Expansion Area. Consequently, as set out in the Sustainability Assessment, the 500 units attributed to Whimple from the Cranbrook Expansion Areas would, in that apportionment, be associated with delivery in the West End, rather than at the Service Village.

Additionally, the housing supply information contained within Document KSD-009 is over two years old and therefore does not reflect the components of supply introduced into the emerging Plan since the Regulation 18 consultation.

The omission of a table that confirms whether the Plan provides for the distribution set out in the preferred distribution option in the Sustainability Appraisal is a significant omission that should be remedied in the second Regulation 19 consultation. It would help to demonstrate that the Plan is justified.

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.: *THE SPATIAL STRATEGY AND THE DISTRIBUTION OF DEVELOPMENT*

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In terms of constraints, there are three National Landscapes that are located within East Devon (the East Devon National Landscape, the Blackdown Hills National Landscape and a small extent of the Dorset National Landscape), which cover approximately two-thirds of the District. The designations cover most of the southern, south eastern, eastern and northern areas of East Devon.

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Given the above, the proposed spatial strategy will ensure that homes are provided closest to where most jobs are likely to arise, where there is the greatest potential to secure increased active and sustainable transport investment and usage, and where there exists the greatest range of services and facilities. Given these characteristics, it will result in a pattern of development which limits the need to travel and provides for a genuine choice of transport modes. In turn, this will help to reduce greenhouse gas emissions and improve air quality and public health.

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The work concluded that in general terms, transport related emissions were lower when development was located closer to existing major urban areas. Indeed, the work indicated that the location of development and the range of sustainable transport options available to residents would, on average, result in a greater carbon emission reduction than requiring all new dwellings to be constructed to ‘zero carbon’ for regulated emissions.

Consequently, a strategy that focuses development in the western portion of the District, in close proximity to Exeter city and existing developments on the western edge of East Devon, will, with additional sustainable transport measures, result in lower carbon emissions.

SUSTAINABILITY APPRAISAL

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“...promotes development at existing settlements where there is a range of jobs, services, and facilities; whilst also focussing development where there is good connectivity in close proximity to a much wider range of jobs, services, and facilities in the West End and Exeter. The scale of development proposed in the new town offers the greatest potential for a mix of uses, reducing the need to travel and providing opportunities sustainable travel links, which provides better accessibility and reduced carbon emissions (sic) [Page 140].”

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The Regulation 19 Sustainability Appraisal (CSD-003) confirms that the preferred option for the distribution of development is Option A, which is a continuation of the housing distribution in the current Local Plan. However, the preferred option considered a focus of only 60% of development within the West End (12,500 dwellings).

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Moreover, the Monitoring Report forecasts again that there will be a shortfall in delivery within the West End against the distribution set out in Strategy 2 of the adopted Local Plan by the end of the plan period. Around 52% of forecast completions are to occur in the West End (7,882 dwellings are forecast to be completed in the West End, against total forecast completions of 15,216 homes). Whilst, prima facie, it could be argued that a lower housing apportionment should be afforded to the West End, it is noted that only around 25% of the overall anticipated delivery from the Cranbrook Expansion Areas is forecast to occur by the end of the plan period. Consequently, the majority of delivery from the Expansion Areas is likely to occur outside the plan period. The Local Planning Authority attributes the shortfall in the West End to the delay in the adoption of the Cranbrook Plan. This therefore justifies the approach being taken in the emerging Local Plan not to prepare a second development plan document for the new community.

However, it does suggest that the Local Planning Authority is correct to place less reliance on the West End in meeting objectively assessed needs, for such a focus is unlikely to be deliverable or effective. Consequently, there is a need, in order for the Plan to be both deliverable and effective, for a reduced focus within the West End, but to a level that does not undermine the achievement of the benefits of adopting such a strategy, as set out in the Sustainability Appraisal. The preferred distribution of development as set out in the Sustainability Appraisal strikes this appropriate balance.

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Plan as a key element of the planned provision of housing in the West End is therefore supported by the Cherwell Group.

It should be noted that no equivalent table to that set out in Strategy 2 of the current Local Plan is provided within the emerging Local Plan. Moreover, this information cannot be obtained from the table contained within Strategic Policy SP03 or easily from Appendix 2 of the emerging Local Plan, as they:

do not encapsulate a full picture of supply over the plan period, as they exclude elements such as the Second New Community;

establish a requirement for neighbourhood planning areas, which are often wider than settlement level;

in some cases, attribute development to a designated neighbourhood area that principally relates to the West End. For instance, in Whimple's case, of its total requirement of 611 dwellings, 500 dwellings are attributable to a Cranbrook Expansion Area. Consequently, as set out in the Sustainability Assessment, the 500 units attributed to Whimple from the Cranbrook Expansion Areas would, in that apportionment, be associated with delivery in the West End, rather than at the Service Village.

Additionally, the housing supply information contained within Document KSD-009 is over two years old and therefore does not reflect the components of supply introduced into the emerging Plan since the Regulation 18 consultation.

The omission of a table that confirms whether the Plan provides for the distribution set out in the preferred distribution option in the Sustainability Appraisal is a significant omission that should be remedied in the second Regulation 19 consultation. It would help to demonstrate that the Plan is justified.

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. : Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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

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

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.: 7 The spatial strategy and the distribution of development INT RODU C TIO N

7.1 The following section of this representation considers the proposed spatial strategy and the distribution of development proposed within the consultation version of the Local Plan. Each topic is considered in turn below.

7.2 The work demonstrates that Whimble has a not dissimilar level of services and facilities to other Tier 3 settlements and a greater level of services and facilities than other larger Tier 4 settlements. It also benefits from having active and sustainable transport connections to the services, facilities and employment opportunities found within the West End (which is only 1km to the west) and Exeter. Consequently, it is not a justified proposition to retain Whimble as a Tier 4 settlement. Such an approach is unsound. It would be a more justified approach to enhance its role to a Tier 3 settlement.

7.3 Moreover, it would also, with the commensurate increase in the quantum of housing that would be focused at Whimble resulting from the increase in its role and function, help to address DWH concerns that Whimble is afforded a disproportionately lower level of housing in comparison to other Tier 3 and 4 settlements, which is again unjustified and unsound. Having regard to Whimble's services and facilities in comparison to other Tier 3 and 4 settlements, DWH considers that it could accommodate a greater level of housing than is currently proposed. An increase in housing at the settlement, above that proposed within the Local Plan, would therefore be justified. It would also broadly accord with the emerging Plan's spatial strategy,

which seeks to focus development within the West End in the first instance. The West End, which is located only 1km to the west of Whimble, is connected to the settlement by strategically important active and sustainable transport connections. THE SP ATIA L STR AT EGY

7.4 The Local Plan Review's proposed spatial strategy is set out within Strategic Policy SP01 and its supporting text. The strategy seeks to direct new development to the most sustainable locations within the District. The Policy indicates that development will be focused at the West End of the District in the first instance, including a further new community, on-going development at Cranbrook and other strategic development close to Exeter. Significant development is then planned at the Principal Centre of Exmouth and the five other Main Centres, with development that meets local needs being supported at five Local Centres. Limited development is proposed at 23 Service Villages.

7.5 A strategy that seeks to focus strategic development in East Devon's West End in the first instance, represents a continuation of the spatial strategy used in the 2016 Local Plan. It responds to the District's constraints and opportunities and those found within neighbouring areas.

7.6 In terms of constraints, there are three National Landscapes that are located within East Devon (the East Devon National Landscape, the Blackdown Hills National Landscape and a small extent of the Dorset National Landscape), which cover approximately two-thirds of the District. The designations cover most of the southern, south eastern, eastern and northern areas of East Devon. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 27

7.7 Given the availability of land to accommodate housing outside of these designations and in other areas of the District, major development within the three National Landscapes is likely to conflict with national planning policy⁸.

7.8 In terms of opportunities, the central and western areas of the District are also located in close proximity to the city of Exeter. A strategy which focuses growth in the western area of East Devon therefore ensures that new homes are provided in close proximity to the services, facilities, employment opportunities and infrastructure provided within Exeter city centre and those found within its more peripheral locations close to East Devon, including Sowton Industrial Estate. As this strategy has been one that has been employed within East Devon for a number of years, there are a number of strategic developments in the western portion of East Devon that now supplement the services, facilities, employment opportunities and infrastructure found within Exeter.

7.9 Given the above, the proposed spatial strategy will ensure that homes are provided closest to where most jobs are likely to arise, where there is the greatest potential to secure increased active and sustainable transport investment and usage, and where

there exists the greatest range of services and facilities. Given these characteristics, it will result in a pattern of development which limits the need to travel and provides for a genuine choice of transport modes. In turn, this will help to reduce greenhouse gas emissions and improve air quality and public health.

7.10 A concentration of development within the West End of East Devon also responds to market demand; there remains strong developer and market interest for residential development in the western portion of East Devon.

7.11 As stated above, the proposed spatial strategy is a continuation of the spatial strategy contained within the 2016 Local Plan. It was subject of Independent Examination in 2014 and 2015⁹ and was found to be a sound proposition. It is based on the principles of sustainable development, including those contained within the NPPF (including paras. 11(a) and 110).

7.12 Notwithstanding the above, whilst DWH are supportive of a strategy that focuses development at East Devon's West End in the first instance, it should not be at the detriment of providing a suitable level of housing in other towns and villages within the District. Whilst there is not a requirement for a spatial strategy to respond to development needs at a settlement level, each settlement will have its own needs. This was a matter which was considered by the Inspector of the current Local Plan¹⁰. In general terms, the spatial strategy does provide the opportunity for each settlement to meet its own needs.

7.13 However, DWH is aware of a number of settlements that are located in the western portion of the District, which are largely unaffected by environmental designations, and have a good range of services and facilities, and benefit from strong active and sustainable transport connections. They are also located in close proximity to the services, facilities and employment opportunities found within the western portion of East Devon. Such settlements are capable of having a greater role within the spatial strategy and, in a manner that is broadly consistent with it, could accommodate greater levels of development. Further development in such locations would also help to sustain and enhance the essential services and facilities found in such locations, that service both the settlement and its rural hinterland.

7.14 Whimble, for instance, has, as identified in the Role and Function of Settlements evidence base document¹¹, relative to its size, a good range of services and facilities, including a primary school; a 8 Para. 190 of the NPPF. ⁹ Please refer to para. 22 of the Inspector's Report, January 2016. ¹⁰ Para. 26 of the Inspector's Report, January 2016. ¹¹ East Devon District Council, The Role and Function of Settlements, 2021. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 28 railway station; a convenience store/shop; a post office; a doctor's surgery; a community hall; two public houses; allotments; sports provision and children's play facilities.

7.15 As stated in Section 2 above, being located approximately 1km to the east of the eastern edge of the Cobdens development, it is in a comfortable active travel distance of the services, facilities and employment opportunities found within Cranbrook (which are due to be enhanced through the development of the Expansion Areas) and those to the west. Improvements to the active travel facilities along London Road have been secured through the developments within the Cranbrook Expansion Areas and further improvements are proposed through the Clyst Valley and New Communities Local Cycling and Walking Infrastructure Plan.

7.16 In addition, Whimble also benefits from having its own railway station, which is located on the strategically important West of England Railway Line. Generally, a twice hourly service is provided to a range of destinations, including Cranbrook, Pinhoe, Exeter Central and Exeter St Davids to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. Service enhancements are proposed on the Line, with it forming part of the Devon Metro. Whimble is therefore sustainably connected to the services, facilities and employment opportunities found within higher tier settlements located to the east and west. The services and facilities found within Whimble in comparison to other settlements Whimble in comparison to Tier 3 Local Centres

7.17 Evidence provided within the Role and Function of Settlements Report demonstrates the services and facilities within Whimble are not of a dissimilar level to those found within a number of Tier 3 Local Centres, including Woodbury (please see the comparison provided at Appendix 4).

7.18 Comparing Whimble and Woodbury, other than having a greater retail provision, the services and facilities on offer in Woodbury mirror those found within Whimble. Whilst the bus services are more regular in Woodbury, importantly, unlike Whimble, it does not have a railway station. Both have a broadly comparable employment density.

7.19 Given the similarities in the levels of services and facilities between Whimble and other proposed Local Centres, consideration should be given to uplifting Whimble's status in the settlement hierarchy to a Local Centre. Such an approach, which would be justified based on the evidence underpinning the Plan, would provide a better fit with the services and facilities found within the settlement. A greater role for Whimble in meeting needs would also help ensure that its services and facilities would be protected and enhanced, whilst also acknowledging its geographic relationship with the strategic developments found within the West End and Exeter, which are accessible by active and sustainable forms of travel. Whimble in comparison to Tier 4 Service Villages

7.20 A comparison between Whimble and other Tier 4 Service Villages is also provided at Appendix 4. Summarily, it confirms that: ? Feniton – Feniton has a more limited range of services and facilities than Whimble, including not having a GP and one less public

house; ? Newton Poppleford – whilst Newton Poppleford has a better bus service, Whimble benefits from a train station and a GP. Consequently, Whimble has a greater range of community facilities; and ? West Hill - whilst West Hill has a better bus service and a modestly better retail provision, Whimble has a train station, a GP, two public houses and allotments over the services and facilities found within West Hill. Consequently, Whimble has a greater range of community facilities.

7.21 Moreover, in comparison with Dunkeswell, Whimble has a train station, a primary school and two public houses over the provision in Dunkeswell, although it is acknowledged that Dunkeswell has one more shop. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 29

7.22 It can therefore be seen that Whimble has a greater range of community facilities than the larger Tier 4 settlements identified in emerging Policy SP01. It also demonstrates that relative to its size, it has a good range of services and facilities. Having regard to the population of other Tier 3 and 4 settlements and the range of services and facilities found within them, Whimble is capable of supporting a larger population. Evidence base

7.23 The proposed spatial strategy also provides a suitable response to addressing climate change. Research undertaken by the University of Exeter¹² has demonstrated that “location is the single most important factor in determining potential emissions arising from new development.”

7.24 The work concluded that in general terms, transport related emissions were lower when development was located closer to existing major urban areas. Indeed, the work indicated that the location of development and the range of sustainable transport options available to residents would, on average, result in a greater carbon emission reduction than requiring all new dwellings to be constructed to ‘zero carbon’ for regulated emissions.

7.25 Consequently, a strategy that focuses development in the western portion of the District, in close proximity to Exeter City and existing developments on the western edge of East Devon, will, with additional sustainable transport measures, result in lower carbon emissions.

7.26 As has been demonstrated, whilst Whimble is, relative to its size, a sustainable settlement in its own right, it is also located in the western portion of East Devon and in close proximity to strategic services, facilities and employment opportunities. Its significant active and sustainable transport offer ensures that it is not an unsustainable, dormitory settlement. Indeed, if an enhanced role were afforded to Whimble in the settlement hierarchy and in accommodating the District’s needs, it would provide a strong fit with the University of Exeter’s work, as development would be located in close

proximity to major urban areas and at a location with a range of sustainable transport options. Sustainability Appraisal

7.27 As indicated above, the proposed spatial strategy seeks, in general terms, to continue to follow that set out in the adopted Local Plan, which itself was prepared in the context of the 2012 version of the NPPF. Consequently, at Examination, it would have been necessary for the Local Planning Authority to demonstrate that it was “the most appropriate strategy, when considered against reasonable alternatives...13”

7.28 It follows that unless there has been a material change in circumstance since the Inspector’s Report was published in January 2016, the proposed spatial strategy should again be considered as being appropriate (noting that for the emerging Plan to be justified and therefore a sound proposition, the 2023 version of the NPPF only requires the Local Plan to promote “an appropriate strategy,” rather than “the most appropriate strategy” in the 2012 version of the NPPF).

7.29 At a macro level, DWH is not aware of any material considerations that would suggest that a more appropriate spatial strategy should be adopted.

7.30 Indeed, the Sustainability Appraisal published alongside the consultation version of the Local Plan continues to suggest that the proposed spatial strategy is preferred as it: “...promotes development at existing settlements where there is a range of jobs, services, and facilities; whilst also focussing development where there is good connectivity in close proximity to a 12 Please refer to Section 2.3.1 of the 2020 Low Carbon and Climate Change Evidence Base for the Greater Exeter Strategic Plan Report. 13 Para. 182 of the 2012 version of the NPPF. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 30 much wider range of jobs, services, and facilities in the West End and Exeter. The scale of development proposed in the new town offers the greatest potential for a mix of uses, reducing the need to travel and providing opportunities sustainable travel links, which provides better accessibility and reduced carbon emissions (sic)14.”

7.31 However, for the reasons set out above, DWH considers that there is a strong case for Whimble to be afforded a greater role in the spatial strategy, as a Tier 3 Local Centre. Indeed, as has been demonstrated, it has a comparable level of services and facilities to other Tier 3 settlements within the District. On the face of the evidence, it could not be considered to be a justified position to not include Whimble as a Tier 3 settlement.

7.32 Using the Sustainability Appraisal’s own analysis, the promotion of Whimble to a Tier 3 Local Centre, with the additional resulting development, would provide a number of positive outcomes against the Sustainability Appraisal’s objectives, including: ? SA Objective 1 (Landscape) - it would continue to focus development outside nationally designated landscapes and/or the undeveloped coast; ? SA Objective 4 (Climate change and carbon emissions) - Whimble has a good range of services and facilities

that are capable of supporting a larger population. It is also within an active travel distance of the services, facilities and employment opportunities within the West End and Exeter, which are also connected by sustainable modes of transport (the West of England Main Line). A greater focus of development at Whimble would therefore provide a strong alignment with the Objective. ? SA Objective 5 (Climate change adaptation) – the analysis identifies Whimble as being located within a Critical Drainage Area and therefore it identifies development in such locations as having an uncertain effect. However, in some cases, as has been demonstrated in Section 2 above, development in such a location can help to alleviate the issue. In such a circumstance this would achieve a positive outcome. ? SA Objective 6 (Land resources) – the analysis identified that Whimble is affected by a Minerals Safeguarding Area. This overplays the situation, with the designation extending to the north of the A30, but being divorced from the undeveloped areas of land that surround Whimble. Additional allocations at the settlement would therefore not affect any Minerals Safeguarding Area. ? SA Objective 8 (Homes) - further development at Whimble is likely to result in additional smaller-scale developments coming forward, which, as identified in the analysis, are faster to build-out. In the context of: (1) the requirement not meeting the objectively assessed need for housing; and (2) the need for a stepped trajectory for the first 12 years of the Plan, a greater number of small-scale sites would help to provide a closer alignment with needs in the first part of the plan period. ? SA Objective 9 (Health and wellbeing) – further development at Whimble would ensure that future residents have access to the sports provision within the settlement, as well as other rural recreation opportunities. It is also connected via active and sustainable modes of transport to the existing and proposed leisure opportunities within Cranbrook. ? SA Objective 10 (Access to services), SA Objective 11 (Jobs and employment) and SA Objective 13 (Connectivity and transport) – further development at the Service Villages was identified as resulting in a greater volume of travel to Exeter from inaccessible areas, with poorer travel links. This, however, is not the case for Whimble, which benefits from active and sustainable travel connections to East Devon’s West End and Exeter. If Cranbrook, which lies just 14 Page 140. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 31 1km to the west of Whimble/one stop on the West of England railway line is considered to be a sustainable location to accommodate development then, by definition, so should Whimble.

7.33 Consequently, an enhanced role for Whimble in the spatial strategy, which has both the services, facilities and environmental capacity to accommodate further growth, could result in a pattern of development that is consistent with the spatial strategy. It would also strengthen the positive outcomes against the SA Objectives for the preferred spatial strategy. THE D I S T R I B U T I O N O F D E V E L O P M E N T The West End

7.34 As set out above, the emerging Plan’s spatial strategy seeks a continuation of the spatial strategy adopted in the 2016 Local Plan, which, in the first instance, focused

development within East Devon's West End. For the reasons set out above, this strategy continues to be the most appropriate.

7.35 Excluding windfall provision, Strategy 2 of the adopted East Devon Local Plan seeks to focus 10,563 dwellings out of the 16,393 dwellings planned for, in the West End. This equates to approximately 64% of the planned provision.

7.36 The Regulation 19 Sustainability Appraisal (CSD-003) confirms that the preferred option for the distribution of development is Option A, which is a continuation of the housing distribution in the current Local Plan. However, the preferred option considered a focus of only 60% of development within the West End (12,500 dwellings).

7.37 Whilst the emerging Local Plan sought to focus nearly two-thirds of provision within the West End, this level of provision has not materialised. Table 3 of the Council's latest Housing Monitoring Update confirms that 4,932 homes have been constructed in the West End in the period April 2013 to March 2024. This represents a shortfall of around 1,523 homes against the annualised requirement for the West End of 597 homes per annum. Over that same period, 50% of the District's total housing completions have occurred within the West End.

7.38 Moreover, the Monitoring Report forecasts again that there will be a shortfall in delivery within the West End against the distribution set out in Strategy 2 of the adopted Local Plan by the end of the plan period. Around 52% of forecast completions are to occur in the West End (7,882 dwellings are forecast to be completed in the West End, against total forecast completions of 15,216 homes). Whilst, prima facie, it could be argued that a lower housing apportionment should be afforded to the West End, it is noted that only around 25% of the overall anticipated delivery from the Cranbrook Expansion Areas is forecast to occur by the end of the plan period. Consequently, the majority of delivery from the Expansion Areas is likely to occur outside the plan period. The Local Planning Authority attributes the shortfall in the West End to the delay in the adoption of the Cranbrook Plan. This therefore justifies the approach being taken in the emerging Local Plan not to prepare a second development plan document for the new community.

7.39 However, it does suggest that the Local Planning Authority is correct to place less reliance on the West End in meeting objectively assessed needs, for such a focus is unlikely to be deliverable or effective. Consequently, there is a need, in order for the Plan to be both deliverable and effective, for a reduced focus within the West End, but to a level that does not undermine the achievement of the benefits of adopting such a strategy, as set out in the Sustainability Appraisal. The preferred distribution of development as set out in the Sustainability Appraisal strikes this appropriate balance.

7.40 Across the plan period, it would result in an average annual delivery rate for the West End of 568 homes, which is a rate of delivery that has been achieved in the West

7.41 It should be noted that no equivalent table to that set out in Strategy 2 of the current Local Plan is provided within the emerging Local Plan. Moreover, this information cannot be obtained from the table contained within Strategic Policy SP03 or easily from Appendix 2 of the emerging Local Plan, as they: ? do not encapsulate a full picture of supply over the plan period, as they exclude elements such as the Second New Community; ? establish a requirement for neighbourhood planning areas, which are often wider than settlement level; ? in some cases, attribute development to a designated neighbourhood area that principally relates to the West End. For instance, in Whimple's case, of its total requirement of 611 dwellings, 500 dwellings are attributable to a Cranbrook Expansion Area. Consequently, as set out in the Sustainability Assessment, the 500 units attributed to Whimple from the Cranbrook Expansion Areas would, in that apportionment, be associated with delivery in the West End, rather than at the Service Village.

7.42 Additionally, the housing supply information contained within Document KSD-009 is over two years old and therefore does not reflect the components of supply introduced into the emerging Plan since the Regulation 18 consultation.

7.43 The omission of a table that confirms whether the Plan provides for the distribution set out in the preferred distribution option in the Sustainability Appraisal is a significant omission that should be remedied in the second Regulation 19 consultation. It would help to demonstrate that the Plan is justified. The rest of East Devon

7.44 The preferred option for distributing development as set out in the Sustainability Appraisal would see approximately 8,300 dwellings being distributed in the 'rest of East Devon' (approximately 40% of the housing requirement), of which: ? 30% (6,200 homes) is to be focused at Exmouth and the Main Centres; and ? 10% (2,100 homes) to the Local Centres, Service Villages and the Countryside.

7.45 For the areas of the District that are located outside the West End, this would equate to an annual average delivery rate of 377 dwellings per annum. This is a rate of delivery that has been achieved in nine out of the past 11 monitoring years. Consequently, it is a deliverable and therefore an effective proposition.

7.46 In the context presented in Sections 6 and 8 of these representations, where there is a need for: (1) the housing requirement to be increased to better reflect objectively assessed needs or account for the shortfall in delivery against the current Local Plan's housing requirement; and (2) a need to increase the supply of homes in the first 12 years of the Plan and place less reliance on a stepped trajectory (particularly when the Plan does not proposed to meet objectively assessed needs in full), there is a need to

explore the potential for further allocations to be made, particularly where they provide a strong fit with the spatial strategy.

7.47 Further development at Whimble, for instance, would, as has been demonstrated above, be consistent with the spatial strategy. It would provide a balance between affording an opportunity for a greater amount of rural need to be met at a settlement which has services and facilities that are capable of supporting an increased population, but in a location where higher order services, facilities and strategic employment locations can be accessed by active and sustainable modes of transport.

7.48 Given its locational advantages, DWH are concerned about the level of housing proposed at the settlement; excluding the commitment at the Cobdens Expansion Area, just 111 homes are proposed EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 33 at the settlement over the period 2020 to 2042, which provides an annual average delivery rate of just 5 homes per annum.

7.49 Despite, as suggested in the Role and Function of Settlements Report (GEV-001), Whimble housing

0.81% of the District's population, the Local Plan proposes, excluding a windfall provision, the settlement to accommodate just 0.53% of the overall planned housing provision. In comparison, Woodbury houses 1.18% of the District's population, but will accommodate approximately 1.75% of the District's housing provision. Similarly, Feniton, which, as demonstrated above, has fewer services and facilities than Whimble, houses 0.16% of the District's population, but is proposed to accommodate approximately 0.61% of the planned provision. Whimble's current role within the spatial strategy in comparison to other Local Centres

7.50 Excluding the anticipated delivery from the Cranbrook Expansion Area, Whimble's housing requirement is 111 dwellings. This is a similar quantum of development to that envisaged at two of the Local Centres; Budleigh Salterton (132 homes) and Colyton (169 homes).

7.51 Consequently, given its services, facilities, active and sustainable transport connections and the quantum of development proposed at the settlement, Whimble is already fulfilling the role and function of a Local Centre. It would therefore be a justified strategy to redesignate Whimble as a Local Centre. This would provide it with the opportunity to have a greater role in meeting East Devon's housing needs. Whimble's housing capacity based on its services and facilities

7.52 It has been demonstrated that Whimble has a greater number of services and facilities than other settlements with a larger population. Woodbury, Feniton and Newton Poppleford, for instance, all have populations in excess of 1,700 residents, whilst West Hill has a population of over 2,000 residents. Conservatively, before any

additional allocations are proposed within the emerging Local Plan, it is considered that Whimble has, on the basis of its services and facilities, the capacity to accommodate a further 217 homes¹⁵.

¹⁵ The difference between the populations of Whimble (1,189 residents) and Woodbury, Feniton and Newton Poppleford (approximately 1,700 residents), divided by 2.35 persons, per home.

THE ROLE AND FUNCTION OF SETTLEMENTS 10.37 Disappointingly, para. 3.17 of the 'Role and Function of Settlements' background paper describes Whimble as being a dormitory settlement and a "relatively unsustainable" place to live. This conclusion is made after an assessment of the jobs to homes balance, wherein it is identified that the settlement has nearly three times as many residents available to work than the number of jobs available in the settlement. 10.38 This conclusion, as indicated at para. 3.34 of the same document, has influenced the Local Planning Authority's views on the levels of residential development that Whimble could accommodate, as it was considered that "residential development in isolation is likely to perpetuate unsustainable travel to work patterns." 10.39 However, such analysis ignores the significant existing active and sustainable transport opportunities provided at Whimble and the potential for them to be enhanced. Indeed, Whimble is located within a reasonable cycling journey time of Cranbrook and the employment opportunities clustered at that settlement and the surrounding areas. Other than one other road, Cranbrook is linked to Whimble by London Road. The Cranbrook Plan has secured significant funding for environmental enhancements to London Road. Those improvements, which are to be delivered by Devon County Council, will have a design speed of 20mph and are likely to include segregated pedestrian and cycle links. Cycling could therefore become even more of a realistic mode to travel to work for Whimble's residents. 10.40 Moreover, as outlined elsewhere in these representations, Whimble has a railway station, which is described in the Role and Function of Settlements background paper as being a strategic facility. The station is located on the West of England Railway Line and therefore services are provided to a range of destinations including Cranbrook and Exeter to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. Generally, services are provided at a twice hourly frequency. 10.41 The railway station is relatively well-used and proportionally more residents travel to work by the railway than in other areas of the District. Further growth around Whimble has the potential to encourage further patronage. 10.42 As well as reducing congestion on the highways network, the promotion of such sustainable modes of travel would reduce greenhouse gas emissions associated with the private vehicle, whilst health benefits would also result. 10.43 The conclusion presented in the assessment work also ignores more

modern methods of working, especially since the Covid-19 pandemic. In this regard we note that superfast broadband is available in Whimble. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 66 10.44 For the above reasons, DWH considers that the evidence base document is deficient. It has resulted in an unjustified strategy that has constrained levels of development at Whimble to an unreasonable level. 10.45 Future versions of the evidence base document and the other documents that the work has influenced, including the emerging Local Plan, should reconsider the role that Whimble could play in accommodating development, particularly given the need, for the reasons set out within these representations, to identify further housing allocations within the District.

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.: C H A N G E S R E Q U I R E D T O A D D R E S S S O U N D N E S S I S S U E S

7.53 The analysis presented above demonstrates that Whimble has a comparable level of services and facilities to Tier 3 Local Centres. Excluding development associated with the Cobden's Expansion Area, a comparable level of development is proposed at Whimble to other Tier 3 settlements. Consequently, in all but name, Whimble is acting as a Tier 3 Local Centre. It is therefore not a justified proposition for it to continue to be designated as a Tier 4 Service Village; it should be redesignated as a Tier 3 Local Centre.

7.54 In such a circumstance, Whimble could be afforded a greater role in meeting the District's unmet housing needs, particularly as the settlement has a level of services and facilities that are capable of supporting a larger population. A greater focus of development at Whimble would also accord with the Plan's wider spatial strategy, which seeks to focus development in the western portion of East Devon.

4. Do you consider that this part of the Spatial Strategy 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. : Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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(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.: Unmet need from neighbouring authorities

6.38 As set out above, para. 11(b) of the 2023 version of the NPPF confirms that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of parts (b)(i) and (ii) apply. This is reiterated at para. 26. In addition, para. 61 confirms that in addition to the local housing need figure, any needs that cannot be met in neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

6.39 The neighbouring authorities to East Devon are: ? Exeter City; ? Teignbridge; ? Mid Devon; ? Dorset; and ? Somerset.

6.40 All the Local Authorities listed above, aside from Dorset and Somerset, are located within the Greater Exeter Housing Market Area.

6.41 Key Supporting Document 002, which relates to the duty to co-operate, confirms that, in East Devon's view, the Local Planning Authority can meet its housing need⁷. Moreover, it is also confirmed that there are no requests for East Devon to accommodate any unmet housing needs from neighbouring authorities at the present time.

6.42 With regard to the former, Key Document 002 cites the Housing Need, Supply and Requirement Interim Topic Paper (November 2022) (Key Supporting Document 017) as evidence that East Devon can meet their housing need. However, given the age of the document (over two years old), the standard method used within the evidence base is the previous version and does not reflect the more up-to-date approach published in

December 2024. Consequently, the evidence base document suggests that the local housing need figure was, at November 2022, 946 dwellings per annum, whereas, as set out above, it is now 1,146 dwellings per annum. Consequently, it is not the case, as is suggested by Key Supporting Document 002, that the emerging Local Plan has met East Devon's local housing need figure. As has been outlined above, the Local Planning Authority is reliant on the transitional arrangements provided in the 2024 version of the NPPF to justify their 7 Para. 4.3.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 22 housing requirement. It does not appear, given the conclusions of Key Document 002, that any discussion has been held with neighbouring authorities as to how that shortfall could be met.

6.43 In terms of neighbouring authorities, Table 3 below provides an assessment of the current objectively assessed need for each authority against their emerging housing requirement. TABLE 3: OBJECTIVELY ASSESSED NEEDS AGAINST EMERGING HOUSING REQUIREMENTS LOCAL AUTHORITY PLAN-MAKING STAGE HOUSING REQUIREMENT (DPA) OBJECTIVELY ASSESSED NEED FOR HOUSING (DPA) SURPLUS/DEFICIT East Devon Regulation 19 950.4 1,146 -196 Exeter Regulation 19 642 804 -162 Teignbridge Examination 720 1,078 -358 Mid Devon Regulation 18 365 567 -202 Dorset Regulation 18 1,793 3,221 -1,428 Somerset Evidence gathering

6.44 Whilst it is acknowledged that the plan-making process is ongoing for all the above authorities, which could result in an increase to the housing requirements stated in the above table and that transitional arrangements in the 2024 version of the NPPF could apply, it shows that at present, the shortfall in planned housing provision for East Devon and its neighbouring authorities, aside from Somerset, against the locally assessed need for housing, is 2,346 homes per annum. Not only does it demonstrate that no local planning authority is planning to provide a greater level of housing than the standard method indicates is necessary, which could be used to meet unmet needs from neighbouring authorities, but that a significant shortfall is currently predicted. It also demonstrates that at the present time, no neighbouring authority is planning to accommodate any of East Devon's unmet need.

6.45 The analysis demonstrates that East Devon District Council has not fulfilled their duty to cooperate, as the basis on which the duty to cooperate discussions were undertaken on, predates existing objectively assessed levels of need. As a result, the Plan is inconsistent with national planning policy (para. 26 of the NPPF). It follows that it also cannot be considered to be either positively prepared or justified.

[Table for this section is available in the attached PDF]

Unmet need from neighbouring authorities

6.38 As set out above, para. 11(b) of the 2023 version of the NPPF confirms that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of parts (b)(i) and (ii) apply. This is reiterated at para. 26. In addition, para. 61 confirms that in addition to the local housing need figure, any needs that cannot be met in neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

6.39 The neighbouring authorities to East Devon are: ? Exeter City; ? Teignbridge; ? Mid Devon; ? Dorset; and ? Somerset.

6.40 All the Local Authorities listed above, aside from Dorset and Somerset, are located within the Greater Exeter Housing Market Area.

6.41 Key Supporting Document 002, which relates to the duty to co-operate, confirms that, in East Devon's view, the Local Planning Authority can meet its housing need⁷. Moreover, it is also confirmed that there are no requests for East Devon to accommodate any unmet housing needs from neighbouring authorities at the present time.

6.42 With regard to the former, Key Document 002 cites the Housing Need, Supply and Requirement Interim Topic Paper (November 2022) (Key Supporting Document 017) as evidence that East Devon can meet their housing need. However, given the age of the document (over two years old), the standard method used within the evidence base is the previous version and does not reflect the more up-to-date approach published in December 2024. Consequently, the evidence base document suggests that the local housing need figure was, at November 2022, 946 dwellings per annum, whereas, as set out above, it is now 1,146 dwellings per annum. Consequently, it is not the case, as is suggested by Key Supporting Document 002, that the emerging Local Plan has met East Devon's local housing need figure. As has been outlined above, the Local Planning Authority is reliant on the transitional arrangements provided in the 2024 version of the NPPF to justify their 7 Para. 4.3.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 22 housing requirement. It does not appear, given the conclusions of Key Document 002, that any

discussion has been held with neighbouring authorities as to how that shortfall could be met.

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6.44 Whilst it is acknowledged that the plan-making process is ongoing for all the above authorities, which could result in an increase to the housing requirements stated in the above table and that transitional arrangements in the 2024 version of the NPPF could apply, it shows that at present, the shortfall in planned housing provision for East Devon and its neighbouring authorities, aside from Somerset, against the locally assessed need for housing, is 2,346 homes per annum. Not only does it demonstrate that no local planning authority is planning to provide a greater level of housing than the standard method indicates is necessary, which could be used to meet unmet needs from neighbouring authorities, but that a significant shortfall is currently predicted. It also demonstrates that at the present time, no neighbouring authority is planning to accommodate any of East Devon's unmet need.

6.45 The analysis demonstrates that East Devon District Council has not fulfilled their duty to cooperate, as the basis on which the duty to cooperate discussions were undertaken on, predates existing objectively assessed levels of need. As a result, the Plan is inconsistent with national planning policy (para. 26 of the NPPF). It follows that it also cannot be considered to be either positively prepared or justified.

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.: Unmet need from neighbouring authorities

6.38 As set out above, para. 11(b) of the 2023 version of the NPPF confirms that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of parts (b)(i) and (ii) apply. This is reiterated at para. 26. In addition, para. 61 confirms that in addition to the local housing need figure, any needs

that cannot be met in neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

6.39 The neighbouring authorities to East Devon are: ? Exeter City; ? Teignbridge; ? Mid Devon; ? Dorset; and ? Somerset.

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6.41 Key Supporting Document 002, which relates to the duty to co-operate, confirms that, in East Devon's view, the Local Planning Authority can meet its housing need⁷. Moreover, it is also confirmed that there are no requests for East Devon to accommodate any unmet housing needs from neighbouring authorities at the present time.

6.42 With regard to the former, Key Document 002 cites the Housing Need, Supply and Requirement Interim Topic Paper (November 2022) (Key Supporting Document 017) as evidence that East Devon can meet their housing need. However, given the age of the document (over two years old), the standard method used within the evidence base is the previous version and does not reflect the more up-to-date approach published in December 2024. Consequently, the evidence base document suggests that the local housing need figure was, at November 2022, 946 dwellings per annum, whereas, as set out above, it is now 1,146 dwellings per annum. Consequently, it is not the case, as is suggested by Key Supporting Document 002, that the emerging Local Plan has met East Devon's local housing need figure. As has been outlined above, the Local Planning Authority is reliant on the transitional arrangements provided in the 2024 version of the NPPF to justify their 7 Para. 4.3.

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[Table for this section is available in the attached PDF]

Unmet need from neighbouring authorities

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6.45 The analysis demonstrates that East Devon District Council has not fulfilled their duty to cooperate, as the basis on which the duty to cooperate discussions were undertaken on, predates existing objectively assessed levels of need. As a result, the Plan is inconsistent with national planning policy (para. 26 of the NPPF). It follows that it also cannot be considered to be either positively prepared or justified.

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

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 following section of this representation sets out DWH response to the emerging Local Plan's housing requirement. It also establishes East Devon District Council's current housing need.

Assessment of alternative levels of housing provision 10.24 As set out in Section 6 above, three options were tested for the most appropriate housing requirement, as follows: ? Option A – 950 dwellings per annum (20,909 dwellings over the plan period); ? Option B – 1,045 dwellings per annum (22,990 dwellings over the plan period); and ? Option C – 1,188 dwellings per annum (26,136 dwellings over the plan period). 10.25 Option A represents the housing requirement contained within the emerging Local Plan, whilst Option C represents the local housing need figure at the time the Regulation 19 Plan was published. 10.26 Having undertaken an assessment of the options against the SA Objectives, the Sustainability Appraisal concludes that Option A is the preferred option. However, DWH note that there are a 35 East Devon District Council, Site Selection Report Whimple (February 2025), para. 1.6. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 64 number of technical deficiencies with this approach. These concerns are set out in detail in Section 6 of this representation and for brevity, are not repeated here. 10.27 A re-assessment of Options A to C, which is provided at Appendix 5 of these representations, would suggest that Option C is preferable. 10.28 This revised analysis would suggest that by failing to plan for Option C, which is the preferred outcome, the emerging Local Plan is ineffective. To ensure that the Plan is effective and sound, there is a need for the Local Plan to incorporate a housing requirement that, as a minimum, meets local housing needs.

6.2 Summarily, DWH note that the Local Planning Authority is planning to adopt a housing requirement that is only 82.9% of the identified local housing need. It will fail to provide for one in six homes required and will not result in Objective 5 of the Plan being met. It will neither address the significant shortfall in housing from the 2016 Local Plan or housing affordability. By failing to meet identified local housing needs and planning for the same annualised requirement as established in the 2016 Local Plan, it is not consistent with the national policy objective of significantly boosting the supply of homes. No discussions with neighbouring authorities under the duty to cooperate

arrangements have been made to address the shortfall. The application of the stepped trajectory proposed within the Policy would worsen these concerns for the first 12 years of the Plan.

6.3 Consequently, DWH consider that the housing requirement established in Strategic Policy 2 is not positively prepared, justified or consistent with national planning policy. As drafted, it is therefore unsound.

6.4 To address these soundness concerns, and on the basis of a plan period covering 2020 to 2042, the housing requirement should be increased to meet the local housing need figure of 1,146 homes per annum/25,212 homes over the Plan period. There is an adequate theoretical supply of housing land to meet this higher requirement and it is a deliverable proposition. It is therefore effective. None of the Local Planning Authority's evidence suggests that it would be an unjustified strategy. Indeed, analysis provided in Appendix 5 of these representations suggests that a requirement that aligns with the local housing need figure should have been the preferred option.

6.5 Should the Local Planning Authority continue to Plan on the basis of a lower housing requirement, then there will be a need to incorporate the shortfall from the 2016 Local Plan (approximately 3,500 dwellings). ESTABLISHING THE LOCAL HOUSING NEED - THE APPLICATION OF THE STANDARD METHOD

6.6 As confirmed above and on page 5 of the consultation document, the Local Planning Authority consider that the emerging Local Plan will, due to the transitional arrangements set out in the December 2024 version of the NPPF, be examined against the requirements of the December 2023 version of the NPPF. As set out in Section 5 above, this is disputed by DWH.

6.7 In any event, para. 61 of the 2023 version of the NPPF confirms that in order to determine the minimum number of homes needed in an area, strategic policies should be informed by a local housing needs assessment, conducted using the standard method. The outcome of the standard method is the starting point for establishing a housing requirement for an area.

6.8 The 2023 version of the NPPF acknowledged that there may be exceptional circumstances that justify an alternative approach to calculating housing need. However, since the publication of the 2023 version of the NPPF, a revised standard method has been published, which regardless of the iteration of the NPPF that the Plan is being prepared to accord with, supersedes earlier versions of the standard method. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 18

6.9 The revised standard method employs differing inputs to earlier versions, including the existing dwelling stock within an area and an adjustment to take account of affordability. The revised approach provides "a stable and predictable baseline that

ensures that all areas, as a minimum, are contributing a share of the national total that is proportionate to the size of their current housing market².”

6.10 Given this revised position, the Planning Practice Guidance (PPG) confirms that the standard method should be used to assess housing needs and that only in the following limited circumstances should an alternative approach be considered: ? where the strategic policy-making authorities boundaries do not align with the local authorities boundaries; ? the data required for the standard method is not available for the area; or ? the data sample size is too small³.

6.11 None of these circumstances are relevant to East Devon; the emerging Local Plan will cover the whole of East Devon, the data is available and the data sample size for all inputs is sufficiently large. Accordingly, as set out in the Plan, the 2024 version of the standard method should be used for calculating the objectively assessed need.

6.12 Consequently, it would, in the case of the emerging Local Plan, be inappropriate to use any other approach to calculating housing need, other than the latest version of the standard method.

6.13 As rightly confirmed at para. 3.11 of the consultation document, the objectively assessed need for housing within East Devon at the time that the Regulation 19 version of the Local Plan was published was 1,188 dwellings per annum. However, since the publication of the Plan, revised affordability ratios have been published. Their application within the standard method suggests that the local housing need is now 1,146 dwellings per annum. Extrapolated over a 22 year plan period, the objectively assessed need would be 25,212 dwellings (net) over the period 2020 to 2042. THE NEED FOR A HIGHER HOUSING REQUIREMENT

6.14 As set out above, the objectively assessed need for housing within East Devon is presently 1,146 dwellings per annum. Despite this level of local housing need, the Local Planning Authority is proposing to utilise the provisions established within para. 234 of the 2024 version of the NPPF to plan to meet only 82.9% of this identified need. Notwithstanding DWH significant concerns with this approach, the implications of establishing a housing requirement that is lower than the established objectively assessed need for housing is set out below. Not addressing needs

6.15 As set out above, the Local Planning Authority has, over the 22 year plan period, established a housing requirement that seeks to address only 82.9% of local housing need. Consequently, the housing requirement will result in 4,303 homes fewer than the standard method considers is necessary. This equates to a failure to provide just over one in every six homes identified as being needed.

6.16 Whilst this is permissible if the transitional arrangements provided by the 2024 version of the NPPF apply, it is modestly over the minimum level of housing required to

enable the Plan to proceed 2 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 005 Reference ID: 2a-005-20241212. 3 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 014 Reference ID: 2a-014-20241212 EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 19 through the plan-making process, without the provisions of para. 237 of the NPPF applying. As set out in Section 5 above, it is DWH view that the transitional arrangements do not apply in this case.

6.17 Moreover, even in the event that the transitional arrangements apply, it will mean that the Plan will be Examined against the 2023 version of the NPPF. There remains in that version of the NPPF, as is described in Section 3 above, a requirement to provide, as a minimum, the objectively assessed needs for housing (paras. 11(b) and 61 refer), unless the provisions of para. 11(b) (i) and (ii) apply. DWH are not aware of any evidence to suggest that the provisions of para. 11(b) (i) and (ii) apply in East Devon.

6.18 Consequently, the Plan, as currently drafted, cannot be considered to be consistent with national planning policy. Indeed, without alteration, given the shortfall between the local housing need and the housing requirement, the emerging Local Plan cannot, also, be considered to be positively prepared or justified.

6.19 In addition, DWH fails to see how such a housing requirement, which will result in such a shortfall in comparison to the objectively assessed need, will help to deliver Objective 5 of the Plan, which seeks to “meet people’s needs.” The operation of the transitional arrangements with a stepped trajectory

6.20 Alongside setting a housing requirement that seeks to meet only 82.9% of the identified housing need over the Plan period, Strategic Policy SP02 also seeks to employ a stepped trajectory, as follows: ? over the period 2020/21 to 2031/32 – 850 homes per annum; and ? over the period 2032/33 to 2041/42 – 1,070 homes.

6.21 For the first 12 years of the Plan, it is proposed that the housing requirement will be set at a level that is 100.4 homes per annum lower than the proposed annualised housing requirement (950.4 homes). As set out above, the annualised housing requirement itself has been set at a level that seeks to meet only 82.9% of the established housing need.

6.22 Consequently, over the period 2020 to 2032, the requirement is proposed to be just 74% of the objectively assessed need for housing. In comparison to the local housing need figure, over the period 2020 to 2032, the requirement would be just 10,200 homes, against a local housing need of 13,752 homes. It would mean that over the first 12 years of the Plan, the requirement would be 3,552 fewer homes than the objectively assessed need would suggest is required.

6.23 It is also instructive to note that neither element of the stepped trajectory will provide a housing requirement that meets the objectively assessed need for housing.

6.24 Consequently, the use of a stepped trajectory, which will widen the gap further between the local housing need and the housing requirement in the first 12 years of the Plan, further strengthens the view that the emerging Local Plan cannot be considered to be positively prepared, justified or consistent with national planning policy. Boost significantly the supply of homes

6.25 Para. 60 of the 2023 version of the NPPF confirmed that it was the Government's objective to significantly boost the supply of homes. This objective has been reconfirmed at para. 61 of the 2024 version of the NPPF.

6.26 The current East Devon Local Plan, which was adopted in 2016 and therefore before the 2023 and 2024 versions of the NPPF were published, seeks, as a minimum, to provide 17,100 homes over its 18 year plan period. This is the same housing requirement that is currently being proposed in the emerging Local Plan Review as an annualised average. As stated above, over the first 12 years of the EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 20 Plan, the requirement is proposed to be lower than the requirement contained within the adopted Local Plan.

6.27 Given the above, in DWH view, the proposed housing requirement is not consistent with the national planning policy objective of significantly boosting the supply of homes, for, at best, it seeks a continuation of the current requirement.

6.28 Moreover, DWH note that the PPG confirms that the affordability adjustment is applied in order to ensure that the standard method for assessing local housing need is consistent with the national policy objective of significantly boosting the supply of homes⁴. It follows that a requirement that was set lower than the local housing need figure would not be consistent with the national policy objective of significantly boosting the supply of homes. Shortfall in housing delivery against the adopted Local Plan requirement

6.29 As stated in the PPG, the affordability adjustment is applied in the standard method to take account of past under-delivery⁵. However, as set out above, the emerging Local Plan is seeking to meet only 82.9% of local housing need. Consequently, by not meeting the affordability uplift in full, it cannot be argued that, in the case of the emerging Local Plan, past under-delivery has been taken into account.

6.30 Table 17 of the Local Planning Authority's latest housing monitoring information confirms that the under-delivery of homes in comparison to the 2016 Local Plan trajectory was, at the end of monitoring year 2023/24, 3,555 dwellings. This is forecast to reduce to 3,477 dwellings at the end of the monitoring period that the Local Plan is envisaged to be adopted (2026/27).

6.31 It is DWH view that by not adopting a housing requirement that seeks to meet the full affordability adjustment, which itself addresses past under-delivery, the shortfall in delivery achieved over the Plan period should, as a minimum, be added to the housing requirement (approximately 3,500 dwellings).

6.32 Assuming that the emerging Local Plan's housing requirement seeks to meet the required increase to the housing stock in full, then it would only be meeting just over 64% of the affordability adjustment (354 homes per annum, out of an affordability adjustment of 550 homes per annum). Housing affordability

6.33 The PPG confirms that the affordability adjustment within the standard method is made to ensure that "the minimum annual housing need starts to address the affordability of homes⁶" (our emphasis).

6.34 Analysis shows that without the affordability adjustment, the requirement for East Devon would be just 596 homes per annum. However, the application of the affordability adjustment would suggest that in order to start to address the affordability of homes within East Devon, there is a need for a further 550 homes per annum, to provide an overall annual objectively assessed need for housing of 1,146 dwellings per annum.

6.35 The emerging Local Plan, however, only seeks to provide an average annual requirement of 950 homes per annum, which means that over the plan period, each year, there would be a shortfall of 196 homes than the standard method would suggest is necessary in order to start to address the 4 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 006 Reference ID: 2a-006-20241212 5 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 011 Reference ID: 2a-011-20241212 6 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 006 Reference ID: 2a-006-20241212. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 21 affordability of homes in East Devon. Rather than seeking to address affordability, it is likely that such a shortfall will, instead, exacerbate housing unaffordability.

6.36 Consequently, as drafted, the emerging Local Plan would not provide a housing requirement that would start to address housing affordability. It is therefore inconsistent with national planning policy and cannot, as currently drafted, be considered to be a justified proposition. Implications of increasing the plan period

6.37 If, as is suggested in Section 4 above, there is a need to extend the plan period by a further monitoring year, then there would be the need to increase the housing requirement by: ? Local Planning Authority approach – 950 homes; ? Local housing need approach – 1,146 homes. Unmet need from neighbouring authorities

6.38 As set out above, para. 11(b) of the 2023 version of the NPPF confirms that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of parts (b)(i) and (ii) apply. This is reiterated at para. 26. In addition, para. 61 confirms that in addition to the local housing need figure, any needs that cannot be met in neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

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6.44 Whilst it is acknowledged that the plan-making process is ongoing for all the above authorities, which could result in an increase to the housing requirements stated in the above table and that transitional arrangements in the 2024 version of the NPPF could apply, it shows that at present, the shortfall in planned housing provision for East Devon and its neighbouring authorities, aside from Somerset, against the locally assessed need for housing, is 2,346 homes per annum. Not only does it demonstrate that no local planning authority is planning to provide a greater level of housing than the standard method indicates is necessary, which could be used to meet unmet needs from neighbouring authorities, but that a significant shortfall is currently predicted. It also demonstrates that at the present time, no neighbouring authority is planning to accommodate any of East Devon's unmet need.

6.45 The analysis demonstrates that East Devon District Council has not fulfilled their duty to cooperate, as the basis on which the duty to cooperate discussions were undertaken on, predates existing objectively assessed levels of need. As a result, the Plan is inconsistent with national planning policy (para. 26 of the NPPF). It follows that it also cannot be considered to be either positively prepared or justified. Theoretical supply

6.46 Table 1 of the 2022 Housing and Economic Land Availability Assessment (HELAA) confirms that there is a theoretical supply of housing land sufficient to accommodate 39,888 homes. This comprises the following sources of supply: EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 23 TABLE 4: HELAA CONCLUSIONS SOURCE OF SUPPLY NO. OF DWELLINGS (APPROX.) Available, suitable and achievable 27,088 Completions 1st April 2020 to 31st March 2022 1,906 Commitments at 31st March 2022 4,389 Cranbrook DPD 4,170 Windfall allowance 2,335 Total 39,888

6.47 DWH is aware that the above analysis underplays the true potential of the theoretical supply of housing land within East Devon. For instance, they are aware that a greater number of homes are proposed in the Cranbrook Expansion Areas than is set out above and the assessment work dismisses deliverable and developable opportunities across the District, including land to the west of Lilypond Lane, Whimble.

6.48 Notwithstanding the above, even using the Local Planning Authority's own analysis, there would be a sufficient supply of housing land to meet East Devon's objectively assessed need (25,212 homes between 2020 and 2042/1,146 dwellings per annum). Deliverability

6.49 Table 17 of the 2024 Housing Monitoring Update demonstrates that rates of housing delivery greater than 1,000 dwellings per annum have previously been achieved in 2014/15, 2015/16, 2019/20 and 2021/22. Delivery is also forecast to be higher than the local housing need figure for monitoring year 2024/25 (1,192 completions).

Sustainability Appraisal

6.50 The Regulation 19 Sustainability Appraisal tested three options for the housing requirement within East Devon, as follows: ? Option A – 950 dwellings per annum (20,909 dwellings over the plan period); ? Option B – 1,045 dwellings per annum (22,990 dwellings over the plan period); and ? Option C – 1,188 dwellings per annum (26,136 dwellings over the plan period).

6.51 Option A is the proposed approach in the consultation version of the Local Plan, whilst Option C reflects the local housing need figure at the time that the Regulation 19 consultation was published.

6.52 The Local Planning Authority's analysis concludes that Option A is the preferred option, as it will deliver a significant amount of new housing at a level that is consistent with the NPPF, with less adverse environmental effects. Conversely, Options B and C were rejected due to the significant adverse environmental impacts of delivering a higher level of housing. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 24

6.53 However, having reviewed the analysis set out in the document, DWH considers it to be significantly flawed, for the following reasons: ? it is assumed that any additional growth above Option A would be directed to a third new community, ignoring the contribution that sites like land to the west of Lilypond Lane, Whimble, can make towards meeting needs; ? despite Option A failing to provide for just over one in every six homes required, it scores the same for SA Objective 8 (homes) as Options B and C, the latter of which would result in needs being met in full; ? despite the requirement for developments to mitigate and compensate for any impacts and to provide a 10% net gain (or greater if the emerging Local Plan is adopted in its current form), the harm to biodiversity is assessed as being greater for Options B and C, than A; ? no confirmation of where the additional growth above Option A would be located is provided. Despite this, there is an assumption that the additional growth would have a greater harm to the historic and built environment. This analysis particularly ignores the requirements of para. 212 of the 2023 version of the NPPF; ? no assessment of the ability for on-site treatment, including multi-stage treatment and waste water treatment plants, such as that proposed at the new community, is provided to offset any effects on the Exe Estuary SPA or the River Axe SAC; ? the lower score for Options B and C against SA Objective 10 (access to services) is predicated on the additional growth being accommodated in a new town and that new town providing fewer services. It does not consider how the higher levels of development proposed under Options B and C could

have been dispersed to existing settlements with existing services and facilities; and ? the analysis provided for SA Objective 13 (connectivity and transport) ignores the opportunities to accommodate additional levels of growth at sustainable settlements, such as Whimble, where services, facilities and active and sustainable transport opportunities exist.

6.54 It is instructive to note that the analysis contained within the Sustainability Assessment did not conclude that there was an over-riding infrastructure or environmental capacity constraint that would prevent the full objectively assessed need being accommodated. The analysis simply expresses a preferred option, but based on what DWH consider to be a flawed assessment process.

6.55 Analysis provided at Appendix 5 of these representations suggests that a requirement that met local housing needs should have been the preferred option. SYNTHESIS

6.56 DWH consider that, given the changes to the standard method in December 2024, which provide for a less volatile output (and therefore less opportunity to demonstrate that exceptional circumstances exist to justify an alternative approach to the standard method), it should be used for the purpose of calculating the objectively assessed housing need. At present, for East Devon, this is 1,146 homes per annum (25,212 homes over the plan period).

6.57 Even if the transitional arrangements provided by the 2024 version of the NPPF apply, there remains within the 2023 version of the NPPF a requirement for the Plan to be, amongst other things, positively prepared. This necessitates that the emerging strategy should, as a minimum, provide for the area's objectively assessed needs, and potentially unmet needs from neighbouring authorities. In order to justify a lower housing requirement, there would be a need to engage either part of para. 11(b) of the NPPF, but no evidence has been provided to suggest that either would be applicable.

6.58 Consequently, whilst permissible by national planning policy, by failing to plan for one in every six homes over the plan period, it cannot be said that the Plan is positively prepared, justified or consistent with national planning policy. It would also not result in a level of housing that, as required by Objective 5 of the Local Plan, meets needs. It is therefore, as currently drafted, unsound. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 25

6.59 In addition, the adoption of a stepped trajectory will also compound the problem further, with an even greater resulting disparity between identified local needs and the housing requirement for the first 12 years of the Plan. Indeed, over this period, just 74% of the established objectively assessed need for housing is proposed to be met. This further strengthens the view that the plan cannot be considered as being positively prepared, justified or consistent with national planning policy.

6.60 There is no evidence to suggest that this shortfall in housing is being met in a neighbouring Authority, including within the Greater Exeter HMA. Indeed, the analysis demonstrates that a larger shortfall against emerging requirements is predicted from neighbouring authorities.

6.61 There will be a number of significant social and economic consequences for planning for a lower level of housing than identified needs suggest is required. Such considerations do not form part of the analysis in the Sustainability Appraisal.

6.62 Moreover, and without prejudice to the position set out above, the standard method output produces a local housing need figure that, with the incorporation of the affordability adjustment, does not require under-delivery to be considered in future plans. However, by proposing a housing requirement that does not meet the local housing need figure, past under-delivery should form a consideration. To date, the shortfall against the 2016 Local Plan requirement is approximately 3,500 homes. C H A N G E S R E Q U I R E D T O A D D R E S S S O U N D N E S S I S S U E S

6.63 In order to remedy the deficiencies with the proposed housing requirement, there is a need to increase the housing requirement to 1,146 dwellings per annum/25,212 homes between 2020 and 2042 (and potentially by a further 1,146 dwellings, if the plan period is extended).

6.64 There would be a number of benefits with such an approach, including: ? ensuring that the requirement would be consistent with the Government policy objective of boosting the supply of homes; ? by setting a requirement that met the local housing need figure in full (including the affordability adjustment), there would not be the need to consider past under-delivery; ? housing affordability would start to be addressed; and ? East Devon would play its part in addressing the national housing crisis, as set out in the standard method.

6.65 Monitoring information suggests that delivery rates of over 1,000 dwellings have been achieved in the past, with the forecast delivery rate for the current monitoring year anticipated to be greater than the local housing need figure (1,192 homes). To plan for the objectively assessed need for housing in full would therefore be an effective proposition.

6.66 Whilst, in DWH view the Sustainability Appraisal is flawed, it does not identify any constraints that would suggest that a strategy that adopted the local housing need figure as the housing requirement would not be a justified approach.

6.67 If the Local Planning Authority continue to promote a housing requirement that will not provide for one in every six homes required, then, as outlined in the PPG, there will be a need to include the backlog to date from the 2016 Local Plan, which is currently approximately 3,500 homes.

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.: The following section of this representation sets out DWH response to the emerging Local Plan's housing requirement. It also establishes East Devon District Council's current housing need.

Assessment of alternative levels of housing provision 10.24 As set out in Section 6 above, three options were tested for the most appropriate housing requirement, as follows: ? Option A – 950 dwellings per annum (20,909 dwellings over the plan period); ? Option B – 1,045 dwellings per annum (22,990 dwellings over the plan period); and ? Option C – 1,188 dwellings per annum (26,136 dwellings over the plan period). 10.25 Option A represents the housing requirement contained within the emerging Local Plan, whilst Option C represents the local housing need figure at the time the Regulation 19 Plan was published. 10.26 Having undertaken an assessment of the options against the SA Objectives, the Sustainability Appraisal concludes that Option A is the preferred option. However, DWH note that there are a 35 East Devon District Council, Site Selection Report Whimple (February 2025), para. 1.6. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 64 number of technical deficiencies with this approach. These concerns are set out in detail in Section 6 of this representation and for brevity, are not repeated here. 10.27 A re-assessment of Options A to C, which is provided at Appendix 5 of these representations, would suggest that Option C is preferable. 10.28 This revised analysis would suggest that by failing to plan for Option C, which is the preferred outcome, the emerging Local Plan is ineffective. To ensure that the Plan is effective and sound, there is a need for the Local Plan to incorporate a housing requirement that, as a minimum, meets local housing needs.

6.2 Summarily, DWH note that the Local Planning Authority is planning to adopt a housing requirement that is only 82.9% of the identified local housing need. It will fail to provide for one in six homes required and will not result in Objective 5 of the Plan being met. It will neither address the significant shortfall in housing from the 2016 Local Plan or housing affordability. By failing to meet identified local housing needs and planning for the same annualised requirement as established in the 2016 Local Plan, it is not consistent with the national policy objective of significantly boosting the supply of homes. No discussions with neighbouring authorities under the duty to cooperate arrangements have been made to address the shortfall. The application of the stepped trajectory proposed within the Policy would worsen these concerns for the first 12 years of the Plan.

6.3 Consequently, DWH consider that the housing requirement established in Strategic Policy 2 is not positively prepared, justified or consistent with national planning policy. As drafted, it is therefore unsound.

6.4 To address these soundness concerns, and on the basis of a plan period covering 2020 to 2042, the housing requirement should be increased to meet the local housing need figure of 1,146 homes per annum/25,212 homes over the Plan period. There is an adequate theoretical supply of housing land to meet this higher requirement and it is a deliverable proposition. It is therefore effective. None of the Local Planning Authority's evidence suggests that it would be an unjustified strategy. Indeed, analysis provided in Appendix 5 of these representations suggests that a requirement that aligns with the local housing need figure should have been the preferred option.

6.5 Should the Local Planning Authority continue to Plan on the basis of a lower housing requirement, then there will be a need to incorporate the shortfall from the 2016 Local Plan (approximately 3,500 dwellings). ESTABLISHING THE LOCAL HOUSING NEED - THE APPLICATION OF THE STANDARD METHOD

6.6 As confirmed above and on page 5 of the consultation document, the Local Planning Authority consider that the emerging Local Plan will, due to the transitional arrangements set out in the December 2024 version of the NPPF, be examined against the requirements of the December 2023 version of the NPPF. As set out in Section 5 above, this is disputed by DWH.

6.7 In any event, para. 61 of the 2023 version of the NPPF confirms that in order to determine the minimum number of homes needed in an area, strategic policies should be informed by a local housing needs assessment, conducted using the standard method. The outcome of the standard method is the starting point for establishing a housing requirement for an area.

6.8 The 2023 version of the NPPF acknowledged that there may be exceptional circumstances that justify an alternative approach to calculating housing need. However, since the publication of the 2023 version of the NPPF, a revised standard method has been published, which regardless of the iteration of the NPPF that the Plan is being prepared to accord with, supersedes earlier versions of the standard method. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 18

6.9 The revised standard method employs differing inputs to earlier versions, including the existing dwelling stock within an area and an adjustment to take account of affordability. The revised approach provides “a stable and predictable baseline that ensures that all areas, as a minimum, are contributing a share of the national total that is proportionate to the size of their current housing market2.”

6.10 Given this revised position, the Planning Practice Guidance (PPG) confirms that the standard method should be used to assess housing needs and that only in the following limited circumstances should an alternative approach be considered: ? where the strategic policy-making authorities boundaries do not align with the local authorities boundaries; ? the data required for the standard method is not available for the area; or ? the data sample size is too small³.

6.11 None of these circumstances are relevant to East Devon; the emerging Local Plan will cover the whole of East Devon, the data is available and the data sample size for all inputs is sufficiently large. Accordingly, as set out in the Plan, the 2024 version of the standard method should be used for calculating the objectively assessed need.

6.12 Consequently, it would, in the case of the emerging Local Plan, be inappropriate to use any other approach to calculating housing need, other than the latest version of the standard method.

6.13 As rightly confirmed at para. 3.11 of the consultation document, the objectively assessed need for housing within East Devon at the time that the Regulation 19 version of the Local Plan was published was 1,188 dwellings per annum. However, since the publication of the Plan, revised affordability ratios have been published. Their application within the standard method suggests that the local housing need is now 1,146 dwellings per annum. Extrapolated over a 22 year plan period, the objectively assessed need would be 25,212 dwellings (net) over the period 2020 to 2042. THE NE ED FO R A HI G HER H OUSI N G R E QUIREME NT

6.14 As set out above, the objectively assessed need for housing within East Devon is presently 1,146 dwellings per annum. Despite this level of local housing need, the Local Planning Authority is proposing to utilise the provisions established within para. 234 of the 2024 version of the NPPF to plan to meet only 82.9% of this identified need. Notwithstanding DWH significant concerns with this approach, the implications of establishing a housing requirement that is lower than the established objectively assessed need for housing is set out below. Not addressing needs

6.15 As set out above, the Local Planning Authority has, over the 22 year plan period, established a housing requirement that seeks to address only 82.9% of local housing need. Consequently, the housing requirement will result in 4,303 homes fewer than the standard method considers is necessary. This equates to a failure to provide just over one in every six homes identified as being needed.

6.16 Whilst this is permissible if the transitional arrangements provided by the 2024 version of the NPPF apply, it is modestly over the minimum level of housing required to enable the Plan to proceed 2 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 005 Reference ID: 2a-005-20241212. 3 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment,

Paragraph: 014 Reference ID: 2a-014-20241212 EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 19 through the plan-making process, without the provisions of para. 237 of the NPPF applying. As set out in Section 5 above, it is DWH view that the transitional arrangements do not apply in this case.

6.17 Moreover, even in the event that the transitional arrangements apply, it will mean that the Plan will be Examined against the 2023 version of the NPPF. There remains in that version of the NPPF, as is described in Section 3 above, a requirement to provide, as a minimum, the objectively assessed needs for housing (paras. 11(b) and 61 refer), unless the provisions of para. 11(b) (i) and (ii) apply. DWH are not aware of any evidence to suggest that the provisions of para. 11(b) (i) and (ii) apply in East Devon.

6.18 Consequently, the Plan, as currently drafted, cannot be considered to be consistent with national planning policy. Indeed, without alteration, given the shortfall between the local housing need and the housing requirement, the emerging Local Plan cannot, also, be considered to be positively prepared or justified.

6.19 In addition, DWH fails to see how such a housing requirement, which will result in such a shortfall in comparison to the objectively assessed need, will help to deliver Objective 5 of the Plan, which seeks to “meet people’s needs.” The operation of the transitional arrangements with a stepped trajectory

6.20 Alongside setting a housing requirement that seeks to meet only 82.9% of the identified housing need over the Plan period, Strategic Policy SP02 also seeks to employ a stepped trajectory, as follows: ? over the period 2020/21 to 2031/32 – 850 homes per annum; and ? over the period 2032/33 to 2041/42 – 1,070 homes.

6.21 For the first 12 years of the Plan, it is proposed that the housing requirement will be set at a level that is 100.4 homes per annum lower than the proposed annualised housing requirement (950.4 homes). As set out above, the annualised housing requirement itself has been set at a level that seeks to meet only 82.9% of the established housing need.

6.22 Consequently, over the period 2020 to 2032, the requirement is proposed to be just 74% of the objectively assessed need for housing. In comparison to the local housing need figure, over the period 2020 to 2032, the requirement would be just 10,200 homes, against a local housing need of 13,752 homes. It would mean that over the first 12 years of the Plan, the requirement would be 3,552 fewer homes than the objectively assessed need would suggest is required.

6.23 It is also instructive to note that neither element of the stepped trajectory will provide a housing requirement that meets the objectively assessed need for housing.

6.24 Consequently, the use of a stepped trajectory, which will widen the gap further between the local housing need and the housing requirement in the first 12 years of the

Plan, further strengthens the view that the emerging Local Plan cannot be considered to be positively prepared, justified or consistent with national planning policy. Boost significantly the supply of homes

6.25 Para. 60 of the 2023 version of the NPPF confirmed that it was the Government's objective to significantly boost the supply of homes. This objective has been reconfirmed at para. 61 of the 2024 version of the NPPF.

6.26 The current East Devon Local Plan, which was adopted in 2016 and therefore before the 2023 and 2024 versions of the NPPF were published, seeks, as a minimum, to provide 17,100 homes over its 18 year plan period. This is the same housing requirement that is currently being proposed in the emerging Local Plan Review as an annualised average. As stated above, over the first 12 years of the EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 20 Plan, the requirement is proposed to be lower than the requirement contained within the adopted Local Plan.

6.27 Given the above, in DWH view, the proposed housing requirement is not consistent with the national planning policy objective of significantly boosting the supply of homes, for, at best, it seeks a continuation of the current requirement.

6.28 Moreover, DWH note that the PPG confirms that the affordability adjustment is applied in order to ensure that the standard method for assessing local housing need is consistent with the national policy objective of significantly boosting the supply of homes⁴. It follows that a requirement that was set lower than the local housing need figure would not be consistent with the national policy objective of significantly boosting the supply of homes. Shortfall in housing delivery against the adopted Local Plan requirement

6.29 As stated in the PPG, the affordability adjustment is applied in the standard method to take account of past under-delivery⁵. However, as set out above, the emerging Local Plan is seeking to meet only 82.9% of local housing need. Consequently, by not meeting the affordability uplift in full, it cannot be argued that, in the case of the emerging Local Plan, past under-delivery has been taken into account.

6.30 Table 17 of the Local Planning Authority's latest housing monitoring information confirms that the under-delivery of homes in comparison to the 2016 Local Plan trajectory was, at the end of monitoring year 2023/24, 3,555 dwellings. This is forecast to reduce to 3,477 dwellings at the end of the monitoring period that the Local Plan is envisaged to be adopted (2026/27).

6.31 It is DWH view that by not adopting a housing requirement that seeks to meet the full affordability adjustment, which itself addresses past under-delivery, the shortfall in delivery achieved over the Plan period should, as a minimum, be added to the housing requirement (approximately 3,500 dwellings).

6.32 Assuming that the emerging Local Plan's housing requirement seeks to meet the required increase to the housing stock in full, then it would only be meeting just over 64% of the affordability adjustment (354 homes per annum, out of an affordability adjustment of 550 homes per annum). Housing affordability

6.33 The PPG confirms that the affordability adjustment within the standard method is made to ensure that "the minimum annual housing need starts to address the affordability of homes⁶" (our emphasis).

6.34 Analysis shows that without the affordability adjustment, the requirement for East Devon would be just 596 homes per annum. However, the application of the affordability adjustment would suggest that in order to start to address the affordability of homes within East Devon, there is a need for a further 550 homes per annum, to provide an overall annual objectively assessed need for housing of 1,146 dwellings per annum.

6.35 The emerging Local Plan, however, only seeks to provide an average annual requirement of 950 homes per annum, which means that over the plan period, each year, there would be a shortfall of 196 homes than the standard method would suggest is necessary in order to start to address the 4 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 006 Reference ID: 2a-006-20241212 5 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 011 Reference ID: 2a-011-20241212 6 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 006 Reference ID: 2a-006-20241212. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 21 affordability of homes in East Devon. Rather than seeking to address affordability, it is likely that such a shortfall will, instead, exacerbate housing unaffordability.

6.36 Consequently, as drafted, the emerging Local Plan would not provide a housing requirement that would start to address housing affordability. It is therefore inconsistent with national planning policy and cannot, as currently drafted, be considered to be a justified proposition. Implications of increasing the plan period

6.37 If, as is suggested in Section 4 above, there is a need to extend the plan period by a further monitoring year, then there would be the need to increase the housing requirement by: ? Local Planning Authority approach – 950 homes; ? Local housing need approach – 1,146 homes. Unmet need from neighbouring authorities

6.38 As set out above, para. 11(b) of the 2023 version of the NPPF confirms that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of parts (b)(i) and (ii) apply. This is reiterated at para. 26. In addition, para. 61 confirms that in addition to the local housing need figure, any needs

that cannot be met in neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

6.39 The neighbouring authorities to East Devon are: ? Exeter City; ? Teignbridge; ? Mid Devon; ? Dorset; and ? Somerset.

6.40 All the Local Authorities listed above, aside from Dorset and Somerset, are located within the Greater Exeter Housing Market Area.

6.41 Key Supporting Document 002, which relates to the duty to co-operate, confirms that, in East Devon's view, the Local Planning Authority can meet its housing need⁷. Moreover, it is also confirmed that there are no requests for East Devon to accommodate any unmet housing needs from neighbouring authorities at the present time.

6.42 With regard to the former, Key Document 002 cites the Housing Need, Supply and Requirement Interim Topic Paper (November 2022) (Key Supporting Document 017) as evidence that East Devon can meet their housing need. However, given the age of the document (over two years old), the standard method used within the evidence base is the previous version and does not reflect the more up-to-date approach published in December 2024. Consequently, the evidence base document suggests that the local housing need figure was, at November 2022, 946 dwellings per annum, whereas, as set out above, it is now 1,146 dwellings per annum. Consequently, it is not the case, as is suggested by Key Supporting Document 002, that the emerging Local Plan has met East Devon's local housing need figure. As has been outlined above, the Local Planning Authority is reliant on the transitional arrangements provided in the 2024 version of the NPPF to justify their 7 Para. 4.3. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 22 housing requirement. It does not appear, given the conclusions of Key Document 002, that any discussion has been held with neighbouring authorities as to how that shortfall could be met.

6.43 In terms of neighbouring authorities, Table 3 below provides an assessment of the current objectively assessed need for each authority against their emerging housing requirement. TABLE 3: OBJECTIVELY ASSESSED NEEDS AGAINST EMERGING HOUSING REQUIREMENTS LOCAL AUTHORITY PLAN-MAKING STAGE HOUSING REQUIREMENT (DPA) OBJECTIVELY ASSESSED NEED FOR HOUSING (DPA) SURPLUS/DEFICIT East Devon Regulation 19 950.4 1,146 -196 Exeter Regulation 19 642 804 -162 Teignbridge Examination 720 1,078 -358 Mid Devon Regulation 18 365 567 -202 Dorset Regulation 18 1,793 3,221 -1,428 Somerset Evidence gathering

6.44 Whilst it is acknowledged that the plan-making process is ongoing for all the above authorities, which could result in an increase to the housing requirements stated in the

above table and that transitional arrangements in the 2024 version of the NPPF could apply, it shows that at present, the shortfall in planned housing provision for East Devon and its neighbouring authorities, aside from Somerset, against the locally assessed need for housing, is 2,346 homes per annum. Not only does it demonstrate that no local planning authority is planning to provide a greater level of housing than the standard method indicates is necessary, which could be used to meet unmet needs from neighbouring authorities, but that a significant shortfall is currently predicted. It also demonstrates that at the present time, no neighbouring authority is planning to accommodate any of East Devon's unmet need.

6.45 The analysis demonstrates that East Devon District Council has not fulfilled their duty to cooperate, as the basis on which the duty to cooperate discussions were undertaken on, predates existing objectively assessed levels of need. As a result, the Plan is inconsistent with national planning policy (para. 26 of the NPPF). It follows that it also cannot be considered to be either positively prepared or justified. Theoretical supply

6.46 Table 1 of the 2022 Housing and Economic Land Availability Assessment (HELAA) confirms that there is a theoretical supply of housing land sufficient to accommodate 39,888 homes. This comprises the following sources of supply: EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 23 TABLE 4: HELAA CONCLUSIONS SOURCE OF SUPPLY NO. OF DWELLINGS (APPROX.) Available, suitable and achievable 27,088 Completions 1st April 2020 to 31st March 2022 1,906 Commitments at 31st March 2022 4,389 Cranbrook DPD 4,170 Windfall allowance 2,335 Total 39,888

6.47 DWH is aware that the above analysis underplays the true potential of the theoretical supply of housing land within East Devon. For instance, they are aware that a greater number of homes are proposed in the Cranbrook Expansion Areas than is set out above and the assessment work dismisses deliverable and developable opportunities across the District, including land to the west of Lilypond Lane, Whimble.

6.48 Notwithstanding the above, even using the Local Planning Authority's own analysis, there would be a sufficient supply of housing land to meet East Devon's objectively assessed need (25,212 homes between 2020 and 2042/1,146 dwellings per annum). Deliverability

6.49 Table 17 of the 2024 Housing Monitoring Update demonstrates that rates of housing delivery greater than 1,000 dwellings per annum have previously been achieved in 2014/15, 2015/16, 2019/20 and 2021/22. Delivery is also forecast to be higher than the local housing need figure for monitoring year 2024/25 (1,192 completions). Sustainability Appraisal

6.50 The Regulation 19 Sustainability Appraisal tested three options for the housing requirement within East Devon, as follows: ? Option A – 950 dwellings per annum

(20,909 dwellings over the plan period); ? Option B – 1,045 dwellings per annum (22,990 dwellings over the plan period); and ? Option C – 1,188 dwellings per annum (26,136 dwellings over the plan period).

6.51 Option A is the proposed approach in the consultation version of the Local Plan, whilst Option C reflects the local housing need figure at the time that the Regulation 19 consultation was published.

6.52 The Local Planning Authority's analysis concludes that Option A is the preferred option, as it will deliver a significant amount of new housing at a level that is consistent with the NPPF, with less adverse environmental effects. Conversely, Options B and C were rejected due to the significant adverse environmental impacts of delivering a higher level of housing. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 24

6.53 However, having reviewed the analysis set out in the document, DWH considers it to be significantly flawed, for the following reasons: ? it is assumed that any additional growth above Option A would be directed to a third new community, ignoring the contribution that sites like land to the west of Lilypond Lane, Whimble, can make towards meeting needs; ? despite Option A failing to provide for just over one in every six homes required, it scores the same for SA Objective 8 (homes) as Options B and C, the latter of which would result in needs being met in full; ? despite the requirement for developments to mitigate and compensate for any impacts and to provide a 10% net gain (or greater if the emerging Local Plan is adopted in its current form), the harm to biodiversity is assessed as being greater for Options B and C, than A; ? no confirmation of where the additional growth above Option A would be located is provided. Despite this, there is an assumption that the additional growth would have a greater harm to the historic and built environment. This analysis particularly ignores the requirements of para. 212 of the 2023 version of the NPPF; ? no assessment of the ability for on-site treatment, including multi-stage treatment and waste water treatment plants, such as that proposed at the new community, is provided to offset any effects on the Exe Estuary SPA or the River Axe SAC; ? the lower score for Options B and C against SA Objective 10 (access to services) is predicated on the additional growth being accommodated in a new town and that new town providing fewer services. It does not consider how the higher levels of development proposed under Options B and C could have been dispersed to existing settlements with existing services and facilities; and ? the analysis provided for SA Objective 13 (connectivity and transport) ignores the opportunities to accommodate additional levels of growth at sustainable settlements, such as Whimble, where services, facilities and active and sustainable transport opportunities exist.

6.54 It is instructive to note that the analysis contained within the Sustainability Assessment did not conclude that there was an over-riding infrastructure or

environmental capacity constraint that would prevent the full objectively assessed need being accommodated. The analysis simply expresses a preferred option, but based on what DWH consider to be a flawed assessment process.

6.55 Analysis provided at Appendix 5 of these representations suggests that a requirement that met local housing needs should have been the preferred option. SYNTHESIS

6.56 DWH consider that, given the changes to the standard method in December 2024, which provide for a less volatile output (and therefore less opportunity to demonstrate that exceptional circumstances exist to justify an alternative approach to the standard method), it should be used for the purpose of calculating the objectively assessed housing need. At present, for East Devon, this is 1,146 homes per annum (25,212 homes over the plan period).

6.57 Even if the transitional arrangements provided by the 2024 version of the NPPF apply, there remains within the 2023 version of the NPPF a requirement for the Plan to be, amongst other things, positively prepared. This necessitates that the emerging strategy should, as a minimum, provide for the area's objectively assessed needs, and potentially unmet needs from neighbouring authorities. In order to justify a lower housing requirement, there would be a need to engage either part of para. 11(b) of the NPPF, but no evidence has been provided to suggest that either would be applicable.

6.58 Consequently, whilst permissible by national planning policy, by failing to plan for one in every six homes over the plan period, it cannot be said that the Plan is positively prepared, justified or consistent with national planning policy. It would also not result in a level of housing that, as required by Objective 5 of the Local Plan, meets needs. It is therefore, as currently drafted, unsound. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 25

6.59 In addition, the adoption of a stepped trajectory will also compound the problem further, with an even greater resulting disparity between identified local needs and the housing requirement for the first 12 years of the Plan. Indeed, over this period, just 74% of the established objectively assessed need for housing is proposed to be met. This further strengthens the view that the plan cannot be considered as being positively prepared, justified or consistent with national planning policy.

6.60 There is no evidence to suggest that this shortfall in housing is being met in a neighbouring Authority, including within the Greater Exeter HMA. Indeed, the analysis demonstrates that a larger shortfall against emerging requirements is predicted from neighbouring authorities.

6.61 There will be a number of significant social and economic consequences for planning for a lower level of housing than identified needs suggest is required. Such considerations do not form part of the analysis in the Sustainability Appraisal.

6.62 Moreover, and without prejudice to the position set out above, the standard method output produces a local housing need figure that, with the incorporation of the affordability adjustment, does not require under-delivery to be considered in future plans. However, by proposing a housing requirement that does not meet the local housing need figure, past under-delivery should form a consideration. To date, the shortfall against the 2016 Local Plan requirement is approximately 3,500 homes. CHANGES REQUIRED TO ADDRESS SOUNDNESS ISSUES

6.63 In order to remedy the deficiencies with the proposed housing requirement, there is a need to increase the housing requirement to 1,146 dwellings per annum/25,212 homes between 2020 and 2042 (and potentially by a further 1,146 dwellings, if the plan period is extended).

6.64 There would be a number of benefits with such an approach, including: ? ensuring that the requirement would be consistent with the Government policy objective of boosting the supply of homes; ? by setting a requirement that met the local housing need figure in full (including the affordability adjustment), there would not be the need to consider past under-delivery; ? housing affordability would start to be addressed; and ? East Devon would play its part in addressing the national housing crisis, as set out in the standard method.

6.65 Monitoring information suggests that delivery rates of over 1,000 dwellings have been achieved in the past, with the forecast delivery rate for the current monitoring year anticipated to be greater than the local housing need figure (1,192 homes). To plan for the objectively assessed need for housing in full would therefore be an effective proposition.

6.66 Whilst, in DWH view the Sustainability Appraisal is flawed, it does not identify any constraints that would suggest that a strategy that adopted the local housing need figure as the housing requirement would not be a justified approach.

6.67 If the Local Planning Authority continue to promote a housing requirement that will not provide for one in every six homes required, then, as outlined in the PPG, there will be a need to include the backlog to date from the 2016 Local Plan, which is currently approximately 3,500 homes.

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

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.:

6.38 As set out above, para. 11(b) of the 2023 version of the NPPF confirms that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of parts (b)(i) and (ii) apply. This is reiterated at para. 26. In addition, para. 61 confirms that in addition to the local housing need figure, any needs that cannot be met in neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

6.39 The neighbouring authorities to East Devon are: ? Exeter City; ? Teignbridge; ? Mid Devon; ? Dorset; and ? Somerset.

6.40 All the Local Authorities listed above, aside from Dorset and Somerset, are located within the Greater Exeter Housing Market Area.

6.41 Key Supporting Document 002, which relates to the duty to co-operate, confirms that, in East Devon's view, the Local Planning Authority can meet its housing need⁷. Moreover, it is also confirmed that there are no requests for East Devon to accommodate any unmet housing needs from neighbouring authorities at the present time.

6.42 With regard to the former, Key Document 002 cites the Housing Need, Supply and Requirement Interim Topic Paper (November 2022) (Key Supporting Document 017) as evidence that East Devon can meet their housing need. However, given the age of the document (over two years old), the standard method used within the evidence base is the previous version and does not reflect the more up-to-date approach published in December 2024. Consequently, the evidence base document suggests that the local housing need figure was, at November 2022, 946 dwellings per annum, whereas, as set out above, it is now 1,146 dwellings per annum. Consequently, it is not the case, as is suggested by Key Supporting Document 002, that the emerging Local Plan has met East Devon's local housing need figure. As has been outlined above, the Local Planning Authority is reliant on the transitional arrangements provided in the 2024 version of the NPPF to justify their 7 Para. 4.3. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 22 housing requirement. It does not appear, given the conclusions of Key Document 002, that any discussion has been held with neighbouring authorities as to how that shortfall could be met.

6.43 In terms of neighbouring authorities, Table 3 below provides an assessment of the current objectively assessed need for each authority against their emerging housing requirement. TABLE 3: OBJECTIVELY ASSESSED NEEDS AGAINST EMERGING HOUSING REQUIREMENTS LOCAL AUTHORITY PLAN-MAKING STAGE HOUSING REQUIREMENT

(DPA) OBJECTIVELY ASSESSED NEED FOR HOUSING (DPA) SURPLUS/DEFICIT East Devon Regulation 19 950.4 1,146 -196 Exeter Regulation 19 642 804 -162 Teignbridge Examination 720 1,078 -358 Mid Devon Regulation 18 365 567 -202 Dorset Regulation 18 1,793 3,221 -1,428 Somerset Evidence gathering

6.44 Whilst it is acknowledged that the plan-making process is ongoing for all the above authorities, which could result in an increase to the housing requirements stated in the above table and that transitional arrangements in the 2024 version of the NPPF could apply, it shows that at present, the shortfall in planned housing provision for East Devon and its neighbouring authorities, aside from Somerset, against the locally assessed need for housing, is 2,346 homes per annum. Not only does it demonstrate that no local planning authority is planning to provide a greater level of housing than the standard method indicates is necessary, which could be used to meet unmet needs from neighbouring authorities, but that a significant shortfall is currently predicted. It also demonstrates that at the present time, no neighbouring authority is planning to accommodate any of East Devon's unmet need.

6.45 The analysis demonstrates that East Devon District Council has not fulfilled their duty to cooperate, as the basis on which the duty to cooperate discussions were undertaken on, predates existing objectively assessed levels of need. As a result, the Plan is inconsistent with national planning policy (para. 26 of the NPPF). It follows that it also cannot be considered to be either positively prepared or justified.

10.31 The Duty to Cooperate Statement sets out that, in East Devon's view, the Local Planning Authority can meet its housing need³⁶. It also confirms that no requirements have been made by neighbouring local planning authorities for East Devon to meet any of their requirements at the present time. 10.32 However, with regard to East Devon's housing need, Document KSD-002 cites Key Document 017 as evidence that East Devon's housing need can be met. However, KSD-002 was published in November 2022. Given the age of the document, the methodology employed for calculating housing need has altered, as has the local housing need figure, which has materially changed from 946 dwellings per annum, to 1,146 homes per annum (an increase of over 20%). 10.33 As is demonstrated in Sections 6 and 8 of this representation, rather than planning to meet their local housing need figure, a significant shortfall will result. No discussion has been undertaken with any neighbouring authority to determine whether this shortfall can be met elsewhere. 10.34 As set out above, Document KSD-002 also confirms that no requests have been made by neighbouring authorities for East Devon to accommodate any of their unmet need. However, we are aware that, as resolved by the Strategic Planning Committee on 4th February 2025, that East Devon District

Council objected to Chapter 7 of the emerging Exeter City Local Plan, on the basis that: ? the emerging Local Plan will not meet the employment needs of the City; ? the lack of provision will undermine the economic growth potential of the city and the wider area; and ? the failure to make sufficient provision will increase the pressure on neighbouring authorities to meet needs. 10.35 Additionally, it was highlighted that: 36 Para. 4.3 EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 65 “The City Council’s approach appears to rely on employment land provision outside of the city boundary but within the wider Functional Economic Market Area in order to meet the economic needs of the area. However, no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land needs identified by the EDNA. The land identified in the emerging East Devon Local Plan 2020 – 2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.” 10.36 Whilst it could be argued that the concerns are more of an issue associated with the emerging Exeter City Plan, it does demonstrate the failure to meet the requirements of the Duty to Cooperate. If ongoing and meaningful engagement had been undertaken across the Housing Market Area over the course of the preparation of both emerging Plans, matters like those being objected to by East Devon District Council would have been resolved beforehand. Additionally, there would have been a wider and more meaningful discussion about unmet housing needs across neighbouring authorities when compared to more up-to-date assessments of local housing need (see Table 3 above).

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. : Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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?: 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.: As they relate to housing supply. We have indicated that the Plan is not legally compliant in relation to housing need.

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

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.: Throughout this representation, DWH has raised a number of concerns with the evidence base underpinning the emerging Local Plan. Their principal concerns relate to: ? the HELAA; ? the process adopted by the Strategic Planning Committee when selecting sites in Autumn 2024; ? the Sustainability Appraisal; ? the Duty to Cooperate paper; and ? the Role and Function of Settlements Background Paper. 10.2 These concerns are outlined below. 10.3 If unresolved, they could result in a Plan that is not positively prepared, is unjustified and inconsistent with national planning policy and is therefore unsound. HELAA – DOCUMENT HOU-003 10.4 Land to the west of Lilypond Lane was assessed in the HELAA at Site Whim_12. 10.5 The assessment identified the following benefits associated with the development of the site: ? it avoids the majority of major biodiversity designations; ? other than the site being located in the 10km buffer zone to the Pebblebed Heaths, no other biodiversity constraints to development were identified; ? no landscape constraints to the development of the site were identified; ? no overhead power lines cross the site and neither do high-pressure gas mains; ? Whimple Primary School is capable of supporting further development; ? it is outside the Airport Vector; and ? it is located in close proximity to a range of local facilities and public transport opportunities, including a railway station. 10.6 DWH agrees with these conclusions. They also draw attention to the other benefits associated with the

development of the site, which are outlined in Section 2 of these representations. 10.7 Notwithstanding the above, they strongly disagree with Devon County Council's Highway comments made in respect of the site, which resulted in the site being incorrectly considered as 'probably unachievable.' 10.8 The County Council raised concerns that access off Grove Road and Lilypond Lane was challenging and it was not readily apparent about how it could be achieved. This incorrect conclusion was taken forward by the Panel, who also raised concerns about the need to improve the road network and bridge over the railway. Consequently, despite being considered as being suitable and available, the overall conclusion for the site was that it was probably unachievable. 10.9 Even without having regard to the evidence presented by the Local Planning Authority and DWH, it would seem to be unjustifiable to rule out the site at such an early stage, when the use of the word 'probably' suggests that there was some doubt as to whether the constraints could be overcome, or not.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 62 10.10 Moreover, work undertaken on behalf of DWH has demonstrated that these conclusions are incorrect and are an unjustified conclusion. DWH's technical work (see Appendix 2) confirms that having regard to existing vehicular flows, likely two-way vehicle movements resulting from the proposed development and the site's accessibility to a strategic sustainable transport connection, Lilypond Lane could easily accommodate the traffic generated from the proposals and therefore provides a sensible location for a vehicular access. Moreover, improvements could be made to enhance the route and reinforce pedestrian safety and improve vehicular passing, particularly at the railway bridge. The work also notes that there is a growing shift in transport policy to a vehicle capacity last approach, with a preference given to locations that can maximise sustainable travel and local living. Whilst any increase in movements on Lilypond Lane and other local routes could increase the likelihood of driver inconvenience, there are no contemporary policies that support driver convenience. Indeed, a modest increase in driver inconvenience could create a positive 'nudge' towards shifts to active and sustainable travel modes. 10.11 Consequently, they conclude that: "...there are no technical highway reasons not to support the development, and the residual traffic impacts can largely be offset by wider changes in mobility patterns in the village, which can be accelerated with investment offered by the development." 10.12 Given the above, the conclusion that land to the west of Lilypond Lane is probably unachievable for housing is incorrect. This should be amended in future versions of the HELAA, which in turn should be fed into other evidence base work underpinning the emerging Local Plan (i.e. the Sustainability Appraisal). 10.13 This will be particularly important in the context set out in Sections 6 and 8 of these representations, where the Local Planning Authority will need to find additional housing land. 10.14 The opportunity presented could help focus a greater proportion of development at a settlement, which, having

regard to its services and facilities, could accommodate a greater proportion of the District's needs. Moreover, it would also result in a greater focus of development along the West of England Mainline strategic transport corridor, which provides sustainable transport connections to and from Whimple to a range of services, facilities and employment opportunities to both the east and west. It would help to maximise opportunities to encourage use of the railway line at Whimple. 10.15 These are points which have been made to the Local Planning Authority during both Regulation 18 consultations, as well as separately in writing to Officers and Members of the Strategic Planning Committee in Autumn 2024. Despite this compelling evidence, the Local Planning Authority have chosen not to reconsider the deliverability and developability of the site through their now dated HELAA. 10.16 The treatment of the site through the HELAA process is even more unjustified, when noting that site Whim_04 was considered as being a potential site to accommodate housing, despite it likely requiring pedestrian, cycle and vehicular access onto Lilypond Lane. The treatment site Whim_12 by the Local Planning Authority is therefore clearly unequitable. THE PROCESS ADOPTED BY THE STRATEGIC PLANNING COMMITTEE WHEN SELECTING SITES IN AUTUMN 2024 10.17 Based upon the HELAA conclusion that the site was 'probably undeliverable' and therefore the Local Planning Authority considered that it was far from certain that the site was undeliverable, site

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 63 WHIM_12 was not included within the potential options for accommodating residential development within Whimple³⁵. 10.18 However, as set out above, in the period between the publication of the HELAA and the publication of the Site Selection Report for Whimple, highways and access technical work, the latest of which is provided at Appendix 2, was prepared on behalf of DWH. This work was provided to the Local Planning Authority as part of DWH response to the last Regulation 18 consultation. 10.19 Despite this work highlighting the obvious technical flaws in the HELAA regarding the treatment of site WHIM_12, the conclusions of the HELAA were not revisited and they were rolled into the 2025 site selection work, which excluded site WHIM_12 from consideration. 10.20 DWH set out their concerns to the approach being adopted and the opportunity provided by WHIM_12 in correspondence to Officers on 17th September 2024, and then in detail to each Member of the Strategic Planning Committee on 20th September 2024. Despite the obvious flaws in the HELAA evidence base which were not revisited, DWH were prevented from presenting the opportunity provided by WHIM_12 at Strategic Planning Committee meetings in September and October 2024. Many other developers of sites that were considered to be developable opportunities were allowed to speak at the series of Strategic Planning Committee meetings held in Autumn 2024, including the two allocations at Whimple. 10.21 DWH considers that the approach taken to site selection by the Local Planning Authority and then again in 2025 via the Strategic

Planning Committee has created inequity between how differing sites have been considered during the formation of the Local Plan. By not revisiting the conclusions of the 2022 HELAA despite clear and up-to-date evidence and then rolling the HELAA conclusions into the Site Selection Report, the approach has been unfairly prejudicial to the promotion of site WHIM_12. SUSTAINABILITY APPRAISAL – CSD-003A 10.22 DWH have a number of concerns relating to the Sustainability Appraisal. These concerns relate to: ? the approach taken in the Sustainability Appraisal regarding assessing options for the housing requirement to be set closer to the local housing need; and ? the failure to assess land to the west of Lilypond Lane as a reasonable alternative. 10.23 Their concerns are set out in turn below. Assessment of alternative levels of housing provision 10.24 As set out in Section 6 above, three options were tested for the most appropriate housing requirement, as follows: ? Option A – 950 dwellings per annum (20,909 dwellings over the plan period); ? Option B – 1,045 dwellings per annum (22,990 dwellings over the plan period); and ? Option C – 1,188 dwellings per annum (26,136 dwellings over the plan period). 10.25 Option A represents the housing requirement contained within the emerging Local Plan, whilst Option C represents the local housing need figure at the time the Regulation 19 Plan was published. 10.26 Having undertaken an assessment of the options against the SA Objectives, the Sustainability Appraisal concludes that Option A is the preferred option. However, DWH note that there are a 35 East Devon District Council, Site Selection Report Whimple (February 2025), para. 1.6.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 64 number of technical deficiencies with this approach. These concerns are set out in detail in Section 6 of this representation and for brevity, are not repeated here. 10.27 A re-assessment of Options A to C, which is provided at Appendix 5 of these representations, would suggest that Option C is preferable. 10.28 This revised analysis would suggest that by failing to plan for Option C, which is the preferred outcome, the emerging Local Plan is ineffective. To ensure that the Plan is effective and sound, there is a need for the Local Plan to incorporate a housing requirement that, as a minimum, meets local housing needs. Land to the west of Lilypond Lane 10.29 The Sustainability Appraisal does not consider the development potential of land to the west of Lilypond Lane. It is assumed that this is because of the conclusions presented within the HELAA; that the site is probably unachievable. 10.30 For the reasons set out above, this is an incorrect conclusion. The reasonable alternative presented by the site has not therefore been considered, which means that the Plan is unjustified. Accordingly, the site should be subject of assessment in future versions of the Sustainability Appraisal. THE DUTY TO COOPERATE STATEMENT – KSD-002 10.31 The Duty to Cooperate Statement sets out that, in East Devon’s view, the Local Planning Authority can meet its housing need³⁶. It also confirms that no requirements have been made by neighbouring local planning authorities for East Devon to meet any of their requirements at the present time. 10.32

However, with regard to East Devon’s housing need, Document KSD-002 cites Key Document 017 as evidence that East Devon’s housing need can be met. However, KSD-002 was published in November 2022. Given the age of the document, the methodology employed for calculating housing need has altered, as has the local housing need figure, which has materially changed from 946 dwellings per annum, to 1,146 homes per annum (an increase of over 20%). 10.33 As is demonstrated in Sections 6 and 8 of this representation, rather than planning to meet their local housing need figure, a significant shortfall will result. No discussion has been undertaken with any neighbouring authority to determine whether this shortfall can be met elsewhere. 10.34 As set out above, Document KSD-002 also confirms that no requests have been made by neighbouring authorities for East Devon to accommodate any of their unmet need. However, we are aware that, as resolved by the Strategic Planning Committee on 4th February 2025, that East Devon District Council objected to Chapter 7 of the emerging Exeter City Local Plan, on the basis that: “the emerging Local Plan will not meet the employment needs of the City; “the lack of provision will undermine the economic growth potential of the city and the wider area; and “the failure to make sufficient provision will increase the pressure on neighbouring authorities to meet needs. 10.35 Additionally, it was highlighted that: 36 Para. 4.3

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 65 “The City Council’s approach appears to rely on employment land provision outside of the city boundary but within the wider Functional Economic Market Area in order to meet the economic needs of the area. However, no request has been made under the duty to cooperate for East Devon District Council to assist in meeting the employment land needs identified by the EDNA. The land identified in the emerging East Devon Local Plan 2020 – 2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.” 10.36 Whilst it could be argued that the concerns are more of an issue associated with the emerging Exeter City Plan, it does demonstrate the failure to meet the requirements of the Duty to Cooperate. If ongoing and meaningful engagement had been undertaken across the Housing Market Area over the course of the preparation of both emerging Plans, matters like those being objected to by East Devon District Council would have been resolved beforehand. Additionally, there would have been a wider and more meaningful discussion about unmet housing needs across neighbouring authorities when compared to more up-to-date assessments of local housing need (see Table 3 above). THE ROLE AND FUNCTION OF SETTLEMENTS 10.37 Disappointingly, para. 3.17 of the ‘Role and Function of Settlements’ background paper describes Whimble as being a dormitory settlement and a “relatively unsustainable” place to live. This conclusion is made after an assessment of the jobs to homes balance, wherein it is identified that the settlement has nearly three times as many residents available to work than the number of jobs available in the settlement. 10.38

This conclusion, as indicated at para. 3.34 of the same document, has influenced the Local Planning Authority's views on the levels of residential development that Whimble could accommodate, as it was considered that "residential development in isolation is likely to perpetuate unsustainable travel to work patterns." 10.39 However, such analysis ignores the significant existing active and sustainable transport opportunities provided at Whimble and the potential for them to be enhanced. Indeed, Whimble is located within a reasonable cycling journey time of Cranbrook and the employment opportunities clustered at that settlement and the surrounding areas. Other than one other road, Cranbrook is linked to Whimble by London Road. The Cranbrook Plan has secured significant funding for environmental enhancements to London Road. Those improvements, which are to be delivered by Devon County Council, will have a design speed of 20mph and are likely to include segregated pedestrian and cycle links. Cycling could therefore become even more of a realistic mode to travel to work for Whimble's residents. 10.40 Moreover, as outlined elsewhere in these representations, Whimble has a railway station, which is described in the Role and Function of Settlements background paper as being a strategic facility. The station is located on the West of England Railway Line and therefore services are provided to a range of destinations including Cranbrook and Exeter to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. Generally, services are provided at a twice hourly frequency. 10.41 The railway station is relatively well-used and proportionally more residents travel to work by the railway than in other areas of the District. Further growth around Whimble has the potential to encourage further patronage. 10.42 As well as reducing congestion on the highways network, the promotion of such sustainable modes of travel would reduce greenhouse gas emissions associated with the private vehicle, whilst health benefits would also result. 10.43 The conclusion presented in the assessment work also ignores more modern methods of working, especially since the Covid-19 pandemic. In this regard we note that superfast broadband is available in Whimble.

10.44 For the above reasons, DWH considers that the evidence base document is deficient. It has resulted in an unjustified strategy that has constrained levels of development at Whimble to an unreasonable level. 10.45 Future versions of the evidence base document and the other documents that the work has influenced, including the emerging Local Plan, should reconsider the role that Whimble could play in accommodating development, particularly given the need, for the reasons set out within these representations, to identify further housing allocations within the District.

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.:

Having not published a full Regulation 19 Local Plan, DWH do not consider that the transitional arrangements provided at para. 234 of the NPPF are applicable in this case. Consequently, the Plan should be assessed against the 2024 version of the NPPF and provide the full objectively assessed need for housing. ? Even if the transitional arrangements do apply, the 2023 version of the NPPF still requires the full objectively assessed need to be met, unless the tests outlined in para. 11(b) are engaged. No evidence has been presented to suggest that they have. The Local Plan, instead, proposes a housing requirement that meets just 82.9% of local need. This is not positively prepared or justified. ? The operation of a stepped trajectory will widen the gap between the proposed requirement and identified needs in the first 12 years of the Plan, when just 74% of identified need is proposed to be met. This cannot be considered to be positively prepared, justified or consistent with national planning policy. ? The proposed housing requirement will not make its full contribution to boosting the supply of homes nationally. It also proposes a continuation of the housing requirements set within the 2016 Local Plan, which again, cannot be considered to be boosting housing supply. ? The housing requirement is at a level whereby the PPG suggests it would not start to address housing affordability.

? By meeting the full objectively assessed need for housing, the PPG confirms that past under-delivery would have been accounted for. It follows that by not meeting the full objectively assessed need for housing, it will not have. Consequently, if the housing requirement remains at 950 dwellings per annum, the shortfall from the 2016 Local Plan will need to be added to the requirement (approximately 3,500 homes). ? If the plan period is extended, the housing requirement would need to increase. ? The unmet need is not being met in a neighbouring authority. ? There is an adequate supply to meet a higher housing requirement and a revised Sustainability Appraisal assessment suggests that a higher requirement should have been the preferred option. ? Levels of delivery akin to the local housing need figure have been achieved in the past and are forecast to going forward. It is therefore an effective proposition. ? DWH therefore consider that Policy SP02 is not positively prepared, justified or consistent with national planning policy.

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.: As they relate to housing supply. We have indicated that the Plan is not compliant with the Duty to Cooperate in relation to housing need.

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. : Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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.: SP03

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

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

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.:

9.3 DWH supports the principle of Strategic Policy SP03. They also understand the rationale for the minimum housing requirement for each designated area as set out within the Policy. However, because the approach taken uses designated neighbourhood plan areas, it has the potential to suggest that greater levels of housing are being provided at a settlement level than is the case. Whimple for instance, has a total minimum housing requirement of 611 dwellings. However, as shown in Appendix 2 of the emerging Local Plan, 500 dwellings of this requirement are associated with the Cobdens Expansion Area, which is physically divorced from the urban extent of Whimple.

9.4 In operation with Strategic Policy SP01, it has the potential for confusion, as whilst Strategic Policy SP01 recognises the West End, Strategic Policy SP03 does not. So, under Strategic Policy SP01, the 500 homes associated with the Cobdens development would be focused at the West End (under limb A of the Policy), whilst in Strategic Policy SP03 it would be attributable to the Whimple designated neighbourhood plan area. This has the potential to, in the terms of para. 16 of the NPPF, create ambiguity, which would conflict with national planning policy.

9.5 It would be more effective for the table contained within Strategic Policy SP03 to exclude housing commitments associated with the Cranbrook development from any designated neighbourhood plan area and either provide an explanation in the Policy, or its supporting text. Suggested changes TABLE 8 – SUGGESTED CHANGES TO POLICY SP03 DESIGNATED NEIGHBOURHOOD AREA (AS OF DECEMBER 2024, IN

ALPHABETICAL ORDER) TOTAL (MINIMUM) HOUSING REQUIREMENT (01/04/20 TO 01/04/42 31/03/42) - ALL SUPPLY SOURCES (COMPLETIONS, COMMITMENTS, DPD ALLOCATIONS (CRANBROOK, LOCAL PLAN (EXCLUDING SECOND NEW COMMUNITY), AND NEIGHBOURHOOD PLANS) MINIMUM CONTRIBUTION FROM EMERGING/FUTURE NEIGHBOURHOOD PLANS (NOT MADE OR RECOMMENDED TO REFERENDUM AT DECEMBER 2024) Whimple 111* 0 *An additional 500 homes are allocated in the Cranbrook Plan within the Whimple Neighbourhood Area, but it is development that is more associated with Cranbrook/the West End

9.6 Please note that the minimum housing requirement established in the table above is made without prejudice to the considerations made elsewhere in this representation, that a greater minimum housing requirement should be provided at Whimple.

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.:

9.3 DWH supports the principle of Strategic Policy SP03. They also understand the rationale for the minimum housing requirement for each designated area as set out within the Policy. However, because the approach taken uses designated neighbourhood plan areas, it has the potential to suggest that greater levels of housing are being provided at a settlement level than is the case. Whimple for instance, has a total minimum housing requirement of 611 dwellings. However, as shown in Appendix 2 of the emerging Local Plan, 500 dwellings of this requirement are associated with the Cobdens Expansion Area, which is physically divorced from the urban extent of Whimple.

9.4 In operation with Strategic Policy SP01, it has the potential for confusion, as whilst Strategic Policy SP01 recognises the West End, Strategic Policy SP03 does not. So, under Strategic Policy SP01, the 500 homes associated with the Cobdens development would be focused at the West End (under limb A of the Policy), whilst in Strategic Policy SP03 it would be attributable to the Whimple designated neighbourhood plan area. This has the potential to, in the terms of para. 16 of the NPPF, create ambiguity, which would conflict with national planning policy.

9.5 It would be more effective for the table contained within Strategic Policy SP03 to exclude housing commitments associated with the Cranbrook development from any designated neighbourhood plan area and either provide an explanation in the Policy, or its supporting text. Suggested changes TABLE 8 – SUGGESTED CHANGES TO POLICY SP03 DESIGNATED NEIGHBOURHOOD AREA (AS OF DECEMBER 2024, IN

ALPHABETICAL ORDER) TOTAL (MINIMUM) HOUSING REQUIREMENT (01/04/20 TO 01/04/42 31/03/42) - ALL SUPPLY SOURCES (COMPLETIONS, COMMITMENTS, DPD ALLOCATIONS (CRANBROOK, LOCAL PLAN (EXCLUDING SECOND NEW COMMUNITY), AND NEIGHBOURHOOD PLANS) MINIMUM CONTRIBUTION FROM EMERGING/FUTURE NEIGHBOURHOOD PLANS (NOT MADE OR RECOMMENDED TO REFERENDUM AT DECEMBER 2024) Whimble 111* 0 *An additional 500 homes are allocated in the Cranbrook Plan within the Whimble Neighbourhood Area, but it is development that is more associated with Cranbrook/the West End

9.6 Please note that the minimum housing requirement established in the table above is made without prejudice to the considerations made elsewhere in this representation, that a greater minimum housing requirement should be provided at Whimble.

[Change suggested in table in attached PDF]

4. Do you consider that this part of the Spatial Strategy 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. : Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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.: SP08

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

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.: Policy SP08 of the emerging Local Plan requires the developers of proposals that are being delivered on a phased basis to provide pedestrian, cycle and vehicular access up to the boundaries of each phase, as well as to ensure that adequate infrastructure capacity can be provided to service future phases/parcels without the need for retrofitting.

The Cherwell Group are supportive of this approach, which will ensure that development is delivered in a coordinated and comprehensive manner, and without unnecessary delays and additional costs. Their masterplanning proposals show pedestrian, cycle and vehicular access to the boundaries of their land parcels, which could also be controlled by condition. They intend to revisit their access arrangement on to the A3052 after the publication of the Greater Exeter Transport Model is published and more accurate traffic data is available. This will ensure that the access is sufficiently sized to accommodate not only the development proposed by the Cherwell Group, but also all other development to the north that will utilise the southern access point.

They therefore consider Policy SP08 to be effective and justified.

4. Do you consider that this part of the Spatial Strategy 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. : Due to the significant policy issues concerned

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

4. Development at the West End

1. To which part of the Development at the West End chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS01

2(a). If yes, and you wish to support the legal compliance of this part of the Development at the West End chapter, please use this box to set out your comments.: ///// PART 2 - CONTINUED FROM PART 1 67fe60e856049900121af0e8 /////

The Strategy and Framework confirms that the Trust is to be responsible for:

maintenance of public open spaces and community facilities;

the maintenance of the SANG land;

sustainable transport initiatives, including bus services and subsidy, e-bikes and car clubs;

costs for the Trust's staff and its ongoing operation; and

placemaking, including community development, activities and events.

A number of potential sources of revenue were identified, including:

an estate charge for each dwelling and commercial unit;

income from community assets, periodic income and charitable grants; and

a scheme of endowment, whereby a number of residential properties were gifted to the charitable trust to be let to private tenants to provide a long term and unrestricted income. Initially, 19 dwellings were endowed to the Trust.

Subject to viability, such an approach to delivering the stewardship of the new community over the longer-term would be supported by the Cherwell Group.

THE COUNCIL'S EMERGING MASTERPLAN

The Cherwell Group note that the Council's more detailed proposals for the new community will be published in the second Regulation 19 consultation later in 2025. They therefore understand that the Council's masterplanners will be continuing to work on the masterplan until that point and that the versions of the masterplan issued by the Council to the landowners in January 2025 is subject to change. However, in order to assist the Council in preparing their final masterplan, the Cherwell Group have the following comments on the most recent version of the masterplan shared in January 2025:

Park and ride – the park and ride is currently proposed to be located to the west of the proposed access from the A3052. It is within land that is not controlled by the Cherwell Group. As shown in the Cherwell Group's masterplan, which is provided in Appendix 2, there is sufficient room within land controlled by the Cherwell Group for the park and ride to be accommodated within their masterplan. To allow for its earlier delivery, the park and ride should be relocated to the east of the proposed access road from the A3052 and within land controlled by the Cherwell Group.

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between the emerging Policy and the Council's proposed masterplan. There is approximately a 2.25ha difference in size between a secondary school and an education campus. Analysis undertaken by the Cherwell Group's masterplanner has indicated that there is not the sufficient quantum of land within the north eastern portion of the Cherwell Group's landholding, of a suitable level, to accommodate an education campus and its ancillary infrastructure, including playing pitches. In order to ensure that the masterplan and therefore Policy WS01 of the emerging Local Plan is effective, there will be a need to relocate the school to an alternative location.

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Again, to ensure that the emerging Policy is clearly written and unambiguous, there will be a need for the Policy to indicate how the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and financial appraisal is required to be agreed.

As there is no obvious lead developer (i.e. with an overall controlling portion of the second new community), there will, given the significant implications that the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and financial appraisal will have on the deliverability of all development proposals within the new community, be a need for these elements of work to be undertaken with meaningful engagement with all landowners. Agreement should be reached with all members of the consortium before the work is approved by the Local Planning Authority. To ensure that Policy WS01 is effective, this should be specified in the wording of the Policy.

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OTHER CONSIDERATIONS

LAND USE BUDGET

No land use budget has been provided with the current Local Plan consultation that can be used to demonstrate that the development proposed in the area of land allocated at Policy WS01 is deliverable and therefore effective. The Cherwell Group reserves the right to provide further comment on this matter in future iterations of the Plan.

VIABILITY

Financial viability was a key consideration for the Cranbrook new community and it is likely to be for the second new community, particularly given the likely requirements for significant levels of infrastructure that will be necessary to support such a

development. At Cranbrook, a detailed Infrastructure Delivery Plan was prepared to support the Cranbrook Plan. The Cherwell Group notes that the Local Planning Authority intends to publish an Infrastructure Delivery Plan for the second new community alongside the second Regulation 19 version of the Local Plan. The necessary infrastructure listed in that document and total costs for delivering the infrastructure will be key to understanding whether or not the new community is financially viable and therefore deliverable and in turn effective. The Cherwell Group therefore reserves the right to comment on the infrastructure delivery plan and the scheme's financial viability in their representations to future iterations of the Plan.

In addition, whilst the Community Infrastructure Levy is operational in parts of East Devon, the Local Planning Authority made Cranbrook exempt during the plan-making process. Instead, infrastructure has been secured through the conventional Section 106 process. The approach to funding and delivering infrastructure at the second new town needs early consideration and confirmation.

CONFORMITY WITH PARAGRAPH 74 OF THE NPPF

Para. 74 of the 2023 version of the NPPF confirms that the supply of new homes can often best be achieved through planning for larger scale development, such as new communities, provided they are:

well located;

well designed; and

are supported by necessary infrastructure and facilities.

Moreover, working with communities and other stakeholders, local planning authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;

ensure that the size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development, or in larger towns to which there is good access;

set clear expectations for the quality of the places to be created and how this will be maintained;

ensure appropriate tools, such as masterplans and design codes are used to secure a variety of well-designed homes to meet the needs of different groups of the community;

make a realistic assessment of likely rates of delivery; and

consider whether it is appropriate to establish a Green Belt around or adjoining new developments of a significant size.

An assessment of how the new community proposed at Policy WS01 of the emerging Plan accords with each of these tests is set out below in turn.

WELL LOCATED

As has been demonstrated in Section 5 above, the new community provides a strong fit with the Plan's spatial strategy, which was assessed through the Sustainability Appraisal and was found to be the preferred option. It mirrors the strategy employed in the Adopted Local Plan.

Moreover, three options for the location of the new community have been assessed within the evidence base supporting the Local Plan, including the Sustainability Appraisal. The location of the new community was again found to be the most appropriate when considering reasonable alternatives.

WELL DESIGNED

The Local Planning Authority's own assessment work underpinning the emerging Local Plan, the design work required by Policy WS01 of the emerging Local Plan, together with other more generic design related policy, including Policy DS01 and DS02, will ensure that the new community is well designed. SUPPORTED BY NECESSARY INFRASTRUCTURE AND FACILITIES

We understand that the Infrastructure Delivery Plan for the second new community, which will be published later in 2025, will establish the necessary infrastructure and facilities that will need to support the new community. This will ensure that the services and facilities required on a daily basis by the future residents of the new community will be available and can be accessed via active and sustainable modes of travel. It will also ensure that the impact of the development is mitigated.

EXISTING OR PLANNED INVESTMENT IN INFRASTRUCTURE

The location of the new community ensures that it is in close proximity to the strategically important Clyst Valley Regional Park, which aims to, amongst other things, connect communities with nature, by traffic free trails. The active travel strategy prepared by AWP ensures that the new community will provide active travel connections between the development and the Clyst Valley Regional Park, including via green connections, which will also provide a functional connection for the benefit of biodiversity interest.

The new community is also located in close proximity to an energy from waste facility. There are proposals for the facility to provide residual heat to the Cranbrook New Community and we understand that it could also supply heat for all or some of the second new community. Whilst, as discussed in Section 8 below, there are potentially other alternatives, it does, in the context of para. 73(a) of the 2023 version of the NPPF, constitute an opportunity presented by infrastructure.

ECONOMIC POTENTIAL

The employment land proposed within the new community will complement the existing and planned strategically important employment provision located within the western area of East Devon and on the eastern edge of Exeter.

NET GAINS TO BIODIVERSITY

An appropriate net gain to biodiversity can be achieved from the new community. Functional green connections are also proposed to the Clyst Valley Regional Park.

SERVICES, FACILITIES AND EMPLOYMENT OPPORTUNITIES WITHIN THE NEW COMMUNITY AND IN THE WIDER ENVIRONS

As set out in Policy WS01 of the emerging Local Plan, the new community will house a full range of social, community and education facilities, a town centre, a number of smaller neighbourhood centres and employment land. The new community will also be located in close proximity to the services, facilities and employment opportunities located within the West End, on the eastern edge of Exeter and within Exeter city centre.

EXPECTATIONS ABOUT THE QUALITY OF PLACE

The combination of the vision for the new community and the detailed policy framework provided by Policy WS01 of the emerging Local Plan, and more generic development management policies, ensure that there are clear expectations regarding the quality of the place.

MASTERPLAN AND DESIGN CODES

Policy WS01 and DS02 of the emerging Local Plan will require the submission of an allocation wide masterplan and a design code or codes.

REALISTIC ASSESSMENT OF RATES OF DELIVERY

The Cherwell Group provided an assessment of the anticipated rates of delivery in Section 6 above. They consider that whilst the rates of delivery for the new community are ambitious, they are aspirational, but deliverable.

GREEN BELT

The Cherwell Group do not consider it necessary for a Green Belt to be provided to the east of Exeter. The proposed new community benefits from strong defensible boundaries to the west, south and north, including the Clyst Valley Regional Park, the M5, the A3052 and the A30.

No such designation has been required for the Cranbrook New Community and it is considered that, if necessary, other development management policies would suffice. The Cherwell Group are aware that, for instance, Green Wedge designations have successfully been used at Cranbrook. Moreover, such a designation may impact on the ability for the Local Planning Authority to allocate land for the additional 2,000 homes that is to be made in a subsequent development plan document. Consequently, it is not considered that the tests of para. 144 of the NPPF have been met in this instance.

SUMMARY

It can be seen that the proposed new community strongly accords with para. 74 of the NPPF. It is therefore, in these terms, consistent with national planning policy.

SYNTHESIS

The Cherwell Group considers that, fundamentally, the second new town is a sound proposition. They consider that it is founded on robust evidence and provides a strong fit with national planning policy.

They have suggested a number of minor amendments to the proposed wording of Policy WS01. These suggested alterations are proposed to ensure that the allocation is both justified and effective.

THE EVIDENCE BASE

As has been demonstrated in the previous sections of this representation, the Cherwell Group are generally supportive of the emerging Local Plan, including the proposed second new community. However, they do have a number of concerns relating to the evidence base underpinning the Plan. Their main concerns primarily relate to the 'East Devon – Options Appraisal for a potential New Settlement' Report. However, they also have more minor concerns in relation to the Housing and Economic Land Availability Assessment (HELAA). These concerns are outlined in turn below.

EAST DEVON - OPTIONS APPRAISAL FOR A POTENTIAL NEW SETTLEMENT REPORT

The 'East Devon – Options Appraisal for a potential New Settlement' Report rightfully concludes that of the options assessed, Option 1 (land to the north of the A3052 and to the south of the A30) is the preferred option. However, the Cherwell Group consider that for the reasons set out below, the assessment work underscores Option 1 and overscores Option 3 (land to the south of the A3052). The revised assessment work undertaken on behalf of the Cherwell Group therefore indicates that Option 1 outperforms Option 3 by a more significant margin.

The Cherwell Group's revised assessment work is set out below and follows the assessment categories set out in the original Report. It only re-assesses Options 1 and 3, as Option 2 was discounted in the evidence work.

LANDSCAPE SENSITIVITY

Work undertaken on behalf of the Cherwell Group to evaluate landscape capacity broadly corroborates the findings of the 'Landscape Sensitivity Assessment for New Community East of Exeter' Report, prepared by Fiona Fyfe Associates Ltd. The assessment work concludes that land to the centre west of the study area is the least sensitive in landscape terms.

However, work undertaken on behalf of the Cherwell Group concludes that land to the immediate south of the A30 (northern part of LLU A) should be considered of medium sensitivity due to its proximity to the A30, and Exeter Airport, and the influence that these elements exert over the landscape. Moreover, development visible on higher land is not untypical of the wider landscape, and that with sensitive design and structural planting this could be accommodated. The way in which LLU boundaries have been determined does not however allow for this finer grain of assessment. Consequently, it was considered that LLU A should in fact be divided into two separate areas and assessed independently in a similar fashion to LLU G and LLU I.

The Cherwell Group's work also concluded that a broader proportion of LLU G to the south should be considered of High – Medium sensitivity due to the availability of distant views, its openness, its proximity to Clyst St George and its rural character.

On balance, the Cherwell Group are of the opinion that Option 1 and 3 should score equally.

ECOLOGICAL IMPACT / BIODIVERSITY

In the absence of any detailed ecological assessment work for large parts of Option 1 and for Option 3, no amendments are proposed to the original assessment's scoring for both Options in respect of ecological impact/biodiversity.

Notwithstanding the above, we note the conclusions of the Sustainability Appraisal [Page 268] in respect of Option 3, which afforded Option 3 a major negative score "given its proximity to the Exe Estuary and greater overall risk to the ecological network."

FLOOD RISK

The original Assessment work, for flood risk, concludes for both Options 1 and 3 that they would result in a “low to medium flood risk that can be reduced by well designed and implemented drainage and water mitigation strategies.” Both Options were therefore scored 4.

Work by Calibro has suggested that the access from the A3052 required to deliver Option 3 would need to traverse a large area of floodplain (in excess of 150m). They conclude that delivering this access could require significant engineering works. It is likely that the Environment Agency will seek for minimum works to be included within the floodplain, so a wide clear-span bridge with intermediate supporting piers may be required for some of its length. Openings would need to be at least 0.3m but could be up to 0.6m above the flood level. Road construction is likely to be a further metre but could be higher to allow for buried services.

Whilst watercourse crossings will be required to deliver Option 1, the watercourses flow through much narrower well-defined valleys, so the crossing would be much shorter.

On the basis of the above, Calibro conclude that Option 3 is more constrained by flood risk than the original Assessment work suggests and should be downgraded to a 3, rather than a 4. The mitigation works required for its access could also have implications for other assessment categories, including landscape sensitivity and ecological impact.

MINERALS

An assessment of the impact that Options 1 and 3 would have on mineral resources was provided in Section 6 of the original Report. Option 1 was afforded a score of 3, whilst Option 3 scored 5.

As set out in Table 6.5 of the Assessment, Option 1’s reduced score reflects the Mineral’s Safeguarding Zone within Hill Barton Business Park (Policy M2 of the Devon Minerals Plan) and the established strategic waste facility within the same Business Park (Policy W10 of the Devon Waste Plan).

In both instances the designations and their uses are geographically limited to the Hill Barton Business Park. As set out in para. 3.14 of the Report, the Hill Barton Business Park was excluded from the land take required to deliver the new community. Whilst this is not entirely reflected in Figure 3.3 of the Assessment, it clearly should have been.

Consequently, the score for Option 1 should be improved by a further 2 points.

HISTORIC ENVIRONMENT

At the present time, the Cherwell Group do not provide any comment relating to the impact that either Option could have on designated heritage assets. They note that the conclusions presented in the Options Assessment mirrors the conclusions with the Sustainability Appraisal, which itself concludes that:

“...all Options are likely to have minor negative effect due to potential impact upon the setting of designated heritage assets [Page 270].”

We also note that there is only one Grade II Listed Building within Option 1 and three Grade II Listed Buildings within Option 3. As there are three times the number of designated heritage assets in Option 3, it follows that there is a greater chance of harming the significance of designated assets in Option 3, than Option 1. Therefore, whilst the scoring of both Options within this Representation mirrors the Options assessment, it could be argued that Option 3 should score lower than Option 1.

Given the above, the historic environment scoring from the original assessment work has been used within the revised assessment.

SUSTAINABLE ACCESSIBILITY

Section 7 of the CBRE report provides scores for the four assessment categories namely: walking, cycling, public transport and proximity to employment.

WALKING

The report acknowledges that pedestrian infrastructure is presently limited as all three options are in a predominantly rural area. However, there are footways along the A3052 to the west of the Cat and Fiddle, which the report states are in the “immediate vicinity of all three options”. Whilst it is true that these footways are within close proximity to Option 1 and the western part of Option 2, they are not close to the bulk of Option 3 with only the extreme northern part of this Option located within walking distance. The A376 and B3179 (Woodbury Road) relate better to the bulk of Option 3 and do not have footways.

The Report also states that the proposed Clyst Valley Trail (CVT) is within the vicinity of Options 1 and 3. However, it is considered that Option 1 is better located for pedestrian access to the CVT in terms of distance and the ability to use existing routes such as Bishops Court Road. Option 3 is located further from the CVT and is separated by the A376, which would need to be safely crossed to access this route.

Therefore, it is hard to fathom how Option 3 scores higher than Option 1 for walking (by 4 to 3). It is suggested that Option 1 should score higher than Option 3.

CYCLING

Again, the report acknowledges that cycling infrastructure is presently limited in the area, but states that Option 3 is close (within 1.5km) of National Cycle Route 2 (NCN2). This may be correct but it fails to mention that cyclists will have to cross the A376 and travel along Topsham Road to access this route. NCN2 is not immediately adjacent to Option 3 and so is not as convenient as the cycling score (4) suggests.

As already noted, it is our view that Option 1 is better located for the CVT, which will provide a direct, safe, green route to employment centres at the Science Park, Sky Park, and close access to Exeter Business Park and Sowton Industrial Estate. In addition, there is a traffic-free/advisory cycle route to the north of the A3052 from Westpoint that provides a route to Digby and Sowton train station and connects with other routes leading into Exeter city centre.

Therefore, it is difficult to comprehend why Option 3 scores higher than Option 1 for cycling (by 4 to 3). It is suggested that Option 1 and Option 3 should have similar scores for cycling (4 each).

PUBLIC TRANSPORT

The Report states that whilst “all three options have a good level of existing connectivity by bus,” high-quality public transport provision will be needed for all options.

The Report identifies that there are already bus services along the A3052. It is worth noting that these stops are located within 500m of the centre of land at Axehayes Farm, and that two Planning Inspectors have found the location to be “well related in sustainability terms” in recent Appeal decisions.

The Report states that Options 1 and 3 are well related to train stations located on the Avocet railway line and in Exeter itself.

Therefore, again it is difficult to see why Option 3 scores higher than Option 1 for public transport (by 5 to 4). Given it is acknowledged that services will need to be improved for all options, it is suggested that Option 1 and Option 3 should both score 4 for public transport.

REVISED SCORING

Given the above, it is suggested that the sustainable accessible assessment category scores should be adjusted as shown in Table 2 on page 55 of the attached document for the three categories (walking, cycling and public transport).

The above scoring would provide a better fit with the conclusions of the Sustainability Appraisal [Page 277], which concludes that Option 1 as having a major positive effect for connectivity and transport, with Option 3 only having a minor positive effect.

HIGHWAYS

The modelling undertaken by WSP, which was approved by Devon County Council, identifies that Option 1 has a lesser adverse effect upon the surrounding highway network than Option 3. This is mainly due to the significant traffic impact that Option 3 has at the Clyst St Mary roundabout, and also at Junction 30 of the M5 motorway.

Various improvement options are identified in the report for the Clyst St Mary roundabout. Only two of these are deemed to be easily deliverable; namely the signalisation of the roundabout and the provision of a Park and Ride facility at Westpoint to reduce traffic flows through this junction. The latter could be provided on the Axehayes site as shown within the Vision Document appended to these representations. Given this, the score for the impact of Option 1 at the Clyst St Mary roundabout should be increased to 4 (from 3) and the deliverability score similarly increased to 5 (from 4). Indeed, it is odd how Option 2 and 3 have been awarded the same scores for the Clyst St Mary roundabout even though Table 7 in the WSP Technical Note clearly states that Option 3 has the “highest impact of the scenarios”.

The Report states that the East of Exeter Network will only be affected by Option 2. However, this seems hard to believe given that Option 3 will be accessed from the A376 according to the WSP Technical Note (along with an access onto the A3052 and B3179) and so some of this traffic will undoubtedly route onto the road network to the east and south of Clyst St Mary (as defined in Section 8.40 of the CBRE Report). Given this, the score for both the impact and deliverability of Option 3 on the East of Exeter Network should be decreased to 4 (from 5).

REVISED SCORING

The existing and revised scores for the highways assessment category are shown in Table 3 on page 56 of the attached document for the two categories identified above to reflect the findings of the Hydrock/WSP technical work more accurately.

UTILITIES

The Cherwell Group do not demure from the conclusions presented within Section 9 of the Assessment in relation to utilities.

NET ZERO CARBON ASSESSMENT

At this stage, the Cherwell Group consider that the scoring for net zero carbon is appropriate. That said, they question why para. 9.131 raises concerns about the proximity of Exeter Airport being a potential constraint for solar energy in Option 1. At Cranbrook, which is located adjacent to the Airport, solar photovoltaic solutions are actively promoted within the Development Plan.

The Cherwell Group also note that Option 1 performed better than Option 3 in the Sustainability Assessment on minimising carbon emissions [Page 270].

CLIMATE RESILIENCE

Appendix F of the Options Appraisal includes an assessment of each Option's resilience to climate change. Figures are provided within the assessment work. However, for each element of work the three options appear to be located to the north of the A3052 and to the south of the A30 (i.e. within Options 1 and 2). Consequently, the Cherwell Group are unsure as to whether the climate resilience work has assessed only sub-areas within Options 1 and 2 and not Option 3, or whether the figures presented within the work are inaccurate.

Given the above, the Cherwell Group reserved the right to comment on this work at subsequent stages of the plan-making process and have excluded climate resilience from their revised assessment work.

They do however note that the Sustainability Appraisal concluded that "Options 1 and 3 have similar overall climate resilience [Page 272]."

DELIVERABILITY

The Cherwell Group agree with the assessment work in relation to deliverability. They also agree that land assembly concerns reflect valuable lessons learnt at Cranbrook. We are also aware that the promoters of Option 1 have a proven record of delivering complex sites. The Cherwell Group are willing to work with other developers with land within Option 1 to bring forward a comprehensive development.

OVERALL SCORE

The revised assessment work presented above would result in the overall scores in Table 4 on page 57 of the attached document.

HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT

Land at Axehayes Farm was assessed in the HELAA as site GH/ED/52. The assessment work rightfully concludes that the site is suitable, available and achievable. The Cherwell Group agree with this conclusion. The work provided in the accompanying Vision Document also demonstrates that this conclusion is appropriate.

Notwithstanding the above, the technical work undertaken by the Cherwell Group indicates that some of the site's suitability assessment work in the HELAA is overly cautious. These matters are set out below:

Heritage - the HELAA assessment work concluded that the heritage sensitivity of the site is medium, as there is the potential for development to impact on Higher Holbrook Farm, which is a designated heritage asset. However, technical work prepared on behalf of the Cherwell Group by Orion Heritage concludes that "there was no direct intervisibility between the built heritage assets within the 1km study area and the study site due to distance, vegetation and topography." Consequently, the development of Axehayes Farm would not impact on the significance of any designated asset, including Higher Holbrook Farm.

Highways - The HELAA Panel concluded that there was a need for significant preparatory strategic highways improvements to allow for the site to be developed. This

included delivering infrastructure to minimise impacts on Junctions 29 and 30 of the M5 Motorway. However, this conflicts with more recent evidence prepared on behalf of the Council which concludes that “development of 2,500 new homes up to the end of the Plan period could be accommodated without significant highways interventions [Executive Summary, Options Appraisal Technical Assessment – Summary, ‘East Devon – Options Appraisal for a Potential New Settlement,’ 2022].”

These revised conclusions should be reflected in an updated HELAA assessment for the subject site and the other evidence base documents that the HELAA has influenced.

3(a). If yes, and you wish to support the soundness of this part of the Development at the West End chapter, please use this box to set out your comments.: ///// PART 2 - CONTINUED FROM PART 1 67fe60e856049900121af0e8 /////

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maintenance of public open spaces and community facilities;

the maintenance of the SANG land;

sustainable transport initiatives, including bus services and subsidy, e-bikes and car clubs;

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In addition, whilst the Community Infrastructure Levy is operational in parts of East Devon, the Local Planning Authority made Cranbrook exempt during the plan-making process. Instead, infrastructure has been secured through the conventional Section 106 process. The approach to funding and delivering infrastructure at the second new town needs early consideration and confirmation.

CONFORMITY WITH PARAGRAPH 74 OF THE NPPF

Para. 74 of the 2023 version of the NPPF confirms that the supply of new homes can often best be achieved through planning for larger scale development, such as new communities, provided they are:

well located;

well designed; and

are supported by necessary infrastructure and facilities.

Moreover, working with communities and other stakeholders, local planning authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;

ensure that the size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development, or in larger towns to which there is good access;

set clear expectations for the quality of the places to be created and how this will be maintained;

ensure appropriate tools, such as masterplans and design codes are used to secure a variety of well-designed homes to meet the needs of different groups of the community;

make a realistic assessment of likely rates of delivery; and

consider whether it is appropriate to establish a Green Belt around or adjoining new developments of a significant size.

An assessment of how the new community proposed at Policy WS01 of the emerging Plan accords with each of these tests is set out below in turn.

WELL LOCATED

As has been demonstrated in Section 5 above, the new community provides a strong fit with the Plan's spatial strategy, which was assessed through the Sustainability Appraisal and was found to be the preferred option. It mirrors the strategy employed in the Adopted Local Plan.

Moreover, three options for the location of the new community have been assessed within the evidence base supporting the Local Plan, including the Sustainability Appraisal. The location of the new community was again found to be the most appropriate when considering reasonable alternatives.

WELL DESIGNED

The Local Planning Authority's own assessment work underpinning the emerging Local Plan, the design work required by Policy WS01 of the emerging Local Plan, together with other more generic design related policy, including Policy DS01 and DS02, will ensure that the new community is well designed. SUPPORTED BY NECESSARY INFRASTRUCTURE AND FACILITIES

We understand that the Infrastructure Delivery Plan for the second new community, which will be published later in 2025, will establish the necessary infrastructure and facilities that will need to support the new community. This will ensure that the services and facilities required on a daily basis by the future residents of the new community will be available and can be accessed via active and sustainable modes of travel. It will also ensure that the impact of the development is mitigated.

EXISTING OR PLANNED INVESTMENT IN INFRASTRUCTURE

The location of the new community ensures that it is in close proximity to the strategically important Clyst Valley Regional Park, which aims to, amongst other things, connect communities with nature, by traffic free trails. The active travel strategy prepared by AWP ensures that the new community will provide active travel connections between the development and the Clyst Valley Regional Park, including via green connections, which will also provide a functional connection for the benefit of biodiversity interest.

The new community is also located in close proximity to an energy from waste facility. There are proposals for the facility to provide residual heat to the Cranbrook New Community and we understand that it could also supply heat for all or some of the second new community. Whilst, as discussed in Section 8 below, there are potentially other alternatives, it does, in the context of para. 73(a) of the 2023 version of the NPPF, constitute an opportunity presented by infrastructure.

ECONOMIC POTENTIAL

The employment land proposed within the new community will complement the existing and planned strategically important employment provision located within the western area of East Devon and on the eastern edge of Exeter.

NET GAINS TO BIODIVERSITY

An appropriate net gain to biodiversity can be achieved from the new community. Functional green connections are also proposed to the Clyst Valley Regional Park.

SERVICES, FACILITIES AND EMPLOYMENT OPPORTUNITIES WITHIN THE NEW COMMUNITY AND IN THE WIDER ENVIRONS

As set out in Policy WS01 of the emerging Local Plan, the new community will house a full range of social, community and education facilities, a town centre, a number of smaller neighbourhood centres and employment land. The new community will also be located in close proximity to the services, facilities and employment opportunities located within the West End, on the eastern edge of Exeter and within Exeter city centre.

EXPECTATIONS ABOUT THE QUALITY OF PLACE

The combination of the vision for the new community and the detailed policy framework provided by Policy WS01 of the emerging Local Plan, and more generic development management policies, ensure that there are clear expectations regarding the quality of the place.

MASTERPLAN AND DESIGN CODES

Policy WS01 and DS02 of the emerging Local Plan will require the submission of an allocation wide masterplan and a design code or codes.

REALISTIC ASSESSMENT OF RATES OF DELIVERY

The Cherwell Group provided an assessment of the anticipated rates of delivery in Section 6 above. They consider that whilst the rates of delivery for the new community are ambitious, they are aspirational, but deliverable.

GREEN BELT

The Cherwell Group do not consider it necessary for a Green Belt to be provided to the east of Exeter. The proposed new community benefits from strong defensible boundaries to the west, south and north, including the Clyst Valley Regional Park, the M5, the A3052 and the A30.

No such designation has been required for the Cranbrook New Community and it is considered that, if necessary, other development management policies would suffice. The Cherwell Group are aware that, for instance, Green Wedge designations have successfully been used at Cranbrook. Moreover, such a designation may impact on the ability for the Local Planning Authority to allocate land for the additional 2,000 homes that is to be made in a subsequent development plan document. Consequently, it is not considered that the tests of para. 144 of the NPPF have been met in this instance.

SUMMARY

It can be seen that the proposed new community strongly accords with para. 74 of the NPPF. It is therefore, in these terms, consistent with national planning policy.

SYNTHESIS

The Cherwell Group considers that, fundamentally, the second new town is a sound proposition. They consider that it is founded on robust evidence and provides a strong fit with national planning policy.

They have suggested a number of minor amendments to the proposed wording of Policy WS01. These suggested alterations are proposed to ensure that the allocation is both justified and effective.

THE EVIDENCE BASE

As has been demonstrated in the previous sections of this representation, the Cherwell Group are generally supportive of the emerging Local Plan, including the proposed second new community. However, they do have a number of concerns relating to the evidence base underpinning the Plan. Their main concerns primarily relate to the 'East Devon – Options Appraisal for a potential New Settlement' Report. However, they also have more minor concerns in relation to the Housing and Economic Land Availability Assessment (HELAA). These concerns are outlined in turn below.

EAST DEVON - OPTIONS APPRAISAL FOR A POTENTIAL NEW SETTLEMENT REPORT

The 'East Devon – Options Appraisal for a potential New Settlement' Report rightfully concludes that of the options assessed, Option 1 (land to the north of the A3052 and to the south of the A30) is the preferred option. However, the Cherwell Group consider that for the reasons set out below, the assessment work underscores Option 1 and overscores Option 3 (land to the south of the A3052). The revised assessment work undertaken on behalf of the Cherwell Group therefore indicates that Option 1 outperforms Option 3 by a more significant margin.

The Cherwell Group's revised assessment work is set out below and follows the assessment categories set out in the original Report. It only re-assesses Options 1 and 3, as Option 2 was discounted in the evidence work.

LANDSCAPE SENSITIVITY

Work undertaken on behalf of the Cherwell Group to evaluate landscape capacity broadly corroborates the findings of the 'Landscape Sensitivity Assessment for New Community East of Exeter' Report, prepared by Fiona Fyfe Associates Ltd. The assessment work concludes that land to the centre west of the study area is the least sensitive in landscape terms.

However, work undertaken on behalf of the Cherwell Group concludes that land to the immediate south of the A30 (northern part of LLU A) should be considered of medium sensitivity due to its proximity to the A30, and Exeter Airport, and the influence that these elements exert over the landscape. Moreover, development visible on higher land is not untypical of the wider landscape, and that with sensitive design and structural planting this could be accommodated. The way in which LLU boundaries have been determined does not however allow for this finer grain of assessment. Consequently, it was considered that LLU A should in fact be divided into two separate areas and assessed independently in a similar fashion to LLU G and LLU I.

The Cherwell Group's work also concluded that a broader proportion of LLU G to the south should be considered of High – Medium sensitivity due to the availability of distant views, its openness, its proximity to Clyst St George and its rural character.

On balance, the Cherwell Group are of the opinion that Option 1 and 3 should score equally.

ECOLOGICAL IMPACT / BIODIVERSITY

In the absence of any detailed ecological assessment work for large parts of Option 1 and for Option 3, no amendments are proposed to the original assessment's scoring for both Options in respect of ecological impact/biodiversity.

Notwithstanding the above, we note the conclusions of the Sustainability Appraisal [Page 268] in respect of Option 3, which afforded Option 3 a major negative score "given its proximity to the Exe Estuary and greater overall risk to the ecological network."

FLOOD RISK

The original Assessment work, for flood risk, concludes for both Options 1 and 3 that they would result in a "low to medium flood risk that can be reduced by well designed and implemented drainage and water mitigation strategies." Both Options were therefore scored 4.

Work by Calibro has suggested that the access from the A3052 required to deliver Option 3 would need to traverse a large area of floodplain (in excess of 150m). They conclude that delivering this access could require significant engineering works. It is likely that the Environment Agency will seek for minimum works to be included within the floodplain, so a wide clear-span bridge with intermediate supporting piers may be required for some of its length. Openings would need to be at least 0.3m but could be up to 0.6m above the flood level. Road construction is likely to be a further metre but could be higher to allow for buried services.

Whilst watercourse crossings will be required to deliver Option 1, the watercourses flow through much narrower well-defined valleys, so the crossing would be much shorter.

On the basis of the above, Calibro conclude that Option 3 is more constrained by flood risk than the original Assessment work suggests and should be downgraded to a 3, rather than a 4. The mitigation works required for its access could also have implications for other assessment categories, including landscape sensitivity and ecological impact.

MINERALS

An assessment of the impact that Options 1 and 3 would have on mineral resources was provided in Section 6 of the original Report. Option 1 was afforded a score of 3, whilst Option 3 scored 5.

As set out in Table 6.5 of the Assessment, Option 1's reduced score reflects the Mineral's Safeguarding Zone within Hill Barton Business Park (Policy M2 of the Devon Minerals Plan) and the established strategic waste facility within the same Business Park (Policy W10 of the Devon Waste Plan).

In both instances the designations and their uses are geographically limited to the Hill Barton Business Park. As set out in para. 3.14 of the Report, the Hill Barton Business Park was excluded from the land take required to deliver the new community. Whilst this is not entirely reflected in Figure 3.3 of the Assessment, it clearly should have been.

Consequently, the score for Option 1 should be improved by a further 2 points.

HISTORIC ENVIRONMENT

At the present time, the Cherwell Group do not provide any comment relating to the impact that either Option could have on designated heritage assets. They note that the conclusions presented in the Options Assessment mirrors the conclusions with the Sustainability Appraisal, which itself concludes that:

“...all Options are likely to have minor negative effect due to potential impact upon the setting of designated heritage assets [Page 270].”

We also note that there is only one Grade II Listed Building within Option 1 and three Grade II Listed Buildings within Option 3. As there are three times the number of designated heritage assets in Option 3, it follows that there is a greater chance of harming the significance of designated assets in Option 3, than Option 1. Therefore, whilst the scoring of both Options within this Representation mirrors the Options assessment, it could be argued that Option 3 should score lower than Option 1.

Given the above, the historic environment scoring from the original assessment work has been used within the revised assessment.

SUSTAINABLE ACCESSIBILITY

Section 7 of the CBRE report provides scores for the four assessment categories namely: walking, cycling, public transport and proximity to employment.

WALKING

The report acknowledges that pedestrian infrastructure is presently limited as all three options are in a predominantly rural area. However, there are footways along the A3052 to the west of the Cat and Fiddle, which the report states are in the “immediate vicinity

of all three options”. Whilst it is true that these footways are within close proximity to Option 1 and the western part of Option 2, they are not close to the bulk of Option 3 with only the extreme northern part of this Option located within walking distance. The A376 and B3179 (Woodbury Road) relate better to the bulk of Option 3 and do not have footways.

The Report also states that the proposed Clyst Valley Trail (CVT) is within the vicinity of Options 1 and 3. However, it is considered that Option 1 is better located for pedestrian access to the CVT in terms of distance and the ability to use existing routes such as Bishops Court Road. Option 3 is located further from the CVT and is separated by the A376, which would need to be safely crossed to access this route.

Therefore, it is hard to fathom how Option 3 scores higher than Option 1 for walking (by 4 to 3). It is suggested that Option 1 should score higher than Option 3.

CYCLING

Again, the report acknowledges that cycling infrastructure is presently limited in the area, but states that Option 3 is close (within 1.5km) of National Cycle Route 2 (NCN2). This may be correct but it fails to mention that cyclists will have to cross the A376 and travel along Topsham Road to access this route. NCN2 is not immediately adjacent to Option 3 and so is not as convenient as the cycling score (4) suggests.

As already noted, it is our view that Option 1 is better located for the CVT, which will provide a direct, safe, green route to employment centres at the Science Park, Sky Park, and close access to Exeter Business Park and Sowton Industrial Estate. In addition, there is a traffic-free/advisory cycle route to the north of the A3052 from Westpoint that provides a route to Digby and Sowton train station and connects with other routes leading into Exeter city centre.

Therefore, it is difficult to comprehend why Option 3 scores higher than Option 1 for cycling (by 4 to 3). It is suggested that Option 1 and Option 3 should have similar scores for cycling (4 each).

PUBLIC TRANSPORT

The Report states that whilst “all three options have a good level of existing connectivity by bus,” high-quality public transport provision will be needed for all options.

The Report identifies that there are already bus services along the A3052. It is worth noting that these stops are located within 500m of the centre of land at Axehayes Farm, and that two Planning Inspectors have found the location to be “well related in sustainability terms” in recent Appeal decisions.

The Report states that Options 1 and 3 are well related to train stations located on the Avocet railway line and in Exeter itself.

Therefore, again it is difficult to see why Option 3 scores higher than Option 1 for public transport (by 5 to 4). Given it is acknowledged that services will need to be improved for all options, it is suggested that Option 1 and Option 3 should both score 4 for public transport.

REVISED SCORING

Given the above, it is suggested that the sustainable accessible assessment category scores should be adjusted as shown in Table 2 on page 55 of the attached document for the three categories (walking, cycling and public transport).

The above scoring would provide a better fit with the conclusions of the Sustainability Appraisal [Page 277], which concludes that Option 1 as having a major positive effect for connectivity and transport, with Option 3 only having a minor positive effect.

HIGHWAYS

The modelling undertaken by WSP, which was approved by Devon County Council, identifies that Option 1 has a lesser adverse effect upon the surrounding highway

network than Option 3. This is mainly due to the significant traffic impact that Option 3 has at the Clyst St Mary roundabout, and also at Junction 30 of the M5 motorway.

Various improvement options are identified in the report for the Clyst St Mary roundabout. Only two of these are deemed to be easily deliverable; namely the signalisation of the roundabout and the provision of a Park and Ride facility at Westpoint to reduce traffic flows through this junction. The latter could be provided on the Axehayes site as shown within the Vision Document appended to these representations. Given this, the score for the impact of Option 1 at the Clyst St Mary roundabout should be increased to 4 (from 3) and the deliverability score similarly increased to 5 (from 4). Indeed, it is odd how Option 2 and 3 have been awarded the same scores for the Clyst St Mary roundabout even though Table 7 in the WSP Technical Note clearly states that Option 3 has the “highest impact of the scenarios”.

The Report states that the East of Exeter Network will only be affected by Option 2. However, this seems hard to believe given that Option 3 will be accessed from the A376 according to the WSP Technical Note (along with an access onto the A3052 and B3179) and so some of this traffic will undoubtedly route onto the road network to the east and south of Clyst St Mary (as defined in Section 8.40 of the CBRE Report). Given this, the score for both the impact and deliverability of Option 3 on the East of Exeter Network should be decreased to 4 (from 5).

REVISED SCORING

The existing and revised scores for the highways assessment category are shown in Table 3 on page 56 of the attached document for the two categories identified above to reflect the findings of the Hydrock/WSP technical work more accurately.

UTILITIES

The Cherwell Group do not demure from the conclusions presented within Section 9 of the Assessment in relation to utilities.

NET ZERO CARBON ASSESSMENT

At this stage, the Cherwell Group consider that the scoring for net zero carbon is appropriate. That said, they question why para. 9.131 raises concerns about the proximity of Exeter Airport being a potential constraint for solar energy in Option 1. At Cranbrook, which is located adjacent to the Airport, solar photovoltaic solutions are actively promoted within the Development Plan.

The Cherwell Group also note that Option 1 performed better than Option 3 in the Sustainability Assessment on minimising carbon emissions [Page 270].

CLIMATE RESILIENCE

Appendix F of the Options Appraisal includes an assessment of each Option's resilience to climate change. Figures are provided within the assessment work. However, for each element of work the three options appear to be located to the north of the A3052 and to the south of the A30 (i.e. within Options 1 and 2). Consequently, the Cherwell Group are unsure as to whether the climate resilience work has assessed only sub-areas within Options 1 and 2 and not Option 3, or whether the figures presented within the work are inaccurate.

Given the above, the Cherwell Group reserved the right to comment on this work at subsequent stages of the plan-making process and have excluded climate resilience from their revised assessment work.

They do however note that the Sustainability Appraisal concluded that "Options 1 and 3 have similar overall climate resilience [Page 272]."

DELIVERABILITY

The Cherwell Group agree with the assessment work in relation to deliverability. They also agree that land assembly concerns reflect valuable lessons learnt at Cranbrook. We are also aware that the promoters of Option 1 have a proven record of delivering complex sites. The Cherwell Group are willing to work with other developers with land within Option 1 to bring forward a comprehensive development.

OVERALL SCORE

The revised assessment work presented above would result in the overall scores in Table 4 on page 57 of the attached document.

HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT

Land at Axehayes Farm was assessed in the HELAA as site GH/ED/52. The assessment work rightfully concludes that the site is suitable, available and achievable. The Cherwell Group agree with this conclusion. The work provided in the accompanying Vision Document also demonstrates that this conclusion is appropriate.

Notwithstanding the above, the technical work undertaken by the Cherwell Group indicates that some of the site's suitability assessment work in the HELAA is overly cautious. These matters are set out below:

Heritage - the HELAA assessment work concluded that the heritage sensitivity of the site is medium, as there is the potential for development to impact on Higher Holbrook Farm, which is a designated heritage asset. However, technical work prepared on behalf of the Cherwell Group by Orion Heritage concludes that "there was no direct intervisibility between the built heritage assets within the 1km study area and the study site due to distance, vegetation and topography." Consequently, the development of Axehayes Farm would not impact on the significance of any designated asset, including Higher Holbrook Farm.

Highways - The HELAA Panel concluded that there was a need for significant preparatory strategic highways improvements to allow for the site to be developed. This included delivering infrastructure to minimise impacts on Junctions 29 and 30 of the M5 Motorway. However, this conflicts with more recent evidence prepared on behalf of the Council which concludes that "development of 2,500 new homes up to the end of the Plan period could be accommodated without significant highways interventions [Executive Summary, Options Appraisal Technical Assessment – Summary, 'East Devon – Options Appraisal for a Potential New Settlement,' 2022]."

These revised conclusions should be reflected in an updated HELAA assessment for the subject site and the other evidence base documents that the HELAA has influenced.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

4. Development at the West End

1. To which part of the Development at the West End chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS01

3(a). If yes, and you wish to support the soundness of this part of the Development at the West End chapter, please use this box to set out your comments.: ///// PART 2
- CONTINUED FROM PART 1 67fe844e1dcf64001372fce3 /////

EMPLOYMENT LAND AND THE TOWN CENTRE

The proposed development at Axehayes Farm does not, as reflected in the Council's proposed masterplan for the second new community, propose any employment land or town centre uses. Consequently, the Cherwell Group do not provide any detailed comments regarding the proposals.

Notwithstanding the above, they are supportive of the provision of both employment land and town centre uses within the second new community, which will provide a strong fit with national planning policy [Para. 74 and 105 of the NPPF]. The provision of employment and town centre uses (housing a range of services and facilities) will be key components of the proposed new community. Both the employment and town centre uses will ensure that the daily needs of the residents of the new community are met, which will, by internalising trips, therefore limit the need to travel, which in turn will help to reduce congestion and emissions.

SOCIAL, COMMUNITY & EDUCATION FACILITIES AND OTHER INFRASTRUCTURE

The Cherwell Group acknowledge that to ensure that the second new community constitutes sustainable development, there will be a need for it to include social,

community and education facilities. For large-scale development such as that being proposed, this is a requirement of national planning policy [Para. 74 and 97 of the NPPF].

In regard to Policy WS01, it is noted that there will be a requirement for a full range of social, cultural, leisure, health, community and education facilities. This is not disputed by the Cherwell Group. Indeed, they will be an important placemaking component of the second new community. However, it is noted that a number of key evidence base documents that will be required to underpin the Local Plan, including the infrastructure delivery strategy for the new community, the playing pitch strategy and the open space strategy, have not, as yet, been produced. These will need to be published alongside the second Regulation 19 consultation in order to demonstrate that the proposals are justified and effective.

Indeed, it is highly likely that the social, community and education requirements for the new town will be informed by consultation with key infrastructure providers. These responses will need to be assessed to ensure that they satisfy the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations and are afforded a prioritisation. As with the Cranbrook Plan, the prioritisation will be an important element of work so as to ensure that the development is a viable proposition.

We comment on the proposals shown in the Council's latest masterplanning work for an all-through school to be located within land that is within the control of the Cherwell Group in the masterplanning section below.

INFRASTRUCTURE

PUBLIC OPEN SPACE PROVISION

The Cherwell Group acknowledge that the new community will be required to provide on-site public open space provision. As stated in national planning policy, access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and has other wider benefits [Para. 102 of the NPPF].

However, national planning policy also states that policies should be based on robust and up-to-date assessment of needs for open space, sport and recreation and opportunities for new provision. At the time of writing, neither the playing pitch strategy nor the open space strategy has been published. As stated above, these documents will be required to be published alongside the second Regulation 19 consultation in order to demonstrate that the Council's masterplan proposals are deliverable within the land allocated in the emerging Local Plan for the new community, and therefore Policy WS01 is an effective and justified proposition.

SANG

As set out in para. 13.15 of the emerging Plan, the provision of SANG land forms a key element of mitigation for developments that are located within 10km of the Exe Estuary Special Protection Area (SPA) and the Pebblebed Heaths Special Area of Conservation (SAC). The emerging Plan's supporting text suggests that mitigation should be provided at a rate of 8ha per 1,000 population, which was the same requirement as set out in Policy CB14 of the Cranbrook Plan. However, unlike Policy CB14 of the Cranbrook Plan, an occupancy rate is not provided. To ensure that there is no ambiguity regarding the expectations for SANG land, an occupancy rate should be clearly stated within the emerging Plan.

ACTIVE, SUSTAINABLE TRANSPORT AND OTHER HIGHWAYS IMPROVEMENTS

As evidenced by AWP's joint commission, which is discussed in Section 2 above, the Cherwell Group are supportive of the transport strategy for the new community affording a priority to active and sustainable modes of transport as part of a wider 'vision and validate' approach. Indeed, alongside the mix of uses proposed within the development, it will ensure that journeys within the new community are capable of being made by active and sustainable modes of transport. This will not only reduce carbon emissions and have health benefits, but it will also potentially avoid physical infrastructure improvements. Active and sustainable transport connections will also be proposed to local destinations, including via the provision of park and rides and mobility hubs.

The Cherwell Group's masterplan, which is described in Section 2 above, incorporates the proposed pedestrian, cycle and highway connections proposed in AWP's work.

COMMUNITY ENERGY/HEATING AND ON-SITE RENEWABLE ENERGY PRODUCTION

The Cherwell Group comment on the emerging policy framework in relation to carbon reduction, district heating and renewable energy generation in Section 8 of these representations.

SURFACE WATER DRAINAGE

As set out in Section 2 above, on behalf of the wider consortium, AWP have prepared a surface water drainage strategy for the new community. It has, where relevant to Axehayes Farm, been incorporated into the Cherwell Group's masterplan.

NEW EDUCATION PROVISION

As indicated above, the Cherwell Group acknowledge that education provision will be an important component of social infrastructure within the new community that will help with place-making. They are therefore supportive of its provision on-site. They do, however, have concerns relating to the proposed location of the campus school. These concerns are set out below.

HIGH SPEED PROVISION

It is noted that the emerging policy requires the provision of high speed broadband. However, since December 2022, for new homes, it has been a requirement of Approved Document R of the Building Regulations for developments to provide: (1) gigabit-ready physical infrastructure necessary for gigabit-capable connections up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to that distribution point; and (2) subject to a costs cap, a functioning gigabit-capable connection.

As such, for residential development, it is considered that the policy requirement duplicates Building Regulations and therefore it does not serve a clear purpose.

Accordingly, it conflicts with national policy and should be removed from future iterations of the Plan.

WASTE TRANSFER STATION AND WASTE WATER TREATMENT WORKS

The Cherwell Group are aware of the need for a new waste water treatment works to serve the new development. They are also aware that the utility provider is currently undecided as to whether it should be located within the new community. Whilst the Cherwell Group are aware of its strategic need and if necessary, its location within the new community, it should not be at the expense of restricting delivery from it. Indeed, whilst the waste water treatment works is being constructed, existing capacity and if necessary, temporary package treatment works, should be utilised to ensure that housing delivery from the new community comes forward as early as possible.

STEWARDSHIP

Policy WS01 confirms that a town-wide stewardship vehicle and governance will be required early on in the planning and delivery process. There remains a requirement for the allocation wide masterplan to provide a stewardship strategy that provides full details of the governance structure, methods of funding the stewardship vehicle, details of the public spaces and community assets to be owned, managed and maintained by the stewardship vehicle and an indicative programme for the establishment of the proposed stewardship vehicle. It is noted that para. 4.8 of the Local Plan confirms that public spaces and community assets within the new community will need to remain in public ownership.

The Cherwell Group acknowledge that stewardship will be a critical component of the new community. They are also aware that, as the proposed new community is the second that will occur within East Devon, many of these considerations will have been debated previously at Cranbrook. The Cherwell Group is aware of an East Devon Cabinet Paper dated 28th July 2021, which discussed the various stewardship models that had been discussed in the context of Cranbrook, which by the time that the paper was written, was a thriving community, with the established Town Council providing effective local leadership.

The Paper discussed various stewardship models. It confirmed that initially within Cranbrook, as with many developments, an estate management company was responsible for, amongst other things, the management and maintenance of public spaces. This was funded by a management charge applied to each home. However, in 2018, public assets and services were transferred to Cranbrook Town Council, with their management and maintenance being funded through the parish precept and residents having their estate charge removed. This did not require any commuted sums to be paid by the developers to the Town Council, but is reflected on the Council Tax bill for each property.

Two further options were considered within the Cabinet Paper for the stewardship of assets; asset endowment and profit share. In terms of the former, LRM Planning have been involved in a development where such an approach was used, alongside a conventional estate charge.

As part of the Former Wisley Airfield development, a Stewardship Strategy and an In Perpetuity Funding Framework was agreed. Through that work it was agreed that the Wisley Airfield Community Trust would be established, which is a charitable trust responsible for the operation and maintenance of the community assets (after they were fully funded and built out) and the promotion of community activities to aid with placemaking. The Trust is to be governed by a board of Trustees including residents, the Council, the County Council, the Parish Council, specialist stakeholders, the developers and other business interest groups.

The Strategy and Framework confirms that the Trust is to be responsible for:

maintenance of public open spaces and community facilities;

the maintenance of the SANG land;

sustainable transport initiatives, including bus services and subsidy, e-bikes and car clubs;

costs for the Trust's staff and its ongoing operation; and

placemaking, including community development, activities and events.

A number of potential sources of revenue were identified, including:

an estate charge for each dwelling and commercial unit;

income from community assets, periodic income and charitable grants; and

a scheme of endowment, whereby a number of residential properties were gifted to the charitable trust to be let to private tenants to provide a long term and unrestricted income. Initially, 19 dwellings were endowed to the Trust.

Subject to viability, such an approach to delivering the stewardship of the new community over the longer-term would be supported by the Cherwell Group.

THE COUNCIL'S EMERGING MASTERPLAN

The Cherwell Group note that the Council's more detailed proposals for the new community will be published in the second Regulation 19 consultation later in 2025. They therefore understand that the Council's masterplanners will be continuing to work on the masterplan until that point and that the versions of the masterplan issued by the Council to the landowners in January 2025 is subject to change. However, in order to assist the Council in preparing their final masterplan, the Cherwell Group have the following comments on the most recent version of the masterplan shared in January 2025:

Park and ride – the park and ride is currently proposed to be located to the west of the proposed access from the A3052. It is within land that is not controlled by the Cherwell Group. As shown in the Cherwell Group's masterplan, which is provided in Appendix 2, there is sufficient room within land controlled by the Cherwell Group for the park and ride to be accommodated within their masterplan. To allow for its earlier delivery, the

park and ride should be relocated to the east of the proposed access road from the A3052 and within land controlled by the Cherwell Group.

Secondary school – the Cherwell Group note that the only secondary school proposed within the emerging masterplan is located in the north eastern area of the land under their control. However, Policy WS01 of the emerging Local Plan indicates that the preference is for the site to accommodate a “an education campus which will provide primary and secondary school places as well as provision for early years, pupils with special educational needs and Post 16.” There therefore seems to be a disconnect between the emerging Policy and the Council’s proposed masterplan. There is approximately a 2.25ha difference in size between a secondary school and an education campus. Analysis undertaken by the Cherwell Group’s masterplanner has indicated that there is not the sufficient quantum of land within the north eastern portion of the Cherwell Group’s landholding, of a suitable level, to accommodate an education campus and its ancillary infrastructure, including playing pitches. In order to ensure that the masterplan and therefore Policy WS01 of the emerging Local Plan is effective, there will be a need to relocate the school to an alternative location.

APPLICATION REQUIREMENTS

The emerging Policy requires proposals within the new community to progress in accordance with an agreed allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and a financial appraisal. Additionally, the Policy also confirms that a stewardship strategy is required as part of the site wide masterplan. Unless otherwise agreed with the Local Planning Authority, each planning application should accord with the approved documents.

The Cherwell Group has four principal concerns with these elements of the Policy, as follows:

To ensure that the emerging Policy is clearly written and unambiguous, the Plan should be clear as to what stage of the development management process the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and the financial appraisal is required to be agreed (i.e. is it prior to the submission of the first application, or as part of it). In that regard we draw attention to the wording of the Cranbrook Expansion Area policies, which state that “the parameter plans shall be agreed in writing by the

Local Planning Authority as part of the first approval of any planning application for development...”

Again, to ensure that the emerging Policy is clearly written and unambiguous, there will be a need for the Policy to indicate how the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and financial appraisal is required to be agreed.

As there is no obvious lead developer (i.e. with an overall controlling portion of the second new community), there will, given the significant implications that the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and financial appraisal will have on the deliverability of all development proposals within the new community, be a need for these elements of work to be undertaken with meaningful engagement with all landowners. Agreement should be reached with all members of the consortium before the work is approved by the Local Planning Authority. To ensure that Policy WS01 is effective, this should be specified in the wording of the Policy.

The Policy states that whilst the emerging Local Plan only allocates land to accommodate 8,000 new homes and supporting facilities and infrastructure, infrastructure capacity should take account of the ambition to grow the community by a further 2,000 homes, to 10,000 in the longer term. Whilst for some elements of infrastructure this could be a possibility, without any surety over where the additional development will be located, it may be difficult for others. For instance, what assumptions will or can be made about trip assignment in relation to junctions onto the existing public highway and the location of education provision, when the location of the additional 2,000 homes is unknown?

OTHER CONSIDERATIONS

LAND USE BUDGET

No land use budget has been provided with the current Local Plan consultation that can be used to demonstrate that the development proposed in the area of land allocated at Policy WS01 is deliverable and therefore effective. The Cherwell Group

reserves the right to provide further comment on this matter in future iterations of the Plan.

VIABILITY

Financial viability was a key consideration for the Cranbrook new community and it is likely to be for the second new community, particularly given the likely requirements for significant levels of infrastructure that will be necessary to support such a development. At Cranbrook, a detailed Infrastructure Delivery Plan was prepared to support the Cranbrook Plan. The Cherwell Group notes that the Local Planning Authority intends to publish an Infrastructure Delivery Plan for the second new community alongside the second Regulation 19 version of the Local Plan. The necessary infrastructure listed in that document and total costs for delivering the infrastructure will be key to understanding whether or not the new community is financially viable and therefore deliverable and in turn effective. The Cherwell Group therefore reserves the right to comment on the infrastructure delivery plan and the scheme's financial viability in their representations to future iterations of the Plan.

In addition, whilst the Community Infrastructure Levy is operational in parts of East Devon, the Local Planning Authority made Cranbrook exempt during the plan-making process. Instead, infrastructure has been secured through the conventional Section 106 process. The approach to funding and delivering infrastructure at the second new town needs early consideration and confirmation.

CONFORMITY WITH PARAGRAPH 74 OF THE NPPF

Para. 74 of the 2023 version of the NPPF confirms that the supply of new homes can often best be achieved through planning for larger scale development, such as new communities, provided they are:

well located;

well designed; and

are supported by necessary infrastructure and facilities.

Moreover, working with communities and other stakeholders, local planning authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;

ensure that the size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development, or in larger towns to which there is good access;

set clear expectations for the quality of the places to be created and how this will be maintained;

ensure appropriate tools, such as masterplans and design codes are used to secure a variety of well-designed homes to meet the needs of different groups of the community;

make a realistic assessment of likely rates of delivery; and

consider whether it is appropriate to establish a Green Belt around or adjoining new developments of a significant size.

An assessment of how the new community proposed at Policy WS01 of the emerging Plan accords with each of these tests is set out below in turn.

WELL LOCATED

As has been demonstrated in Section 5 above, the new community provides a strong fit with the Plan's spatial strategy, which was assessed through the Sustainability Appraisal

and was found to be the preferred option. It mirrors the strategy employed in the Adopted Local Plan.

Moreover, three options for the location of the new community have been assessed within the evidence base supporting the Local Plan, including the Sustainability Appraisal. The location of the new community was again found to be the most appropriate when considering reasonable alternatives.

WELL DESIGNED

The Local Planning Authority's own assessment work underpinning the emerging Local Plan, the design work required by Policy WS01 of the emerging Local Plan, together with other more generic design related policy, including Policy DS01 and DS02, will ensure that the new community is well designed. SUPPORTED BY NECESSARY INFRASTRUCTURE AND FACILITIES

We understand that the Infrastructure Delivery Plan for the second new community, which will be published later in 2025, will establish the necessary infrastructure and facilities that will need to support the new community. This will ensure that the services and facilities required on a daily basis by the future residents of the new community will be available and can be accessed via active and sustainable modes of travel. It will also ensure that the impact of the development is mitigated.

EXISTING OR PLANNED INVESTMENT IN INFRASTRUCTURE

The location of the new community ensures that it is in close proximity to the strategically important Clyst Valley Regional Park, which aims to, amongst other things, connect communities with nature, by traffic free trails. The active travel strategy prepared by AWP ensures that the new community will provide active travel connections between the development and the Clyst Valley Regional Park, including via green connections, which will also provide a functional connection for the benefit of biodiversity interest.

The new community is also located in close proximity to an energy from waste facility. There are proposals for the facility to provide residual heat to the Cranbrook New Community and we understand that it could also supply heat for all or some of the second new community. Whilst, as discussed in Section 8 below, there are potentially other alternatives, it does, in the context of para. 73(a) of the 2023 version of the NPPF, constitute an opportunity presented by infrastructure.

ECONOMIC POTENTIAL

The employment land proposed within the new community will complement the existing and planned strategically important employment provision located within the western area of East Devon and on the eastern edge of Exeter.

NET GAINS TO BIODIVERSITY

An appropriate net gain to biodiversity can be achieved from the new community. Functional green connections are also proposed to the Clyst Valley Regional Park.

SERVICES, FACILITIES AND EMPLOYMENT OPPORTUNITIES WITHIN THE NEW COMMUNITY AND IN THE WIDER ENVIRONS

As set out in Policy WS01 of the emerging Local Plan, the new community will house a full range of social, community and education facilities, a town centre, a number of smaller neighbourhood centres and employment land. The new community will also be located in close proximity to the services, facilities and employment opportunities located within the West End, on the eastern edge of Exeter and within Exeter city centre.

EXPECTATIONS ABOUT THE QUALITY OF PLACE

The combination of the vision for the new community and the detailed policy framework provided by Policy WS01 of the emerging Local Plan, and more generic development management policies, ensure that there are clear expectations regarding the quality of the place.

MASTERPLAN AND DESIGN CODES

Policy WS01 and DS02 of the emerging Local Plan will require the submission of an allocation wide masterplan and a design code or codes.

REALISTIC ASSESSMENT OF RATES OF DELIVERY

The Cherwell Group provided an assessment of the anticipated rates of delivery in Section 6 above. They consider that whilst the rates of delivery for the new community are ambitious, they are aspirational, but deliverable.

GREEN BELT

The Cherwell Group do not consider it necessary for a Green Belt to be provided to the east of Exeter. The proposed new community benefits from strong defensible boundaries to the west, south and north, including the Clyst Valley Regional Park, the M5, the A3052 and the A30.

No such designation has been required for the Cranbrook New Community and it is considered that, if necessary, other development management policies would suffice. The Cherwell Group are aware that, for instance, Green Wedge designations have successfully been used at Cranbrook. Moreover, such a designation may impact on the ability for the Local Planning Authority to allocate land for the additional 2,000 homes that is to be made in a subsequent development plan document. Consequently, it is not considered that the tests of para. 144 of the NPPF have been met in this instance.

SUMMARY

It can be seen that the proposed new community strongly accords with para. 74 of the NPPF. It is therefore, in these terms, consistent with national planning policy.

SYNTHESIS

The Cherwell Group considers that, fundamentally, the second new town is a sound proposition. They consider that it is founded on robust evidence and provides a strong fit with national planning policy.

They have suggested a number of minor amendments to the proposed wording of Policy WS01. These suggested alterations are proposed to ensure that the allocation is both justified and effective.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

4. Development at the West End

1. To which part of the Development at the West End chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS01

2. Do you consider that this part of the Development at the West End chapter is legally compliant?: Yes

3. Do you consider that this part of the Development at the West End chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development at the West End chapter, please use this box to set out your comments.: The Cherwell Group's comments on housing land supply are limited to the proposed second new community. Please see Section 6 of the attached representation (see below):

HOUSING SUPPLY

The following section of this representation provides a broad assessment of the proposed housing land supply contained within the East Devon Local Plan. It specifically concerns lead-in times associated with strategic sites, including the second new community.

LEAD-IN TIMES ASSOCIATED WITH THE SECOND NEW COMMUNITY

In order to meet the proposed housing requirement within the emerging Local Plan, the Local Planning Authority have rightfully identified the need for strategic housing allocations, including a second new community. Housing monitoring information published by the Local Planning Authority confirms that strategic allocations provided a valuable and consistent component of supply and will continue to do so.

For instance, over the period 2013/14 to 2023/24 the strategic allocations located within the West End alone have contributed just under 50% of total housing completions (4,932 homes out of 9,984 net total completions), with Cranbrook alone contributing approximately 29% of supply over the same timescale. Moreover, Table 14 of the latest Housing Monitoring Update continues to demonstrate that the expansion areas at Cranbrook will provide a valuable source of housing over the period 2026/27 to 2030/31 and beyond.

Notwithstanding the above, so as to ensure that the objectively assessed need for housing is deliverable over the plan period, which in turn will ensure that the emerging Local Plan is positively prepared, justified, effective and consistent with national policy, there is a need to ensure that the components of housing supply will deliver as anticipated by the Plan.

As the largest allocation proposed within the emerging Local Plan, the delivery assumptions for the second new community should be carefully considered. Indeed, para. 74(d) of the 2023 version of the NPPF confirms that when planning for largescale development, such as a new community, Local Planning Authorities should, amongst other things, make a realistic assessment of the likely rates of delivery, given their lead-in times, and identify opportunities for supporting their rapid implementation.

Reflecting on the delays in the delivery of the Cranbrook Expansion Areas (see para. 6.2 of the latest Housing Monitoring Report), it appears that the Local Planning Authority is, in order to speed up the rate of delivery from the second new community, advocating a conventional approach, with planning applications being submitted pursuant to Policy WS01, rather than, as was the case with the Cranbrook Expansion Areas, requiring the delivery of a second geographically specific development plan document.

Even with the accelerated option, it is likely that it will take a number of years to achieve first completions, with ordinarily, the following stages being required:

the pre-application advice process;

the submission and determination of an outline planning application (resolution to grant);

the completion of the Section 106 Legal Agreement;

site acquisition;

preparation of pre-reserved matters applications, such as a design code;

preparation of a reserved matters application;

submission and determination of a reserved matters application;

submission and discharge of any pre-commencement and pre-occupation planning conditions and obligations;

site clearance/infrastructure servicing; and

first legal completions.

Research undertaken by Lichfields [Lichfields, 'Start to Finish,' March 2024]. indicates that the median timeframe for an application of over 2,000 homes to be validated to the first detailed permission (which could be either an outline and a reserved matters application, or hybrid/full application) is 5.1 years. Whilst it is acknowledged that the new community is likely, given land ownerships, to be brought forward via multiple applications, which could seek permission for a smaller quantum of development on an individual basis, it provides a conservative, yet realistic timeframe for a development of the comprehensive scale being proposed. Lichfields then conclude that sites of over 2,000 dwellings will take between 1.4 and 1.7 years to move from the first planning permission to first occupations. Consequently, they predict that for a site of the scale of the proposed new community, the overall lead-in time to first completions is between six and seven years.

At a local level, the most obvious comparisons are the Expansion Areas at the Cranbrook New Community. An application on the Treasbeare Expansion Area was submitted at the end of July 2022. East Devon District Council resolved to grant approval on the Expansion Area in February 2023 and outline planning permission was approved in June 2024. Consequently, planning permission was achieved in just under two years. The Council's latest housing Monitoring Report confirms that first completions from the Expansion Area are forecast in monitoring year 2026/27. This analysis suggests that it will take five monitoring years from submission of the outline planning application to first completions at the Treasbeare Expansion Area. Consequently, there exists the potential to accelerate delivery from the new community beyond that advocated by Lichfields.

BUILD OUT RATES

Lichfields' analysis confirms that for developments of 2,000 dwellings or more, the average annual completion rate ranges from 100 to 188 dwellings per annum. They do, however, identify three sites where the annual average build-out rate was in excess of 200 dwellings per annum. Again, looking more locally, research by LRM Planning indicates that over the period 2012/13 to 2023/24, a total of 2,879 homes were constructed at Cranbrook, which provides an annual average completion rate of 240 homes. Delivery peaked in 2014/15 at just under 400 completions. This rate of delivery was also achieved whilst other developments in close proximity to Cranbrook and within the West End were also delivering, including Redhayes (Tithebarn Green/Mosshayne) and Pinhoe, which could have impacted on the 'absorption rate.' Again, it indicates that historically, annual average delivery rates at the upper end of Lichfields analysis have recently been achieved within the West End.

It is acknowledged that the rates of delivery from Cranbrook were achieved in differing economic circumstances, but equally delivery from the new community is envisaged over the medium and longer terms and therefore over a full economic cycle.

Moreover, Table 12 of the latest Housing Monitoring Update also envisaged an annual average delivery rate of 288 homes per annum from the Cranbrook Expansion Areas over the period 2026/27 to 2030/31. Excluding the first year of completions, which are ordinarily lower, annual average delivery rates are anticipated to be over 300 homes per annum.

LEAD-IN TIMES

The analysis undertaken by Lichfields suggests that it could take between six and seven years from the submission of a valid planning application to first legal completions. More locally, the Treasbeare Expansion Area is forecast to come forward within five monitoring years.

Based on more locally specific examples, and an assumption that at least one planning application on the new community would be submitted by the time of the Local Plan Examination in Public, a realistic lead-in time until first legal completions is set out in Table 1 on page 20 of the attached document.

On the basis of the lead-in times outlined in Table 1 above, this would leave 12 monitoring years for the 3,300 homes envisaged by Policy WS01 to be delivered by 2042 to be completed. This equates to an annual average delivery rate of 275 homes per annum. Whilst this represents an increase in the historic delivery rates at Cranbrook, it is a rate of delivery that has been achieved across the West End as a whole and it accords with the rate of delivery forecast from the Cranbrook Expansion Areas. Accordingly, it is considered that the planned provision proposed for the second new community is aspirational, but a deliverable proposition. Therefore, the quantum of development proposed for the second new community over the plan period (3,300 homes) will be effective.

However, the historic rates of delivery within the West End and Cranbrook were only achieved because multiple outlets were all delivering homes at the same time. To achieve the rates of delivery anticipated for the second new community within the emerging Local Plan, there will again be the need for multiple outlets delivering at least from both the north and the south simultaneously.

THE SECOND NEW COMMUNITY

Consistent with the Plan's spatial strategy, which has been demonstrated to be the most appropriate, Policy WS01 proposes the allocation of a second new community. Following an assessment of three potential options through both a discrete technical

assessment and via the Sustainability Appraisal, the Regulation 19 version of the Local Plan continues to identify land to the north of the A3052, east of the M5 and to the south of the A30 as being the preferred location for the second new community.

The Cherwell Group strongly supports the Local Planning Authority's assessment that a second new community is required in order to meet the housing requirement and agree with its proposed location. Indeed, as set out in Section 10 below, the Cherwell Group's own analysis of potential locations for the second new community would suggest that the Local Planning Authority's own assessment work underplays the scoring for the proposed location for the new community.

However, their concerns only strengthen the conclusions presented within the Local Planning Authority's assessment work; that Option 1 is the most sustainable option and has rightfully been taken forward as the preferred option in the consultation version of the Local Plan.

Notwithstanding the above, this section of these representations does not focus on the evidence base underpinning the emerging Local Plan, but instead focuses on Policy WS01 of the emerging Local Plan, and the Local Plan's Policies Map.

The Cherwell Group's comments on these matters is provided below.

POLICIES MAP

Whilst not a document that will be subject of Examination, the Cherwell Group are supportive of the Policies Map, which allocates land at Axehayes Farm as part of the wider second new community.

Having regard to the technical work prepared by the Cherwell Group and the Local Planning Authority, the site's allocation is a justified proposition. The development proposed on the site will help to ensure that Policy WS01 and therefore the wider Local Plan, is deliverable and therefore effective.

HOUSING

The emerging Local Plan proposes that around 3,300 new homes will be brought forward on land allocated within the proposed new community in the period up to 2042, with a further 4,700 new homes to follow in the period after 2042. The Local Planning Authority also proposes to increase the size of the new community by a further 2,000 homes, to 10,000 homes, over the longer term.

As set out in the section above, in the period up to 2042, in order for the housing provision envisaged from the second new community to be delivered in full, there is likely to be the need to adopt an average annual rate of delivery of around 275 homes per annum. It has been demonstrated above that whilst this rate of delivery is aspirational, it is deliverable and therefore effective.

In order to achieve the required annual average rate of delivery from the new community, it is highly likely that multiple development locations, each delivering housing at the same time, will be required. This will require development to occur from at least the north and south development nodes. With each development node having multiple outlets, it is likely that the rate of delivery could be achieved. In this regard it is noted that the HELAA methodology states that sites of this scale (or in this case nodes given the geographical area of the second new community) could deliver 150 homes per annum.

FORMS OF HOUSING

The Cherwell Group intend, as is proposed to be required by the emerging Local Plan, for a range of types, sizes and tenures of homes to be provided. Housing will be provided to meet the needs of the community, including families, those that want to build or commission their own homes and the elderly.

PHASING

The Cherwell Group are aware that the Local Planning Authority's advisors have prepared an indicative phasing strategy. It shows Axehayes Farm as coming forward in

the period to 2042. Such an approach would ensure that development closest to the services, facilities and employment opportunities within Exeter would come forward in advance of more peripheral locations to the east. It would help to ensure that the required sustainable and active travel connections within the western areas of the southern development node of the proposed new community come forward before development to the east.

DENSITY

The Policy sets an expectation that there will be a site wide density of 45 dwellings per hectare, with higher density of at least 55 to 60 dwellings per hectare within the town centre, neighbourhood centres and around key destinations and transport hubs.

Based on the land use budget contained within the landowner presentation provided by the Council's consultants, the Cherwell Group have a number of concerns with this approach, including:

the topography across the wider new community presents a significant challenge. Achieving consistent gross densities of 45dph in sloping areas is unlikely to be feasible without compromising on quality design, accessibility and placemaking;

the calculations underpinning the masterplan appear to be based on gross density, which does not reflect how density is actually delivered in residential parcels. Once incidental open space, existing landscape features that will need to be retained and infrastructure (including streets) are factored in, the net density within development parcels would need to be considerably higher, potentially pushing beyond what the local market can realistically support;

in order to achieve these density requirements, the housing mix would need to be skewed heavily towards higher density typologies, which may not reflect local housing need or demand.

These concerns will need to be responded to in the next consultation version of the Regulation 19 Plan.

GYPSY AND TRAVELLER

Policy WS01 of the emerging Local Plan seeks the provision of 30 Gypsy and Traveller pitches within the new community, of which 15 will be provided in the period up to 2042.

The Cherwell Group acknowledges that the Council has a duty to meet the housing needs of the Gypsy and Traveller community. However, the Cherwell Group have a number of issues with the approach being adopted by the Local Planning Authority, which include:

the need for Gypsy and Traveller provision;

the location of the proposed Gypsy and Traveller provision;

reasonable alternatives; and

viability.

THE NEED FOR GYPSY AND TRAVELLER PROVISION

The Gypsy and Traveller Accommodation Assessment (GTAA) confirms that the following provision is required over the plan period to 2042:

Gypsy and Traveller provision that met the planning definition – 18 pitches;

undetermined Gypsy and Traveller need – up to 7 pitches;

Gypsy and Travellers that do not meet the planning definition – 4 pitches; and

Travelling Showpeople – 0 pitches.

At most, there is a need for 29 pitches, although as stated in the Council's GTAA, it is envisaged that the needs of households that were assessed as part of the evidence base work that do not fall within the definition of Annex 1 of the national planning policy for traveller sites "should be met as part of the general housing need [ORS , East Devon District Council Gypsy and Traveller Accommodation Assessment (2024), para. 8.5]." Consequently, there is a need for 25 pitches over the plan period.

The assessment work does not include an assessment of provision that benefits from planning permission, but which has not, as yet, come forward. In that regard we note that planning permission has been secured for 15 pitches from the Cobdens [Application 22/0406/MOUT] and Treasbeare Expansion Areas [Application 22/1532/MOUT]. If, as is suggested by the document, this additional provision has not been included in the assessment, then the residual requirement would reduce to just 10 pitches.

The Cherwell Group are also aware that Policy WS11 of the emerging Local Plan proposes to allocate land to the east of the M5 for at least five pitches. Consequently, on a worst case basis, including assuming that no Gypsy and Traveller provision came forward through criteria-based Policy HN09, then there would be a residual requirement for only five pitches.

To plan for a higher quantum, without the necessary evidence to suggest that it is required, would not be a justified approach.

Over the longer-term, it would appear that there is limited evidence to suggest that there is a need for a further 15 pitches in the period post 2042. The Local Planning Authority's evidence base work only establishes needs between 2023 and 2045. It only identifies a further need for three additional pitches in the period between 2042 and 2045. It does not suggest that there is a need for a further 15 pitches beyond the plan period. Consequently, it would be an unjustified strategy to plan for this additional provision at this stage. Instead, it is considered that the additional provision post 2042 should, if it is to be provided within the second new community, be considered as part of the subsequent development plan document that will allocate the additional 2,000

homes required to ensure that the new community reaches 10,000 homes in total. That would ensure that the requirement is evidenced and would therefore be a justified strategy.

THE LOCATION OF THE PROPOSED GYPSY AND TRAVELLER PROVISION

Without prejudice to the points made above, should there be a need for Gypsy and Traveller provision to be made within the second new community, then its/their location will need to be carefully considered. There will be a need to ensure that, amongst other things, the chosen site or sites is/are suitable from a topographical, landscape and access perspective. Experience from the Cranbrook development would also indicate that noise is a significant constraint given the inability for noise mitigation to be provided for trailers. This could suggest a location divorced from existing noise sources, including the strategic transport network and existing employment sites, would be more appropriate.

Moreover, previous studies have highlighted the A30 as being a key travelling route [Devon Partnership, Gypsy and Traveller Accommodation Assessment, 2015]. As such, a location in close proximity to that strategic route could be appropriate.

REASONABLE ALTERNATIVES

The emerging Local Plan only proposes to make two allocations to meet the needs of the Gypsy and Traveller community; within Policies WS01 and HN09 of the emerging Local Plan. Other than these two options, both of which are allocated for development, there does not appear to be any assessment of other reasonable alternatives within the District where the housing needs of the Gypsy and Traveller community could be met.

This is particularly important, as the evidence base underpinning the spatial strategy confirms that the most preferable distribution of development would see 60% of housing need met within the West End. However, having regard to the committed Gypsy and Traveller development within Cranbrook and proposed allocations WS01 and HN09, 100% of the Gypsy and Traveller need is proposed to be focused in the West End. This appears to conflict with the conclusions of the evidence base and is not, therefore, a justified proposition.

VIABILITY

Evidence prepared in support of the Cranbrook Plan demonstrated that the proposed Gypsy and Traveller provision from the Expansion Areas would have resulted in a financial loss. Cranbrook Plan Document PSD36 confirmed that the cost for constructing the 15 Gypsy and Traveller pitches within the Cranbrook Expansion Areas would be £1,808,000. Cranbrook Plan Document PSD21a confirms that the values of the Gypsy and Traveller plots was, at that time, £55,000, giving a total value for the 15 pitches of £825,000. Consequently, a loss of £983,000 was predicted. We are aware that since the Cranbrook Plan was made, developers are now, via the Section 106 Legal Agreements, required to construct the pitches at their cost, and transfer them for £1 to the Local Planning Authority. Consequently, their construction cost will be a cost borne to the wider development.

Given the above, and assuming that there is a requirement for the development to provide the constructed pitches, as there was at Cranbrook, in order to ensure that the new community is an effective proposition, the loss associated with the Gypsy and Traveller provision should be fully reflected within any viability assessment.

///// END OF PART 1 - CONTINUED IN PART 2 681e28d51b45340013f4e2ce /////

3(b). If no, please give details of why you consider this part of the Development at the West End chapter is not sound. Please be as precise as possible.: N/A

3(c). Please set out the modification(s) you consider necessary to make this part of the Development at the West End 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 at the West End 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.: N/A

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.: Due to the significant policy issues concerned

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

4. Development at the West End

1. To which part of the Development at the West End chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS01

2. Do you consider that this part of the Development at the West End chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Development at the West End chapter, please use this box to set out your comments.: *HOUSING SUPPLY*

The following section of this representation provides a broad assessment of the proposed housing land supply contained within the East Devon Local Plan. It specifically concerns lead-in times associated with strategic sites, including the second new community.

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For instance, over the period 2013/14 to 2023/24 the strategic allocations located within the West End alone have contributed just under 50% of total housing completions (4,932 homes out of 9,984 net total completions), with Cranbrook alone contributing approximately 29% of supply over the same timescale. Moreover, Table 14 of the latest Housing Monitoring Update continues to demonstrate that the expansion

areas at Cranbrook will provide a valuable source of housing over the period 2026/27 to 2030/31 and beyond.

Notwithstanding the above, so as to ensure that the objectively assessed need for housing is deliverable over the plan period, which in turn will ensure that the emerging Local Plan is positively prepared, justified, effective and consistent with national policy, there is a need to ensure that the components of housing supply will deliver as anticipated by the Plan.

As the largest allocation proposed within the emerging Local Plan, the delivery assumptions for the second new community should be carefully considered. Indeed, para. 74(d) of the 2023 version of the NPPF confirms that when planning for largescale development, such as a new community, Local Planning Authorities should, amongst other things, make a realistic assessment of the likely rates of delivery, given their lead-in times, and identify opportunities for supporting their rapid implementation.

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Even with the accelerated option, it is likely that it will take a number of years to achieve first completions, with ordinarily, the following stages being required:

the pre-application advice process;

the submission and determination of an outline planning application (resolution to grant);

the completion of the Section 106 Legal Agreement;

site acquisition;

preparation of pre-reserved matters applications, such as a design code;

preparation of a reserved matters application;

submission and determination of a reserved matters application;

submission and discharge of any pre-commencement and pre-occupation planning conditions and obligations;

site clearance/infrastructure servicing; and

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Consistent with the Plan's spatial strategy, which has been demonstrated to be the most appropriate, Policy WS01 proposes the allocation of a second new community. Following an assessment of three potential options through both a discrete technical assessment and via the Sustainability Appraisal, the Regulation 19 version of the Local Plan continues to identify land to the north of the A3052, east of the M5 and to the south of the A30 as being the preferred location for the second new community.

The Cherwell Group strongly supports the Local Planning Authority's assessment that a second new community is required in order to meet the housing requirement and agree with its proposed location. Indeed, as set out in Section 10 below, the Cherwell Group's own analysis of potential locations for the second new community would suggest that the Local Planning Authority's own assessment work underplays the scoring for the proposed location for the new community.

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Whilst not a document that will be subject of Examination, the Cherwell Group are supportive of the Policies Map, which allocates land at Axehayes Farm as part of the wider second new community.

Having regard to the technical work prepared by the Cherwell Group and the Local Planning Authority, the site's allocation is a justified proposition. The development proposed on the site will help to ensure that Policy WS01 and therefore the wider Local Plan, is deliverable and therefore effective.

HOUSING

The emerging Local Plan proposes that around 3,300 new homes will be brought forward on land allocated within the proposed new community in the period up to 2042,

with a further 4,700 new homes to follow in the period after 2042. The Local Planning Authority also proposes to increase the size of the new community by a further 2,000 homes, to 10,000 homes, over the longer term.

As set out in the section above, in the period up to 2042, in order for the housing provision envisaged from the second new community to be delivered in full, there is likely to be the need to adopt an average annual rate of delivery of around 275 homes per annum. It has been demonstrated above that whilst this rate of delivery is aspirational, it is deliverable and therefore effective.

In order to achieve the required annual average rate of delivery from the new community, it is highly likely that multiple development locations, each delivering housing at the same time, will be required. This will require development to occur from at least the north and south development nodes. With each development node having multiple outlets, it is likely that the rate of delivery could be achieved. In this regard it is noted that the HELAA methodology states that sites of this scale (or in this case nodes given the geographical area of the second new community) could deliver 150 homes per annum.

FORMS OF HOUSING

The Cherwell Group intend, as is proposed to be required by the emerging Local Plan, for a range of types, sizes and tenures of homes to be provided. Housing will be provided to meet the needs of the community, including families, those that want to build or commission their own homes and the elderly.

PHASING

The Cherwell Group are aware that the Local Planning Authority's advisors have prepared an indicative phasing strategy. It shows Axehayes Farm as coming forward in the period to 2042. Such an approach would ensure that development closest to the services, facilities and employment opportunities within Exeter would come forward in advance of more peripheral locations to the east. It would help to ensure that the required sustainable and active travel connections within the western areas of the

southern development node of the proposed new community come forward before development to the east.

DENSITY

The Policy sets an expectation that there will be a site wide density of 45 dwellings per hectare, with higher density of at least 55 to 60 dwellings per hectare within the town centre, neighbourhood centres and around key destinations and transport hubs.

Based on the land use budget contained within the landowner presentation provided by the Council's consultants, the Cherwell Group have a number of concerns with this approach, including:

the topography across the wider new community presents a significant challenge. Achieving consistent gross densities of 45dph in sloping areas is unlikely to be feasible without compromising on quality design, accessibility and placemaking;

the calculations underpinning the masterplan appear to be based on gross density, which does not reflect how density is actually delivered in residential parcels. Once incidental open space, existing landscape features that will need to be retained and infrastructure (including streets) are factored in, the net density within development parcels would need to be considerably higher, potentially pushing beyond what the local market can realistically support;

in order to achieve these density requirements, the housing mix would need to be skewed heavily towards higher density typologies, which may not reflect local housing need or demand.

These concerns will need to be responded to in the next consultation version of the Regulation 19 Plan.

GYPSY AND TRAVELLER

Policy WS01 of the emerging Local Plan seeks the provision of 30 Gypsy and Traveller pitches within the new community, of which 15 will be provided in the period up to 2042.

The Cherwell Group acknowledges that the Council has a duty to meet the housing needs of the Gypsy and Traveller community. However, the Cherwell Group have a number of issues with the approach being adopted by the Local Planning Authority, which include:

the need for Gypsy and Traveller provision;

the location of the proposed Gypsy and Traveller provision;

reasonable alternatives; and

viability.

THE NEED FOR GYPSY AND TRAVELLER PROVISION

The Gypsy and Traveller Accommodation Assessment (GTAA) confirms that the following provision is required over the plan period to 2042:

Gypsy and Traveller provision that met the planning definition – 18 pitches;

undetermined Gypsy and Traveller need – up to 7 pitches;

Gypsy and Travellers that do not meet the planning definition – 4 pitches; and

Travelling Showpeople – 0 pitches.

At most, there is a need for 29 pitches, although as stated in the Council's GTAA, it is envisaged that the needs of households that were assessed as part of the evidence base work that do not fall within the definition of Annex 1 of the national planning policy for traveller sites "should be met as part of the general housing need [ORS , East Devon District Council Gypsy and Traveller Accommodation Assessment (2024), para. 8.5]." Consequently, there is a need for 25 pitches over the plan period.

The assessment work does not include an assessment of provision that benefits from planning permission, but which has not, as yet, come forward. In that regard we note that planning permission has been secured for 15 pitches from the Cobdens [Application 22/0406/MOUT] and Treasbeare Expansion Areas [Application 22/1532/MOUT]. If, as is suggested by the document, this additional provision has not been included in the assessment, then the residual requirement would reduce to just 10 pitches.

The Cherwell Group are also aware that Policy WS11 of the emerging Local Plan proposes to allocate land to the east of the M5 for at least five pitches. Consequently, on a worst case basis, including assuming that no Gypsy and Traveller provision came forward through criteria-based Policy HN09, then there would be a residual requirement for only five pitches.

To plan for a higher quantum, without the necessary evidence to suggest that it is required, would not be a justified approach.

Over the longer-term, it would appear that there is limited evidence to suggest that there is a need for a further 15 pitches in the period post 2042. The Local Planning Authority's evidence base work only establishes needs between 2023 and 2045. It only identifies a further need for three additional pitches in the period between 2042 and 2045. It does not suggest that there is a need for a further 15 pitches beyond the plan period. Consequently, it would be an unjustified strategy to plan for this additional provision at this stage. Instead, it is considered that the additional provision post 2042 should, if it is to be provided within the second new community, be considered as part of the subsequent development plan document that will allocate the additional 2,000 homes required to ensure that the new community reaches 10,000 homes in total. That would ensure that the requirement is evidenced and would therefore be a justified strategy.

THE LOCATION OF THE PROPOSED GYPSY AND TRAVELLER PROVISION

Without prejudice to the points made above, should there be a need for Gypsy and Traveller provision to be made within the second new community, then its/their location will need to be carefully considered. There will be a need to ensure that, amongst other things, the chosen site or sites is/are suitable from a topographical, landscape and access perspective. Experience from the Cranbrook development would also indicate that noise is a significant constraint given the inability for noise mitigation to be provided for trailers. This could suggest a location divorced from existing noise sources, including the strategic transport network and existing employment sites, would be more appropriate.

Moreover, previous studies have highlighted the A30 as being a key travelling route [Devon Partnership, Gypsy and Traveller Accommodation Assessment, 2015]. As such, a location in close proximity to that strategic route could be appropriate.

REASONABLE ALTERNATIVES

The emerging Local Plan only proposes to make two allocations to meet the needs of the Gypsy and Traveller community; within Policies WS01 and HN09 of the emerging Local Plan. Other than these two options, both of which are allocated for development, there does not appear to be any assessment of other reasonable alternatives within the District where the housing needs of the Gypsy and Traveller community could be met.

This is particularly important, as the evidence base underpinning the spatial strategy confirms that the most preferable distribution of development would see 60% of housing need met within the West End. However, having regard to the committed Gypsy and Traveller development within Cranbrook and proposed allocations WS01 and HN09, 100% of the Gypsy and Traveller need is proposed to be focused in the West End. This appears to conflict with the conclusions of the evidence base and is not, therefore, a justified proposition.

VIABILITY

Evidence prepared in support of the Cranbrook Plan demonstrated that the proposed Gypsy and Traveller provision from the Expansion Areas would have resulted in a financial loss. Cranbrook Plan Document PSD36 confirmed that the cost for constructing the 15 Gypsy and Traveller pitches within the Cranbrook Expansion Areas would be £1,808,000. Cranbrook Plan Document PSD21a confirms that the values of the Gypsy and Traveller plots was, at that time, £55,000, giving a total value for the 15 pitches of £825,000. Consequently, a loss of £983,000 was predicted. We are aware that since the Cranbrook Plan was made, developers are now, via the Section 106 Legal Agreements, required to construct the pitches at their cost, and transfer them for £1 to the Local Planning Authority. Consequently, their construction cost will be a cost borne to the wider development.

Given the above, and assuming that there is a requirement for the development to provide the constructed pitches, as there was at Cranbrook, in order to ensure that the new community is an effective proposition, the loss associated with the Gypsy and Traveller provision should be fully reflected within any viability assessment.

EMPLOYMENT LAND AND THE TOWN CENTRE

The proposed development at Axehayes Farm does not, as reflected in the Council's proposed masterplan for the second new community, propose any employment land or town centre uses. Consequently, the Cherwell Group do not provide any detailed comments regarding the proposals.

Notwithstanding the above, they are supportive of the provision of both employment land and town centre uses within the second new community, which will provide a strong fit with national planning policy [Para. 74 and 105 of the NPPF]. The provision of employment and town centre uses (housing a range of services and facilities) will be key components of the proposed new community. Both the employment and town centre uses will ensure that the daily needs of the residents of the new community are met, which will, by internalising trips, therefore limit the need to travel, which in turn will help to reduce congestion and emissions.

SOCIAL, COMMUNITY & EDUCATION FACILITIES AND OTHER INFRASTRUCTURE

The Cherwell Group acknowledge that to ensure that the second new community constitutes sustainable development, there will be a need for it to include social, community and education facilities. For large-scale development such as that being proposed, this is a requirement of national planning policy [Para. 74 and 97 of the NPPF].

In regard to Policy WS01, it is noted that there will be a requirement for a full range of social, cultural, leisure, health, community and education facilities. This is not disputed by the Cherwell Group. Indeed, they will be an important placemaking component of the second new community. However, it is noted that a number of key evidence base documents that will be required to underpin the Local Plan, including the infrastructure delivery strategy for the new community, the playing pitch strategy and the open space strategy, have not, as yet, been produced. These will need to be published alongside the second Regulation 19 consultation in order to demonstrate that the proposals are justified and effective.

Indeed, it is highly likely that the social, community and education requirements for the new town will be informed by consultation with key infrastructure providers. These responses will need to be assessed to ensure that they satisfy the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations and are afforded a prioritisation. As with the Cranbrook Plan, the prioritisation will be an important element of work so as to ensure that the development is a viable proposition.

We comment on the proposals shown in the Council's latest masterplanning work for an all-through school to be located within land that is within the control of the Cherwell Group in the masterplanning section below.

INFRASTRUCTURE

PUBLIC OPEN SPACE PROVISION

The Cherwell Group acknowledge that the new community will be required to provide on-site public open space provision. As stated in national planning policy, access to a network of high quality open spaces and opportunities for sport and physical activity is

important for the health and well-being of communities and has other wider benefits [Para. 102 of the NPPF].

However, national planning policy also states that policies should be based on robust and up-to-date assessment of needs for open space, sport and recreation and opportunities for new provision. At the time of writing, neither the playing pitch strategy nor the open space strategy has been published. As stated above, these documents will be required to be published alongside the second Regulation 19 consultation in order to demonstrate that the Council's masterplan proposals are deliverable within the land allocated in the emerging Local Plan for the new community, and therefore Policy WS01 is an effective and justified proposition.

SANG

As set out in para. 13.15 of the emerging Plan, the provision of SANG land forms a key element of mitigation for developments that are located within 10km of the Exe Estuary Special Protection Area (SPA) and the Pebblebed Heaths Special Area of Conservation (SAC). The emerging Plan's supporting text suggests that mitigation should be provided at a rate of 8ha per 1,000 population, which was the same requirement as set out in Policy CB14 of the Cranbrook Plan. However, unlike Policy CB14 of the Cranbrook Plan, an occupancy rate is not provided. To ensure that there is no ambiguity regarding the expectations for SANG land, an occupancy rate should be clearly stated within the emerging Plan.

ACTIVE, SUSTAINABLE TRANSPORT AND OTHER HIGHWAYS IMPROVEMENTS

As evidenced by AWP's joint commission, which is discussed in Section 2 above, the Cherwell Group are supportive of the transport strategy for the new community affording a priority to active and sustainable modes of transport as part of a wider 'vision and validate' approach. Indeed, alongside the mix of uses proposed within the development, it will ensure that journeys within the new community are capable of being made by active and sustainable modes of transport. This will not only reduce carbon emissions and have health benefits, but it will also potentially avoid physical infrastructure improvements. Active and sustainable transport connections will also be proposed to local destinations, including via the provision of park and rides and mobility hubs.

The Cherwell Group's masterplan, which is described in Section 2 above, incorporates the proposed pedestrian, cycle and highway connections proposed in AWP's work.

COMMUNITY ENERGY/HEATING AND ON-SITE RENEWABLE ENERGY PRODUCTION

The Cherwell Group comment on the emerging policy framework in relation to carbon reduction, district heating and renewable energy generation in Section 8 of these representations.

SURFACE WATER DRAINAGE

As set out in Section 2 above, on behalf of the wider consortium, AWP have prepared a surface water drainage strategy for the new community. It has, where relevant to Axehayes Farm, been incorporated into the Cherwell Group's masterplan.

NEW EDUCATION PROVISION

As indicated above, the Cherwell Group acknowledge that education provision will be an important component of social infrastructure within the new community that will help with place-making. They are therefore supportive of its provision on-site. They do, however, have concerns relating to the proposed location of the campus school. These concerns are set out below.

HIGH SPEED PROVISION

It is noted that the emerging policy requires the provision of high speed broadband. However, since December 2022, for new homes, it has been a requirement of Approved Document R of the Building Regulations for developments to provide: (1) gigabit-ready physical infrastructure necessary for gigabit-capable connections up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to that distribution point; and (2) subject to a costs cap, a functioning gigabit-capable connection.

As such, for residential development, it is considered that the policy requirement duplicates Building Regulations and therefore it does not serve a clear purpose. Accordingly, it conflicts with national policy and should be removed from future iterations of the Plan.

WASTE TRANSFER STATION AND WASTE WATER TREATMENT WORKS

The Cherwell Group are aware of the need for a new waste water treatment works to serve the new development. They are also aware that the utility provider is currently undecided as to whether it should be located within the new community. Whilst the Cherwell Group are aware of its strategic need and if necessary, its location within the new community, it should not be at the expense of restricting delivery from it. Indeed, whilst the waste water treatment works is being constructed, existing capacity and if necessary, temporary package treatment works, should be utilised to ensure that housing delivery from the new community comes forward as early as possible.

STEWARDSHIP

Policy WS01 confirms that a town-wide stewardship vehicle and governance will be required early on in the planning and delivery process. There remains a requirement for the allocation wide masterplan to provide a stewardship strategy that provides full details of the governance structure, methods of funding the stewardship vehicle, details of the public spaces and community assets to be owned, managed and maintained by the stewardship vehicle and an indicative programme for the establishment of the proposed stewardship vehicle. It is noted that para. 4.8 of the Local Plan confirms that public spaces and community assets within the new community will need to remain in public ownership.

The Cherwell Group acknowledge that stewardship will be a critical component of the new community. They are also aware that, as the proposed new community is the second that will occur within East Devon, many of these considerations will have been debated previously at Cranbrook. The Cherwell Group is aware of an East Devon Cabinet Paper dated 28th July 2021, which discussed the various stewardship models that had been discussed in the context of Cranbrook, which by the time that the paper

was written, was a thriving community, with the established Town Council providing effective local leadership.

The Paper discussed various stewardship models. It confirmed that initially within Cranbrook, as with many developments, an estate management company was responsible for, amongst other things, the management and maintenance of public spaces. This was funded by a management charge applied to each home. However, in 2018, public assets and services were transferred to Cranbrook Town Council, with their management and maintenance being funded through the parish precept and residents having their estate charge removed. This did not require any commuted sums to be paid by the developers to the Town Council, but is reflected on the Council Tax bill for each property.

Two further options were considered within the Cabinet Paper for the stewardship of assets; asset endowment and profit share. In terms of the former, LRM Planning have been involved in a development where such an approach was used, alongside a conventional estate charge.

As part of the Former Wisley Airfield development, a Stewardship Strategy and an In Perpetuity Funding Framework was agreed. Through that work it was agreed that the Wisley Airfield Community Trust would be established, which is a charitable trust responsible for the operation and maintenance of the community assets (after they were fully funded and built out) and the promotion of community activities to aid with placemaking. The Trust is to be governed by a board of Trustees including residents, the Council, the County Council, the Parish Council, specialist stakeholders, the developers and other business interest groups.

///// END OF PART 1 - CONTINUED IN PART 2 681e2a3d441db300135c5f3c /////

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

N/A

3. Do you consider that this part of the Development at the West End chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development at the West End chapter, please use this box to set out your comments.: *HOUSING SUPPLY*

The following section of this representation provides a broad assessment of the proposed housing land supply contained within the East Devon Local Plan. It specifically concerns lead-in times associated with strategic sites, including the second new community.

LEAD-IN TIMES ASSOCIATED WITH THE SECOND NEW COMMUNITY

In order to meet the proposed housing requirement within the emerging Local Plan, the Local Planning Authority have rightfully identified the need for strategic housing allocations, including a second new community. Housing monitoring information published by the Local Planning Authority confirms that strategic allocations provided a valuable and consistent component of supply and will continue to do so.

For instance, over the period 2013/14 to 2023/24 the strategic allocations located within the West End alone have contributed just under 50% of total housing completions (4,932 homes out of 9,984 net total completions), with Cranbrook alone contributing approximately 29% of supply over the same timescale. Moreover, Table 14 of the latest Housing Monitoring Update continues to demonstrate that the expansion areas at Cranbrook will provide a valuable source of housing over the period 2026/27 to 2030/31 and beyond.

Notwithstanding the above, so as to ensure that the objectively assessed need for housing is deliverable over the plan period, which in turn will ensure that the emerging Local Plan is positively prepared, justified, effective and consistent with national policy, there is a need to ensure that the components of housing supply will deliver as anticipated by the Plan.

As the largest allocation proposed within the emerging Local Plan, the delivery assumptions for the second new community should be carefully considered. Indeed, para. 74(d) of the 2023 version of the NPPF confirms that when planning for largescale development, such as a new community, Local Planning Authorities should, amongst other things, make a realistic assessment of the likely rates of delivery, given their lead-in times, and identify opportunities for supporting their rapid implementation.

Reflecting on the delays in the delivery of the Cranbrook Expansion Areas (see para. 6.2 of the latest Housing Monitoring Report), it appears that the Local Planning Authority is, in order to speed up the rate of delivery from the second new community, advocating a conventional approach, with planning applications being submitted pursuant to Policy WS01, rather than, as was the case with the Cranbrook Expansion Areas, requiring the delivery of a second geographically specific development plan document.

Even with the accelerated option, it is likely that it will take a number of years to achieve first completions, with ordinarily, the following stages being required:

the pre-application advice process;

the submission and determination of an outline planning application (resolution to grant);

the completion of the Section 106 Legal Agreement;

site acquisition;

preparation of pre-reserved matters applications, such as a design code;

preparation of a reserved matters application;

submission and determination of a reserved matters application;

submission and discharge of any pre-commencement and pre-occupation planning conditions and obligations;

site clearance/infrastructure servicing; and

first legal completions.

Research undertaken by Lichfields [Lichfields, 'Start to Finish,' March 2024]. indicates that the median timeframe for an application of over 2,000 homes to be validated to the first detailed permission (which could be either an outline and a reserved matters application, or hybrid/full application) is 5.1 years. Whilst it is acknowledged that the new community is likely, given land ownerships, to be brought forward via multiple applications, which could seek permission for a smaller quantum of development on an individual basis, it provides a conservative, yet realistic timeframe for a development of the comprehensive scale being proposed. Lichfields then conclude that sites of over 2,000 dwellings will take between 1.4 and 1.7 years to move from the first planning permission to first occupations. Consequently, they predict that for a site of the scale of the proposed new community, the overall lead-in time to first completions is between six and seven years.

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Having regard to the technical work prepared by the Cherwell Group and the Local Planning Authority, the site's allocation is a justified proposition. The development proposed on the site will help to ensure that Policy WS01 and therefore the wider Local Plan, is deliverable and therefore effective.

HOUSING

The emerging Local Plan proposes that around 3,300 new homes will be brought forward on land allocated within the proposed new community in the period up to 2042, with a further 4,700 new homes to follow in the period after 2042. The Local Planning Authority also proposes to increase the size of the new community by a further 2,000 homes, to 10,000 homes, over the longer term.

As set out in the section above, in the period up to 2042, in order for the housing provision envisaged from the second new community to be delivered in full, there is likely to be the need to adopt an average annual rate of delivery of around 275 homes per annum. It has been demonstrated above that whilst this rate of delivery is aspirational, it is deliverable and therefore effective.

In order to achieve the required annual average rate of delivery from the new community, it is highly likely that multiple development locations, each delivering housing at the same time, will be required. This will require development to occur from at least the north and south development nodes. With each development node having multiple outlets, it is likely that the rate of delivery could be achieved. In this regard it is noted that the HELAA methodology states that sites of this scale (or in this case nodes

given the geographical area of the second new community) could deliver 150 homes per annum.

FORMS OF HOUSING

The Cherwell Group intend, as is proposed to be required by the emerging Local Plan, for a range of types, sizes and tenures of homes to be provided. Housing will be provided to meet the needs of the community, including families, those that want to build or commission their own homes and the elderly.

PHASING

The Cherwell Group are aware that the Local Planning Authority's advisors have prepared an indicative phasing strategy. It shows Axehayes Farm as coming forward in the period to 2042. Such an approach would ensure that development closest to the services, facilities and employment opportunities within Exeter would come forward in advance of more peripheral locations to the east. It would help to ensure that the required sustainable and active travel connections within the western areas of the southern development node of the proposed new community come forward before development to the east.

DENSITY

The Policy sets an expectation that there will be a site wide density of 45 dwellings per hectare, with higher density of at least 55 to 60 dwellings per hectare within the town centre, neighbourhood centres and around key destinations and transport hubs.

Based on the land use budget contained within the landowner presentation provided by the Council's consultants, the Cherwell Group have a number of concerns with this approach, including:

the topography across the wider new community presents a significant challenge. Achieving consistent gross densities of 45dph in sloping areas is unlikely to be feasible without compromising on quality design, accessibility and placemaking;

the calculations underpinning the masterplan appear to be based on gross density, which does not reflect how density is actually delivered in residential parcels. Once incidental open space, existing landscape features that will need to be retained and infrastructure (including streets) are factored in, the net density within development parcels would need to be considerably higher, potentially pushing beyond what the local market can realistically support;

in order to achieve these density requirements, the housing mix would need to be skewed heavily towards higher density typologies, which may not reflect local housing need or demand.

These concerns will need to be responded to in the next consultation version of the Regulation 19 Plan.

GYPSY AND TRAVELLER

Policy WS01 of the emerging Local Plan seeks the provision of 30 Gypsy and Traveller pitches within the new community, of which 15 will be provided in the period up to 2042.

The Cherwell Group acknowledges that the Council has a duty to meet the housing needs of the Gypsy and Traveller community. However, the Cherwell Group have a number of issues with the approach being adopted by the Local Planning Authority, which include:

the need for Gypsy and Traveller provision;

the location of the proposed Gypsy and Traveller provision;

reasonable alternatives; and

viability.

THE NEED FOR GYPSY AND TRAVELLER PROVISION

The Gypsy and Traveller Accommodation Assessment (GTAA) confirms that the following provision is required over the plan period to 2042:

Gypsy and Traveller provision that met the planning definition – 18 pitches;

undetermined Gypsy and Traveller need – up to 7 pitches;

Gypsy and Travellers that do not meet the planning definition – 4 pitches; and

Travelling Showpeople – 0 pitches.

At most, there is a need for 29 pitches, although as stated in the Council's GTAA, it is envisaged that the needs of households that were assessed as part of the evidence base work that do not fall within the definition of Annex 1 of the national planning policy for traveller sites "should be met as part of the general housing need [ORS , East Devon District Council Gypsy and Traveller Accommodation Assessment (2024), para. 8.5]." Consequently, there is a need for 25 pitches over the plan period.

The assessment work does not include an assessment of provision that benefits from planning permission, but which has not, as yet, come forward. In that regard we note that planning permission has been secured for 15 pitches from the Cobdens [Application 22/0406/MOUT] and Treasbeare Expansion Areas [Application 22/1532/MOUT]. If, as is suggested by the document, this additional provision has not been included in the assessment, then the residual requirement would reduce to just 10 pitches.

The Cherwell Group are also aware that Policy WS11 of the emerging Local Plan proposes to allocate land to the east of the M5 for at least five pitches. Consequently, on a worst case basis, including assuming that no Gypsy and Traveller provision came forward through criteria-based Policy HN09, then there would be a residual requirement for only five pitches.

To plan for a higher quantum, without the necessary evidence to suggest that it is required, would not be a justified approach.

Over the longer-term, it would appear that there is limited evidence to suggest that there is a need for a further 15 pitches in the period post 2042. The Local Planning Authority's evidence base work only establishes needs between 2023 and 2045. It only identifies a further need for three additional pitches in the period between 2042 and 2045. It does not suggest that there is a need for a further 15 pitches beyond the plan period. Consequently, it would be an unjustified strategy to plan for this additional provision at this stage. Instead, it is considered that the additional provision post 2042 should, if it is to be provided within the second new community, be considered as part of the subsequent development plan document that will allocate the additional 2,000 homes required to ensure that the new community reaches 10,000 homes in total. That would ensure that the requirement is evidenced and would therefore be a justified strategy.

THE LOCATION OF THE PROPOSED GYPSY AND TRAVELLER PROVISION

Without prejudice to the points made above, should there be a need for Gypsy and Traveller provision to be made within the second new community, then its/their location will need to be carefully considered. There will be a need to ensure that, amongst other things, the chosen site or sites is/are suitable from a topographical, landscape and access perspective. Experience from the Cranbrook development would also indicate that noise is a significant constraint given the inability for noise mitigation to be provided for trailers. This could suggest a location divorced from existing noise sources, including the strategic transport network and existing employment sites, would be more appropriate.

Moreover, previous studies have highlighted the A30 as being a key travelling route [Devon Partnership, Gypsy and Traveller Accommodation Assessment, 2015]. As such, a location in close proximity to that strategic route could be appropriate.

REASONABLE ALTERNATIVES

The emerging Local Plan only proposes to make two allocations to meet the needs of the Gypsy and Traveller community; within Policies WS01 and HN09 of the emerging Local Plan. Other than these two options, both of which are allocated for development, there does not appear to be any assessment of other reasonable alternatives within the District where the housing needs of the Gypsy and Traveller community could be met.

This is particularly important, as the evidence base underpinning the spatial strategy confirms that the most preferable distribution of development would see 60% of housing need met within the West End. However, having regard to the committed Gypsy and Traveller development within Cranbrook and proposed allocations WS01 and HN09, 100% of the Gypsy and Traveller need is proposed to be focused in the West End. This appears to conflict with the conclusions of the evidence base and is not, therefore, a justified proposition.

VIABILITY

Evidence prepared in support of the Cranbrook Plan demonstrated that the proposed Gypsy and Traveller provision from the Expansion Areas would have resulted in a financial loss. Cranbrook Plan Document PSD36 confirmed that the cost for constructing the 15 Gypsy and Traveller pitches within the Cranbrook Expansion Areas would be £1,808,000. Cranbrook Plan Document PSD21a confirms that the values of the Gypsy and Traveller plots was, at that time, £55,000, giving a total value for the 15 pitches of £825,000. Consequently, a loss of £983,000 was predicted. We are aware that since the Cranbrook Plan was made, developers are now, via the Section 106 Legal Agreements, required to construct the pitches at their cost, and transfer them for £1 to the Local Planning Authority. Consequently, their construction cost will be a cost borne to the wider development.

Given the above, and assuming that there is a requirement for the development to provide the constructed pitches, as there was at Cranbrook, in order to ensure that the new community is an effective proposition, the loss associated with the Gypsy and Traveller provision should be fully reflected within any viability assessment.

EMPLOYMENT LAND AND THE TOWN CENTRE

The proposed development at Axehayes Farm does not, as reflected in the Council's proposed masterplan for the second new community, propose any employment land or town centre uses. Consequently, the Cherwell Group do not provide any detailed comments regarding the proposals.

Notwithstanding the above, they are supportive of the provision of both employment land and town centre uses within the second new community, which will provide a strong fit with national planning policy [Para. 74 and 105 of the NPPF]. The provision of employment and town centre uses (housing a range of services and facilities) will be key components of the proposed new community. Both the employment and town centre uses will ensure that the daily needs of the residents of the new community are met, which will, by internalising trips, therefore limit the need to travel, which in turn will help to reduce congestion and emissions.

SOCIAL, COMMUNITY & EDUCATION FACILITIES AND OTHER INFRASTRUCTURE

The Cherwell Group acknowledge that to ensure that the second new community constitutes sustainable development, there will be a need for it to include social, community and education facilities. For large-scale development such as that being proposed, this is a requirement of national planning policy [Para. 74 and 97 of the NPPF].

In regard to Policy WS01, it is noted that there will be a requirement for a full range of social, cultural, leisure, health, community and education facilities. This is not disputed by the Cherwell Group. Indeed, they will be an important placemaking component of the second new community. However, it is noted that a number of key evidence base documents that will be required to underpin the Local Plan, including the infrastructure delivery strategy for the new community, the playing pitch strategy and the open space

strategy, have not, as yet, been produced. These will need to be published alongside the second Regulation 19 consultation in order to demonstrate that the proposals are justified and effective.

Indeed, it is highly likely that the social, community and education requirements for the new town will be informed by consultation with key infrastructure providers. These responses will need to be assessed to ensure that they satisfy the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations and are afforded a prioritisation. As with the Cranbrook Plan, the prioritisation will be an important element of work so as to ensure that the development is a viable proposition.

We comment on the proposals shown in the Council's latest masterplanning work for an all-through school to be located within land that is within the control of the Cherwell Group in the masterplanning section below.

INFRASTRUCTURE

PUBLIC OPEN SPACE PROVISION

The Cherwell Group acknowledge that the new community will be required to provide on-site public open space provision. As stated in national planning policy, access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and has other wider benefits [Para. 102 of the NPPF].

However, national planning policy also states that policies should be based on robust and up-to-date assessment of needs for open space, sport and recreation and opportunities for new provision. At the time of writing, neither the playing pitch strategy nor the open space strategy has been published. As stated above, these documents will be required to be published alongside the second Regulation 19 consultation in order to demonstrate that the Council's masterplan proposals are deliverable within the land allocated in the emerging Local Plan for the new community, and therefore Policy WS01 is an effective and justified proposition.

SANG

As set out in para. 13.15 of the emerging Plan, the provision of SANG land forms a key element of mitigation for developments that are located within 10km of the Exe Estuary Special Protection Area (SPA) and the Pebblebed Heaths Special Area of Conservation (SAC). The emerging Plan's supporting text suggests that mitigation should be provided at a rate of 8ha per 1,000 population, which was the same requirement as set out in Policy CB14 of the Cranbrook Plan. However, unlike Policy CB14 of the Cranbrook Plan, an occupancy rate is not provided. To ensure that there is no ambiguity regarding the expectations for SANG land, an occupancy rate should be clearly stated within the emerging Plan.

ACTIVE, SUSTAINABLE TRANSPORT AND OTHER HIGHWAYS IMPROVEMENTS

As evidenced by AWP's joint commission, which is discussed in Section 2 above, the Cherwell Group are supportive of the transport strategy for the new community affording a priority to active and sustainable modes of transport as part of a wider 'vision and validate' approach. Indeed, alongside the mix of uses proposed within the development, it will ensure that journeys within the new community are capable of being made by active and sustainable modes of transport. This will not only reduce carbon emissions and have health benefits, but it will also potentially avoid physical infrastructure improvements. Active and sustainable transport connections will also be proposed to local destinations, including via the provision of park and rides and mobility hubs.

The Cherwell Group's masterplan, which is described in Section 2 above, incorporates the proposed pedestrian, cycle and highway connections proposed in AWP's work.

COMMUNITY ENERGY/HEATING AND ON-SITE RENEWABLE ENERGY PRODUCTION

The Cherwell Group comment on the emerging policy framework in relation to carbon reduction, district heating and renewable energy generation in Section 8 of these representations.

SURFACE WATER DRAINAGE

As set out in Section 2 above, on behalf of the wider consortium, AWP have prepared a surface water drainage strategy for the new community. It has, where relevant to Axehayes Farm, been incorporated into the Cherwell Group's masterplan.

NEW EDUCATION PROVISION

As indicated above, the Cherwell Group acknowledge that education provision will be an important component of social infrastructure within the new community that will help with place-making. They are therefore supportive of its provision on-site. They do, however, have concerns relating to the proposed location of the campus school. These concerns are set out below.

HIGH SPEED PROVISION

It is noted that the emerging policy requires the provision of high speed broadband. However, since December 2022, for new homes, it has been a requirement of Approved Document R of the Building Regulations for developments to provide: (1) gigabit-ready physical infrastructure necessary for gigabit-capable connections up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to that distribution point; and (2) subject to a costs cap, a functioning gigabit-capable connection.

As such, for residential development, it is considered that the policy requirement duplicates Building Regulations and therefore it does not serve a clear purpose. Accordingly, it conflicts with national policy and should be removed from future iterations of the Plan.

WASTE TRANSFER STATION AND WASTE WATER TREATMENT WORKS

The Cherwell Group are aware of the need for a new waste water treatment works to serve the new development. They are also aware that the utility provider is currently

undecided as to whether it should be located within the new community. Whilst the Cherwell Group are aware of its strategic need and if necessary, its location within the new community, it should not be at the expense of restricting delivery from it. Indeed, whilst the waste water treatment works is being constructed, existing capacity and if necessary, temporary package treatment works, should be utilised to ensure that housing delivery from the new community comes forward as early as possible.

STEWARDSHIP

Policy WS01 confirms that a town-wide stewardship vehicle and governance will be required early on in the planning and delivery process. There remains a requirement for the allocation wide masterplan to provide a stewardship strategy that provides full details of the governance structure, methods of funding the stewardship vehicle, details of the public spaces and community assets to be owned, managed and maintained by the stewardship vehicle and an indicative programme for the establishment of the proposed stewardship vehicle. It is noted that para. 4.8 of the Local Plan confirms that public spaces and community assets within the new community will need to remain in public ownership.

The Cherwell Group acknowledge that stewardship will be a critical component of the new community. They are also aware that, as the proposed new community is the second that will occur within East Devon, many of these considerations will have been debated previously at Cranbrook. The Cherwell Group is aware of an East Devon Cabinet Paper dated 28th July 2021, which discussed the various stewardship models that had been discussed in the context of Cranbrook, which by the time that the paper was written, was a thriving community, with the established Town Council providing effective local leadership.

The Paper discussed various stewardship models. It confirmed that initially within Cranbrook, as with many developments, an estate management company was responsible for, amongst other things, the management and maintenance of public spaces. This was funded by a management charge applied to each home. However, in 2018, public assets and services were transferred to Cranbrook Town Council, with their management and maintenance being funded through the parish precept and residents having their estate charge removed. This did not require any commuted sums to be paid by the developers to the Town Council, but is reflected on the Council Tax bill for each property.

Two further options were considered within the Cabinet Paper for the stewardship of assets; asset endowment and profit share. In terms of the former, LRM Planning have been involved in a development where such an approach was used, alongside a conventional estate charge.

As part of the Former Wisley Airfield development, a Stewardship Strategy and an In Perpetuity Funding Framework was agreed. Through that work it was agreed that the Wisley Airfield Community Trust would be established, which is a charitable trust responsible for the operation and maintenance of the community assets (after they were fully funded and built out) and the promotion of community activities to aid with placemaking. The Trust is to be governed by a board of Trustees including residents, the Council, the County Council, the Parish Council, specialist stakeholders, the developers and other business interest groups.

///// END OF PART 1 - CONTINUED IN PART 2 681e2a3d441db300135c5f3c /////

3(b). If no, please give details of why you consider this part of the Development at the West End chapter is not sound. Please be as precise as possible.: N/A

3(c). Please set out the modification(s) you consider necessary to make this part of the Development at the West End 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 at the West End 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.: We have made some suggestions within Section 7 (see 'The Second New Community') of the attached representation to improve the justification, effectiveness and consistency with national planning policy of Policy WS01. Importantly, the suggested changes do not materially alter our view that Policy WS01 is fundamentally sound.

4. Do you consider that this part of the Development at the West End chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Development at the West End chapter's compliance with the duty to co-operate, please use this box to set out your comments.: We have made some suggestions within Section 7 of the attached representation to improve the justification, effectiveness and consistency with national planning policy of Policy WS01. Importantly, the suggested changes do not materially alter our view that Policy WS01 is fundamentally sound.

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

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.: Due to the significant policy issues concerned

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

4. Development at the West End

1. To which part of the Development at the West End chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS09

2. Do you consider that this part of the Development at the West End chapter is legally compliant?: Yes

3. Do you consider that this part of the Development at the West End chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Development at the West End chapter is not sound. Please be as precise as possible.: Amongst other things, Policy WS09 of the emerging Plan requires all major development within or on land adjacent to the Clyst Valley Regional Park, either directly or through mitigation, to: (1) meet the Local Plan requirements for green and blue infrastructure; (2) provide connected cycling/walking infrastructure, including extensions or links to the Clyst Valley Regional Park; (3) restore and enhance the landscape character of the Clyst Valley; (4) reduce pressure on environmentally sensitive locations, including via SANG; (5) contribute to the excellent ecological status of the River Clyst and its tributaries; and (6) to contribute to, or make proportionate contributions to various Clyst Valley Regional Park targets.

Whilst the Cherwell Group are supportive of the existing strategically important Clyst Valley Regional Park and its proposals to enlarge it, they are concerned that as currently drafted, the emerging Policy is not, as required by para. 16 of the NPPF, clearly written and unambiguous. Whilst it is clear that the Policy applies to all land that is proposed within the Park designation as defined on the Policies Map, it is not clear as to what is meant by “adjacent” in the context of the emerging Policy.

In order to provide the necessary clarity, the Policy should only be applicable within the land allocated as forming the Clyst Valley Regional Park on the Policies Map.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development at the West End 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 at the West End 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.: SUGGESTED CHANGES

“Development proposals within the CVRP will integrate Green Infrastructure and support the achievement of the objectives in the CVRP Management Plan. Any schemes that do not contribute to these objectives, or which would frustrate their implementation, will be refused planning permission.”

And

“All major development proposals within the Clyst Valley Regional Park will need, directly or through mitigation, to:”

And

“Where major development occurs outside of but close to the allocated park, green space provision associated with or required for the development should, where possible, be linked to and provide pedestrian and cycle access into the CVRP.”

4. Do you consider that this part of the Development at the West End 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

4. Development at the West End

1. To which part of the Development at the West End chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS09

2. Do you consider that this part of the Development at the West End chapter is legally compliant?: Yes

3. Do you consider that this part of the Development at the West End chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Development at the West End chapter is not sound. Please be as precise as possible.: ST RA TE GIC POLI C Y WS09 – CL YST V AL L EY RE GIO N AL P AR K

9.7 Amongst other things, Policy WS09 of the emerging Plan requires all major development within or on land adjacent to the Clyst Valley Regional Park, either directly or through mitigation, to: (1) meet the Local Plan requirements for green and blue infrastructure; (2) provide connected cycling/walking infrastructure, including extensions or links to the Clyst Valley Regional Park; (3) restore and enhance the landscape character of the Clyst Valley; (4) reduce pressure on environmentally sensitive locations, including via SANG; (5) contribute to the excellent ecological status of the River Clyst and its tributaries; and (6) to contribute to, or make proportionate contributions to various Clyst Valley Regional Park targets. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 46

9.8 Whilst DWH are supportive of the existing strategically important Clyst Valley Regional Park and its proposals to enlarge it, they are concerned that as currently drafted, the emerging Policy is not, as required by para. 16 of the NPPF, clearly written and unambiguous. It is not consistent with national planning policy and is therefore unsound. Whilst it is clear that the Policy applies to all land that is proposed within the Park designation as defined on the Policies Map, it is not clear as to what is meant by “adjacent” in the context of the emerging Policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development at the West End 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 at the West End 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.:

9.9 In order to provide the necessary clarity, the Policy should only be applicable to land allocated as forming the Clyst Valley Regional Park on the Policies Map. Suggested changes “Development proposals within and adjacent to the CVRP will integrate Green Infrastructure and support the achievement of the objectives in the CVRP Management Plan. Any schemes that do not contribute to these objectives, or which would frustrate their implementation, will be refused planning permission.” And “All major development proposals within or on land adjacent to the Clyst Valley Regional Park will need, directly or through mitigation, to:” And “Where major development occurs outside of but close to the allocated park, we would wish to see all the above policy tests addressed and also green space provision associated with or required for the development should, where possible, be linked to and provide pedestrian and cycle access into the CVRP.”

4. Do you consider that this part of the Development at the West End 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC01

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

3. Do you consider that this part of the Mitigating Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: The Cherwell Group acknowledges the climate crisis and supports East Devon's target of becoming carbon neutral by 2040. They also support the policy framework which seeks new development to contribute to that target. However, this policy requirement needs to be read in the context of Government guidance and Building Regulations.

NET-ZERO CARBON

The Written Ministerial Statement entitled 'Planning: Local Energy Efficiency Standards' confirms that:

"In 2015, in reference to an un-commenced provision in the Deregulation Act 2015 which amended the Planning and Energy Act 2008, a written ministerial statement—HC Deb, 25 March 2015, vol 584, cols 131-138WS—stated that until that amendment was commenced, local plan policies exceeding minimum energy efficiency standards should not go beyond level 4 of the Code for Sustainable Homes. Since then, the introduction of the 2021 Part L uplift to the Building Regulations set national minimum energy efficiency standards that are higher than those referenced in the 2015 WMS rendering it effectively moot. A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and

should need no significant work to ensure that they have zero carbon emissions as the grid continues to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes.”

Moreover, it was also stated that:

“the Government do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale.”

This is also reiterated in the PPG [MCLG, Planning Practice Guidance, Climate Change, Paragraph: 009 Reference ID: 6-009-20150327] which states:

“The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building’s sustainability to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability.”

The Written Ministerial Statement confirms that if planning policies propose local efficiency standards for buildings that go beyond current or planned Building Regulations, they should:

ensure that development remains viable; and

the impact is expressed as a percentage uplift of a dwelling’s target emissions rate, using a specified version of the standard assessment procedure.

Consequently, if it is the intent for developments to achieve net-zero carbon, then the tests above will need to be satisfied. At present, the viability work only provides a cost that reflects the Future Homes Standards and the Local Plan does not contain any policies that refer to target emission rates.

It is therefore concluded that the Policy, as currently drafted and evidenced, can only, in the terms of the movement towards net-zero, be set within the context of existing and emerging Building Regulation standards. This should be confirmed in the Policy's supporting text. To adopt a differing and more onerous policy framework would conflict with national planning policy and be an unsound proposition.

LOW CARBON AND RENEWABLE ENERGY

The Cherwell Group notes that the Policy seeks to maximise opportunities for the delivery of low carbon and renewable energy, district heat networks and energy storage facilities. Again, whilst a commendable approach, the requirement, as it relates to housing, needs to be framed within Government policy and guidance.

We are aware in discussions with East Devon, that they are, in certain circumstances, seeking new developments coming forward as allocations within the Local Plan, to provide, via low carbon and renewable energy, an energy balance. This, however, would move beyond the requirements of Building Regulations. This would, as has been demonstrated above, require clear and compelling evidence. Without such evidence, the Policy would not be consistent with national planning policy and would be unsound. We also draw attention to the PPG [MCLG, Planning Practice Guidance, Climate Change, Paragraph: 012 Reference ID: 6-012-20190315], which states that:

“Provisions in the Planning and Energy Act 2008 also allow development plan policies to impose reasonable requirements for a proportion of energy used in development in their area to be energy from renewable sources and/or to be low carbon energy from sources in the locality of the development.”

Any requirement to maximise low carbon and renewable energy, or particularly to create an energy balance, would appear to be at odds with national guidance which suggests that only a proportion of energy should be used.

Consequently, the Policy is considered to be unjustified and inconsistent with national planning policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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 Cherwell Group acknowledges the climate crisis and supports East Devon’s target of becoming carbon neutral by 2040. They also support the policy framework which seeks new development to contribute to that target. However, this policy requirement needs to be read in the context of Government guidance and Building Regulations.

NET-ZERO CARBON

The Written Ministerial Statement entitled ‘Planning: Local Energy Efficiency Standards’ confirms that:

“In 2015, in reference to an un-commenced provision in the Deregulation Act 2015 which amended the Planning and Energy Act 2008, a written ministerial statement—HC Deb, 25 March 2015, vol 584, cols 131-138WS—stated that until that amendment was commenced, local plan policies exceeding minimum energy efficiency standards should not go beyond level 4 of the Code for Sustainable Homes. Since then, the introduction of the 2021 Part L uplift to the Building Regulations set national minimum energy efficiency standards that are higher than those referenced in the 2015 WMS rendering it effectively moot. A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continues to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes.”

Moreover, it was also stated that:

“the Government do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale.”

This is also reiterated in the PPG [MCLG, Planning Practice Guidance, Climate Change, Paragraph: 009 Reference ID: 6-009-20150327] which states:

“The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building’s sustainability to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability.”

The Written Ministerial Statement confirms that if planning policies propose local efficiency standards for buildings that go beyond current or planned Building Regulations, they should:

ensure that development remains viable; and

the impact is expressed as a percentage uplift of a dwelling’s target emissions rate, using a specified version of the standard assessment procedure.

Consequently, if it is the intent for developments to achieve net-zero carbon, then the tests above will need to be satisfied. At present, the viability work only provides a cost that reflects the Future Homes Standards and the Local Plan does not contain any policies that refer to target emission rates.

It is therefore concluded that the Policy, as currently drafted and evidenced, can only, in the terms of the movement towards net-zero, be set within the context of existing and

emerging Building Regulation standards. This should be confirmed in the Policy's supporting text. To adopt a differing and more onerous policy framework would conflict with national planning policy and be an unsound proposition.

LOW CARBON AND RENEWABLE ENERGY

The Cherwell Group notes that the Policy seeks to maximise opportunities for the delivery of low carbon and renewable energy, district heat networks and energy storage facilities. Again, whilst a commendable approach, the requirement, as it relates to housing, needs to be framed within Government policy and guidance.

We are aware in discussions with East Devon, that they are, in certain circumstances, seeking new developments coming forward as allocations within the Local Plan, to provide, via low carbon and renewable energy, an energy balance. This, however, would move beyond the requirements of Building Regulations. This would, as has been demonstrated above, require clear and compelling evidence. Without such evidence, the Policy would not be consistent with national planning policy and would be unsound. We also draw attention to the PPG [MCLG, Planning Practice Guidance, Climate Change, Paragraph: 012 Reference ID: 6-012-20190315], which states that:

“Provisions in the Planning and Energy Act 2008 also allow development plan policies to impose reasonable requirements for a proportion of energy used in development in their area to be energy from renewable sources and/or to be low carbon energy from sources in the locality of the development.”

Any requirement to maximise low carbon and renewable energy, or particularly to create an energy balance, would appear to be at odds with national guidance which suggests that only a proportion of energy should be used.

Consequently, the Policy is considered to be unjustified and inconsistent with national planning policy.

4. Do you consider that this part of the Mitigating Climate Change 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC01

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

3. Do you consider that this part of the Mitigating Climate Change chapter is sound?: No

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

-

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: Net-zero carbon

9.11 The Written Ministerial Statement entitled ‘Planning: Local Energy Efficiency Standards’ confirms that: “In 2015, in reference to an un-commenced provision in the Deregulation Act 2015 which amended the Planning and Energy Act 2008, a written ministerial statement—HC Deb, 25 March 2015, vol 584, cols 131-138WS—stated that until that amendment was commenced, local plan policies exceeding minimum energy efficiency standards should not go beyond level 4 of the Code for Sustainable Homes. Since then, the introduction of the 2021 Part L uplift to the Building Regulations set national minimum energy efficiency standards that are higher than those referenced in the 2015 WMS rendering it effectively moot. A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continues to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes.”

9.12 Moreover, it was also stated that: EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 47 “the Government do not expect plan-makers to set local energy

efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale.”

9.13 This is also reiterated in the PPG,²³ which states: “The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building’s sustainability to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability.”

9.14 The Written Ministerial Statement confirms that if planning policies propose local efficiency standards for buildings that go beyond current or planned Building Regulations, they should: ? ensure that development remains viable; and ? the impact is expressed as a percentage uplift of a dwelling’s target emissions rate, using a specified version of the standard assessment procedure.

9.15 Consequently, if it is the intent for developments to achieve net-zero carbon, then the tests above will need to be satisfied. At present, the viability work only provides a cost that reflects the Future Homes Standards and the Local Plan does not contain any policies that refer to target emission rates.

9.16 It is therefore concluded that the Policy, as currently drafted and evidenced, can only, in the terms of the movement towards net-zero, be set within the context of existing and emerging Building Regulation standards. This should be confirmed in the Policy’s supporting text. To adopt a differing and more onerous policy framework would conflict with national planning policy and be an unsound proposition. Low carbon and renewable energy

9.17 DWH notes that the Policy seeks to maximise opportunities for the delivery of low carbon and renewable energy, district heat networks and energy storage facilities. Again, whilst a commendable approach, the requirement, as it relates to housing, needs to be framed within Government policy and guidance.

9.18 We are aware in discussions with East Devon, that they are, in certain circumstances, seeking new developments coming forward as allocations within the Local Plan, to provide, via low carbon and renewable energy, an energy balance. This, however, would move beyond the requirements of Building Regulations. This would, as has been demonstrated above, require clear and compelling evidence. Without such evidence, the Policy would not be consistent with national planning policy and would be

unsound. We also draw attention to the PPG24, which states that: “Provisions in the Planning and Energy Act 2008 also allow development plan policies to impose reasonable requirements for a proportion of energy used in development in their area to be energy from renewable sources and/or to be low carbon energy from sources in the locality of the development.” 23 MCLG, Planning Practice Guidance, Climate Change, Paragraph: 009 Reference ID: 6-009-20150327 24 MCLG, Planning Practice Guidance, Climate Change, Paragraph: 012 Reference ID: 6-012-20190315 EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 48

9.19 Any requirement to maximise low carbon and renewable energy, or particularly to create an energy balance, would appear to be at odds with national guidance which suggests that only a proportion of energy should be used.

9.20 Consequently, the Policy is considered to be unjustified and inconsistent with national planning policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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.: Net-zero carbon

9.11 The Written Ministerial Statement entitled ‘Planning: Local Energy Efficiency Standards’ confirms that: “In 2015, in reference to an un-commenced provision in the Deregulation Act 2015 which amended the Planning and Energy Act 2008, a written ministerial statement—HC Deb, 25 March 2015, vol 584, cols 131-138WS—stated that until that amendment was commenced, local plan policies exceeding minimum energy efficiency standards should not go beyond level 4 of the Code for Sustainable Homes. Since then, the introduction of the 2021 Part L uplift to the Building Regulations set national minimum energy efficiency standards that are higher than those referenced in the 2015 WMS rendering it effectively moot. A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continues to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes.”

9.12 Moreover, it was also stated that: EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 47 “the Government do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can

add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale.”

9.13 This is also reiterated in the PPG,²³ which states: “The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building’s sustainability to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability.”

9.14 The Written Ministerial Statement confirms that if planning policies propose local efficiency standards for buildings that go beyond current or planned Building Regulations, they should: ? ensure that development remains viable; and ? the impact is expressed as a percentage uplift of a dwelling’s target emissions rate, using a specified version of the standard assessment procedure.

9.15 Consequently, if it is the intent for developments to achieve net-zero carbon, then the tests above will need to be satisfied. At present, the viability work only provides a cost that reflects the Future Homes Standards and the Local Plan does not contain any policies that refer to target emission rates.

9.16 It is therefore concluded that the Policy, as currently drafted and evidenced, can only, in the terms of the movement towards net-zero, be set within the context of existing and emerging Building Regulation standards. This should be confirmed in the Policy’s supporting text. To adopt a differing and more onerous policy framework would conflict with national planning policy and be an unsound proposition. Low carbon and renewable energy

9.17 DWH notes that the Policy seeks to maximise opportunities for the delivery of low carbon and renewable energy, district heat networks and energy storage facilities. Again, whilst a commendable approach, the requirement, as it relates to housing, needs to be framed within Government policy and guidance.

9.18 We are aware in discussions with East Devon, that they are, in certain circumstances, seeking new developments coming forward as allocations within the Local Plan, to provide, via low carbon and renewable energy, an energy balance. This, however, would move beyond the requirements of Building Regulations. This would, as has been demonstrated above, require clear and compelling evidence. Without such evidence, the Policy would not be consistent with national planning policy and would be unsound. We also draw attention to the PPG²⁴, which states that: “Provisions in the Planning and Energy Act 2008 also allow development plan policies to impose

reasonable requirements for a proportion of energy used in development in their area to be energy from renewable sources and/or to be low carbon energy from sources in the locality of the development.” 23 MCLG, Planning Practice Guidance, Climate Change, Paragraph: 009 Reference ID: 6-009-20150327 24 MCLG, Planning Practice Guidance, Climate Change, Paragraph: 012 Reference ID: 6-012-20190315 EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 48

9.19 Any requirement to maximise low carbon and renewable energy, or particularly to create an energy balance, would appear to be at odds with national guidance which suggests that only a proportion of energy should be used.

9.20 Consequently, the Policy is considered to be unjustified and inconsistent with national planning policy.

4. Do you consider that this part of the Mitigating Climate Change 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC02

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

3. Do you consider that this part of the Mitigating Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: Amongst other requirements, Policy CC02 of the emerging Local Plan requires all new homes to meet the energy efficiency requirements set out within the Future Homes Standards.

As set out above, the Future Homes Standards will ensure that a new home designed to meet these standards is zero-carbon ready and will rely on the decarbonisation of the grid to ensure that a home becomes zero-carbon.

From their implementation date, their application will be unobjectionable. The implementation date is, at present, proposed to be in 2025. On the implementation of the standards, a new method of assessment will be introduced, which is currently proposed to be the Home Energy Model (HEM).

However, in the period until the implementation of the new standards, the HEM will not be available. As part of the Future Buildings Standard consultation, a beta version of the HEM was made available for use by consultants. However, as the consultation is now closed, the tool is no longer available for use. Therefore, if the expectation is for homes to be assessed against the Future Homes Standard prior to its implementation, then there is currently no tool or platform available for this to be undertaken. Consequently, the policy requirement is ineffective.

In any event, prior to their implementation, the application of the enhanced standards would, as established in our response to Policy CC01, be contrary to national planning policy and guidance.

Moreover, it is noted that there is a requirement for major non-residential development to achieve at least BREEAM excellent standards, unless it is demonstrated that they cannot technically be complied with, or render a proposal unviable. However, and noting that the Policy is set within a title of 'net zero carbon development,' it is instructive to note that the BREEAM standards do not measure net zero carbon development, as carbon emissions are only considered within two credits; Ene 01 (Reduction of energy use and carbon emissions) and Mat 01 (Environmental Impacts from Construction Products – Building Life Cycle Assessment (LCA)).

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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.: SUGGESTED CHANGE

"All new homes (including conversions) will be required:

A. To meet energy efficiency requirements set out in Building Regulations Part L 2021 the building regulation Future Homes Standard (FHS) 2025 or successor standards."

4. Do you consider that this part of the Mitigating Climate Change 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC02

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

3. Do you consider that this part of the Mitigating Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: STRATEGIC POLICY CC02 – NET-ZERO CARBON DEVELOPMENT

9.21 Amongst other requirements, Policy CC02 of the emerging Local Plan requires all new homes to meet the energy efficiency requirements set out within the Future Homes Standards.

9.22 As set out above, the Future Homes Standards will ensure that a new home designed to meet these standards is zero-carbon ready and will rely on the decarbonisation of the grid to ensure that a home becomes zero-carbon.

9.23 From their implementation date, their application will be unobjectionable. The implementation date is, at present, proposed to be in 2025. On the implementation of the standards, a new method of assessment will be introduced, which is currently proposed to be the Home Energy Model (HEM).

9.24 However, in the period until the implementation of the new standards, the HEM will not be available. As part of the Future Buildings Standard consultation, a beta version of the HEM was made available for use by consultants. However, as the consultation is now closed, the tool is no longer available for use. Therefore, if the expectation is for homes to be assessed against the Future Homes Standard prior to its implementation, then there is currently no tool or platform available for this to be undertaken. Consequently, the policy requirement is ineffective.

9.25 In any event, prior to their implementation, the application of the enhanced standards would, as established in our response to Policy CC01, be contrary to national planning policy and guidance.

9.26 Moreover, it is noted that there is a requirement for major non-residential development to achieve at least BREEAM excellent standards, unless it is demonstrated that they cannot technically be complied with, or render a proposal unviable. However, and noting that the Policy is set within a title of 'net zero carbon development,' it is instructive to note that the BREEAM standards do not measure net zero carbon development, as carbon emissions are only considered within two credits; Ene 01 (Reduction of energy use and carbon emissions) and Mat 01 (Environmental Impacts from Construction Products – Building Life Cycle Assessment (LCA)).

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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.: Suggested change “All new homes (including conversions) will be required: A. To meet energy efficiency requirements set out in Building Regulations Part L 2021 the building regulation Future Homes Standard (FHS) 2025 or successor standards. If the FHS 2025 is not incorporated into Building Regulations by the date of Local Plan adoption, the draft standards as set out in - The Future Homes and Buildings Standards: 2023 consultation²³) will be required in developments;”

4. Do you consider that this part of the Mitigating Climate Change 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC05

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

3. Do you consider that this part of the Mitigating Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: The Cherwell Group objects to Strategic Policy CC05. Their concerns are as follows:

The major heat network within East Devon is the Cranbrook district heat network, which will, in the future, switch from a gas system, to using residual heat from an energy to waste site, which is, for a number of proposed allocations, including the new community, located within 1km. As such, the Policy would expect them, unless it is not technically achievable or undermines commercial viability, to connect into the system. However, the Energy Assessment Guidance (2022) published by the GLA [<https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/pre-planning-application-meeting-service/energy-planning-guidance>] indicates that a connection to existing heat networks should only be encouraged where the energy source can be considered low carbon (e.g. heat pumps), or where a decarbonisation plan is in place and a programme for implementation is confirmed.

Connections to a third generation heat network that utilises plant such as combined heat and power has demonstrated to result in increased emissions in comparison to onsite heat pump strategies under current Part L 2021 assessments. Therefore, the requirement to connect to such a network would conflict with Policy CC02, which seeks to minimise the carbon footprint of a development. The existing Cranbrook network, which utilises combined heat and power for a portion of the heat generation, would

therefore have higher associated carbon emissions than those used within the Part L notional building, which could cause a risk of non-compliance with Part L.

As can, at the present time, be demonstrated with reference to the Cranbrook Expansion Areas, the connection charge to an existing district heat network is considerably higher (double), that of an onsite heat pump solution. Viability will undoubtedly be a key consideration for strategic allocations, including the new community as the Plan evolves, noting that for the Plan to be deliverable and therefore effective, it will need to be a viable proposition.

Heat networks can result in transitional losses across the extended pipework in comparison to onsite/building level solutions, which can impact performance.

Given the analysis presented above, the emerging Policy is not justified or effective.

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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.: SUGGESTED CHANGE

The Policy should be reworded as follows:

"Proposals above 1,200 homes or 10 ha of commercial floor space, if not connecting into an existing heat network will be required to provide their own network, unless it is demonstrated to be technically not achievable or significantly undermines..."

4. Do you consider that this part of the Mitigating Climate Change 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC05

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

3. Do you consider that this part of the Mitigating Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: STRATEGIC POLICY CC05 – HEAT NETWORKS

9.27 DWH objects to Strategic Policy CC05. Their concerns are as follows: ? The major heat network within East Devon is the Cranbrook district heat network, which will, in the future, switch from a gas system, to using residual heat from an energy to waste site, which is, for a number of proposed allocations, including the new community, located within 1km. As such, the Policy would expect them, unless it is not technically achievable or undermines EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 49 commercial viability, to connect into the system. However, the Energy Assessment Guidance (2022) published by the GLA25 indicates that a connection to existing heat networks should only be encouraged where the energy source can be considered low carbon (e.g. heat pumps), or where a decarbonisation plan is in place and a programme for implementation is confirmed. Connections to a third generation heat network that utilises plant such as combined heat and power has demonstrated to result in increased emissions in comparison to onsite heat pump strategies under current Part L 2021 assessments. Therefore, the requirement to connect to such a network would conflict with Policy CC02, which seeks to minimise the carbon footprint of a development. The existing Cranbrook network, which utilises combined heat and power for a portion of the heat generation, would therefore have higher associated carbon emissions than those used within the Part L notional building, which could cause a risk of non-compliance with Part L. ? As can, at the present time, be demonstrated with reference to the Cranbrook Expansion Areas, the connection

charge to an existing district heat network is considerably higher (double), that of an onsite heat pump solution. Viability will undoubtedly be a key consideration for strategic allocations, including the new community as the Plan evolves, noting that for the Plan to be deliverable and therefore effective, it will need to be a viable proposition. ? Heat networks can result in transitional losses across the extended pipework in comparison to onsite/building level solutions, which can impact performance.

9.28 Given the analysis presented above, the emerging Policy is not justified or effective.

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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.: Suggested changes

9.29 The Policy should be reworded as follows: “For all major developments proposed within 1km of an existing heat network connection to the existing heat network should be provided. When the connection is deemed undeliverable, evidence should be submitted to the planning authority's satisfaction to demonstrate why connections cannot be reasonably achieved. If the connection from the point of occupation cannot be provided, the development will be expected to incorporate, where feasible, infrastructure for future connection to the Heat Networks.

9.30 In addition, Proposals above 1,200 homes or 10 ha of commercial floor space, if not connecting into an existing heat network will be required to provide their own

4. Do you consider that this part of the Mitigating Climate Change 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC06

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

3. Do you consider that this part of the Mitigating Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: Policy CC06 requires proposals to demonstrate actions taken to minimise embodied carbon emissions. Major development is required to undertake an embodied carbon assessment as part of a sustainability statement, using a nationally recognised whole life cycle carbon assessment procedure.

Whilst the principle of the Policy is understood and supported, the Local Planning Authority will need to consider how practical the implementation of the Policy will be, particularly as many of the emissions associated with development are outside the control of a developer (i.e. material extraction and transportation, demolition and disposal). The Local Planning Authority will also need to consider how they will monitor the implementation of the Policy. They should also be mindful of the implications that the Policy should have on issues such as housing delivery.

In addition, the Policy and its supporting text is not clear on what stage of the development process that the embodied carbon assessment is required. Many of the considerations will not be known on submission and determination of an outline application and therefore it may be more effective, in that circumstance, for the outline applicant to establish targets at the outline stage, which could be controlled by condition for a later stage of the planning process.

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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 CC06 requires proposals to demonstrate actions taken to minimise embodied carbon emissions. Major development is required to undertake an embodied carbon assessment as part of a sustainability statement, using a nationally recognised whole life cycle carbon assessment procedure.

Whilst the principle of the Policy is understood and supported, the Local Planning Authority will need to consider how practical the implementation of the Policy will be, particularly as many of the emissions associated with development are outside the control of a developer (i.e. material extraction and transportation, demolition and disposal). The Local Planning Authority will also need to consider how they will monitor the implementation of the Policy. They should also be mindful of the implications that the Policy should have on issues such as housing delivery.

In addition, the Policy and its supporting text is not clear on what stage of the development process that the embodied carbon assessment is required. Many of the considerations will not be known on submission and determination of an outline application and therefore it may be more effective, in that circumstance, for the outline applicant to establish targets at the outline stage, which could be controlled by condition for a later stage of the planning process.

4. Do you consider that this part of the Mitigating Climate Change 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC06

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

3. Do you consider that this part of the Mitigating Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: ST R A T E G I C P O L I C Y C C 0 6 – E M B O D I E D C A R B O N

9.31 Policy CC06 requires proposals to demonstrate actions taken to minimise embodied carbon emissions. Major development is required to undertake an embodied carbon assessment as part of a sustainability statement, using a nationally recognised whole life cycle carbon assessment procedure.

9.32 Whilst the principle of the Policy is understood and supported, the Local Planning Authority will need to consider how practical the implementation of the Policy will be, particularly as many of the emissions associated with development are outside the control of a developer (i.e. material extraction and transportation, demolition and disposal). The Local Planning Authority will also need to consider how they will monitor the implementation of the Policy. They should also be mindful of the implications that the Policy should have on issues such as housing delivery. 25

<https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/pre-planning-application-meeting-service/energy-planning-guidance>
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9.33 In addition, the Policy and its supporting text is not clear on what stage of the development process that the embodied carbon assessment is required. Many of the considerations will not be known on submission and determination of an outline application and therefore it may be more effective, in that circumstance, for the outline applicant to establish targets at

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change 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 Mitigating Climate Change 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.: ST RA TE GIC POLI C Y C C0 6 – E MB OD IED C AR BO N

9.31 Policy CC06 requires proposals to demonstrate actions taken to minimise embodied carbon emissions. Major development is required to undertake an embodied carbon assessment as part of a sustainability statement, using a nationally recognised whole life cycle carbon assessment procedure.

9.32 Whilst the principle of the Policy is understood and supported, the Local Planning Authority will need to consider how practical the implementation of the Policy will be, particularly as many of the emissions associated with development are outside the control of a developer (i.e. material extraction and transportation, demolition and disposal). The Local Planning Authority will also need to consider how they will monitor the implementation of the Policy. They should also be mindful of the implications that the Policy should have on issues such as housing delivery. 25

<https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/pre-planning-application-meeting-service/energy-planning-guidance>
EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 50

9.33 In addition, the Policy and its supporting text is not clear on what stage of the development process that the embodied carbon assessment is required. Many of the considerations will not be known on submission and determination of an outline application and therefore it may be more effective, in that circumstance, for the outline applicant to establish targets at

4. Do you consider that this part of the Mitigating Climate Change 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The Cherwell Group objects to Policy AR01, as they consider that it is not a justified proposition.

Specifically, their concerns are:

As drafted, the Policy seeks to ensure that space is provided on all developments for the inclusion of SuDS that are designed to reduce the volume and run off rate to less than greenfield run off rates. The Devon County Council Guidance is highlighted as providing the justification for this requirement. However, it appears that the guidance has been misunderstood. Instead, the guidance states that development “runoff rates post development should never exceed greenfield runoff rates for the same return period event [Section 5.4]” (our emphasis) rather than ensuring rates are less than the greenfield runoff rate.

In addition, other than in circumstances where infiltration and soakaways are provided, it will not be practicable to reduce the volume of runoff to below that of a greenfield site. This is reflected in guidance provided by Devon County Council, which states that “for developments on greenfield sites, the volume of surface water runoff discharged off-site in the 1 in 100 year, 6 hour rainfall event, must never exceed the greenfield runoff

volume for the same event [Section 5.5].” Such an approach relies upon ‘long term storage,’ which is a very different calculation to the proposed policy wording.

As drafted, the Policy opposes the use of culverting in any situation, regardless of how minor the watercourse may be. Whilst the intent is understood and on the whole supported, its strict application might require clear span bridges over shallow and narrow field ditches, which ordinarily, might require a small 225mm pipe culvert to enable footway/cycleway/road crossings.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change 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 Adapting to Climate Change 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.: To remedy these soundness concerns, the Policy should be reworded as follows:

“C. Ensuring that space is provided on all development sites for the inclusion of SuDS designed to ensure rates of runoff do not exceed greenfield rates and that runoff volumes are managed in accordance with the latest guidance issued by the Lead Local Flood Authority.” Surface water run-off should be managed as close to the source as possible. Preference will be given to systems that reduce pollution risks and contribute to the conservation and enhancement of biodiversity and green infrastructure where practicable. Within Critical Drainage Areas, SuDS should result in a reduction of existing runoff rates.”

And

“F. Where appropriate, the opportunity for Natural Flood Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised. Wherever practicable, culverting should be opposed, and day-lighting existing culverts promoted through new developments.”

4. Do you consider that this part of the Adapting to Climate Change 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

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

9.34 DWH objects to Policy AR01, as they consider that it is not a justified proposition. Specifically, their concerns are: ? As drafted, the Policy seeks to ensure that space is provided on all developments for the inclusion of SuDS that are designed to reduce the volume and run off rate to less than greenfield run off rates. The Devon County Council Guidance is highlighted as providing the justification for this requirement. However, it appears that the guidance has been misunderstood. Instead, the guidance states that development “runoff rates post development should never exceed greenfield runoff rates for the same return period event,²⁶” (our emphasis) rather than ensuring rates are less than the greenfield runoff rate. ? In addition, other than in circumstances where infiltration and soakaways are provided, it will not be practicable to reduce the volume of runoff to below that of a greenfield site. This is reflected in guidance provided by Devon County Council, which states that “for developments on greenfield sites, the volume of surface water runoff discharged off-site in the 1 in 100 year, 6 hour rainfall event, must never exceed the greenfield runoff volume for the same event²⁷.” Such an approach relies upon ‘long term storage,’ which is a very different calculation to the proposed policy wording. ? As drafted, the Policy opposes the use of culverting in any situation, regardless of how minor the watercourse may be. Whilst the intent is understood and on the whole supported, its strict application might require clear span bridges over shallow and narrow field ditches, which ordinarily, might require a small 225mm pipe culvert to enable footway/cycleway/road crossings.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change 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 Adapting to Climate Change 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.: Suggested changes

9.35 To remedy these soundness concerns, the Policy should be reworded as follows: “C. Ensuring that space is provided on all development sites for the inclusion of SuDS designed to ensure rates of runoff do not exceed greenfield rates and that runoff volumes are managed in accordance with the latest guidance issued by the Lead Local Flood Authority.” reduce the volume and rate of runoff to less than greenfield rates, as informed by the ‘Sustainable Drainage System – Guidance for Devon’³¹. Surface water run-off should be managed as close to the source as possible. Preference will be given to systems that reduce pollution risks and contribute to the conservation and enhancement of biodiversity and green infrastructure where practicable. Within Critical Drainage Areas, SuDS should result in a reduction of existing runoff rates.” And “F. Where appropriate, the opportunity for Natural Flood Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised. Wherever practicable, culverting should be opposed, and day-lighting existing culverts promoted through new developments.”

4. Do you consider that this part of the Adapting to Climate Change 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

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

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Policy AR02 proposes to require all new dwellings to meet the Optional Technical Housing Standard of 110 litres of water, per person, per day. The PPG [MHCLG, Planning Practice Guidance, Housing: optional technical standards , Paragraph: 015 Reference ID: 56-015-20150327] confirms that when applying the optional requirement, local planning authorities should establish a clear need based on:

existing sources of evidence;

consultation with local water and sewerage companies, the Environment Agency and catchment partnerships; and

the potential impact on viability and housing supply of adopting the requirement.

Para. 7.5 of the emerging Local Plan confirms that the water cycle study provides the necessary evidence for adopting the optional standard. However, the Cherwell Group note that at present, the water cycle study has not been published. Accordingly, the proportionate evidence has not been provided to demonstrate that the proposed policy is either justified or consistent with national policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change 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 Adapting to Climate Change 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 suggested changes will depend upon the conclusions of the water study.

4. Do you consider that this part of the Adapting to Climate Change 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

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

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: ST R A T E G I C P O L I C Y A R 0 2 – W A T E R E F F I C I E N C Y

9.36 Policy AR02 proposes to require all new dwellings to meet the Optional Technical Housing Standard of 110 litres of water, per person, per day. The PPG28 confirms that when applying the optional requirement, local planning authorities should establish a clear need based on: ? existing sources of evidence; ? consultation with local water and sewerage companies, the Environment Agency and catchment partnerships; and ? the potential impact on viability and housing supply of adopting the requirement.

9.37 Para. 7.5 of the emerging Local Plan confirms that the water cycle study provides the necessary evidence for adopting the optional standard. However, DWH note that at present, the water cycle study has not been published. Accordingly, the proportionate evidence has not been provided to demonstrate that the proposed policy is either justified or consistent with national policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change 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 Adapting to Climate Change 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.: Suggested changes

9.38 The suggested changes will depend upon the conclusions of the water study.

4. Do you consider that this part of the Adapting to Climate Change 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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.: HN03

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

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.: For developments of 200 dwellings or more, emerging Policy HN03 requires at least 10% of the dwellings provided within the development to be specialist older person dwellings. Over the longer term, this could equate to 1,000 homes within the second new community.

Whilst potentially having a significant impact on its delivery and viability, the Cherwell Group is also concerned that the application of Policy WS01 and emerging Policy HN03 could create 'mutually irreconcilable' policy tensions. For instance, at present, the Council's masterplan does not propose a local or neighbourhood centre within the Axehayes Farm element of the new community. Should that distribution of land uses be taken forward into the site wide masterplan to be agreed during the development management process, then any proposal that included such services and facilities within Axehayes Farm would conflict with Policy WS01. However, equally, there will remain a requirement for the development proposals to provide housing for the elderly, which, as stated within limb B of the Policy, will need to be within 400m walking distance of local facilities and shops.

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.: To remedy the effectiveness of the Policy, a greater flexibility should be included within the Policy or its supporting text, or the Local Planning Authority should consider specifically allocating specialist accommodation in the right locations, rather than relying on all housing allocations to make a contribution to meeting needs.

4. Do you consider that this part of the Meeting Housing Needs 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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

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

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 PPG states [MHCLG, Planning Practice Guidance, Housing: optional technical standards , Paragraph: 007 Reference ID: 56-007-20150327] that local planning authorities should set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and/or M4(3) (wheelchair user dwellings). It suggests a range of factors which should be taken into account, and which include:

the likely future need for housing for older and disabled people (including wheelchair user dwellings);

size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes);

the accessibility and adaptability of existing housing stock;

how needs vary across different housing tenures; and

the overall impact on viability.

The evidence base supporting the Plan [ORS, Local Housing Needs Assessment (2022), para. 8.5.] suggests that the minimum combined need for both Category M4(2) and M4(3) housing, having regard to the accessibility and adaptability of the existing housing stock, would be:

affordable housing – 1,047 dwellings; and

market housing – 4,072 dwellings.

total = 5,119 dwellings.

The maximum need was identified as being 12,959 dwellings.

On the basis of these conclusions, the Local Housing Needs Assessment confirms that “East Devon should plan for a minimum of 30% of the LHN to be both M4(2) Category 2 or M4(3) Category 3 housing [Para. 7.43].”

However, as drafted, the emerging Local Plan seeks all new dwellings to meet Category M4(2) Building Regulation standards, with additional M4(3) (a) and/or (b) requirements for specialist accommodation for older people, affordable housing for rent and affordable housing for homeownership.

Assuming that the housing requirement was met in full, then over the plan period, a total of 20,909 homes would be delivered as either M4(2) or (3) dwellings. This is a significantly higher quantum of accessible and adaptable dwellings and wheelchair user dwellings than the evidence suggests is necessary.

Consequently, the Plan is seeking the provision of a significantly greater proportion of accessible and adaptable homes and wheelchair adaptable and wheelchair user dwellings than the evidence suggests is necessary. This is not a justified proposition.

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 PPG states [MHCLG, Planning Practice Guidance, Housing: optional technical standards , Paragraph: 007 Reference ID: 56-007-20150327] that local planning authorities should set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and/or M4(3) (wheelchair user dwellings). It suggests a range of factors which should be taken into account, and which include:

the likely future need for housing for older and disabled people (including wheelchair user dwellings);

size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes);

the accessibility and adaptability of existing housing stock;

how needs vary across different housing tenures; and

the overall impact on viability.

The evidence base supporting the Plan [ORS, Local Housing Needs Assessment (2022), para. 8.5.] suggests that the minimum combined need for both Category M4(2) and M4(3) housing, having regard to the accessibility and adaptability of the existing housing stock, would be:

affordable housing – 1,047 dwellings; and

market housing – 4,072 dwellings.

total = 5,119 dwellings.

The maximum need was identified as being 12,959 dwellings.

On the basis of these conclusions, the Local Housing Needs Assessment confirms that “East Devon should plan for a minimum of 30% of the LHN to be both M4(2) Category 2 or M4(3) Category 3 housing [Para. 7.43].”

However, as drafted, the emerging Local Plan seeks all new dwellings to meet Category M4(2) Building Regulation standards, with additional M4(3) (a) and/or (b) requirements for specialist accommodation for older people, affordable housing for rent and affordable housing for homeownership.

Assuming that the housing requirement was met in full, then over the plan period, a total of 20,909 homes would be delivered as either M4(2) or (3) dwellings. This is a significantly higher quantum of accessible and adaptable dwellings and wheelchair user dwellings than the evidence suggests is necessary.

Consequently, the Plan is seeking the provision of a significantly greater proportion of accessible and adaptable homes and wheelchair adaptable and wheelchair user dwellings than the evidence suggests is necessary. This is not a justified proposition.

4. Do you consider that this part of the Meeting Housing Needs 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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

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

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.: POLICY HN04 – ACCESSIBLE AND ADAPTABLE HOUSING

9.39 The PPG states²⁹ that local planning authorities should set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and/or M4(3) (wheelchair user dwellings). It suggests a range of factors which should be taken into account, and which include: ? the likely future need for housing for older and disabled people (including wheelchair user dwellings); ? the size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes); ? the accessibility and adaptability of existing housing stock; ? how needs vary across different housing tenures; and ? the overall impact on viability.

9.40 The evidence base supporting the Plan³⁰ suggests that the minimum combined need for both Category M4(2) and M4(3) housing, having regard to the accessibility and adaptability of the existing housing stock, would be: ? affordable housing – 1,047 dwellings; and ? market housing – 4,072 dwellings. ? Total = 5,119 dwellings.

9.41 The maximum need was identified as being 12,959 dwellings. 28 MHCLG, Planning Practice Guidance, Housing: optional technical standards , Paragraph: 015 Reference ID: 56-015-20150327 29 MHCLG, Planning Practice Guidance, Housing: optional technical standards , Paragraph: 007 Reference ID: 56-007-20150327 30 ORS , Local Housing Needs Assessment (2022), para. 8.5. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 52

9.42 On the basis of these conclusions, the Local Housing Needs Assessment confirms that “East Devon should plan for a minimum of 30% of the LHN to be both M4(2) Category 2 or M4(3) Category 3 housing³¹.”

9.43 However, as drafted, the emerging Local Plan seeks all new dwellings to meet Category M4(2) Building Regulation standards, with additional M4(3) (a) and/or (b) requirements for specialist accommodation for older people, affordable housing for rent and affordable housing for homeownership.

9.44 Assuming that the housing requirement was met in full, then over the plan period, a total of 20,909 homes would be delivered as either M4(2) or (3) dwellings. This is a significantly higher quantum of accessible and adaptable dwellings and wheelchair user dwellings than the evidence suggests is necessary.

9.45 Consequently, the Plan is seeking the provision of a significantly greater proportion of accessible and adaptable homes and wheelchair adaptable and wheelchair user dwellings than the evidence suggests is necessary. This is not a justified proposition.

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.: POLICY HN04 – ACCESSIBLE AND ADAPTABLE HOUSING

9.39 The PPG states²⁹ that local planning authorities should set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and/or M4(3) (wheelchair user dwellings). It suggests a range of factors which should be taken into account, and which include: ? the likely future need for housing for older and disabled people (including wheelchair user dwellings); ? the size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes); ? the accessibility and adaptability of existing housing stock; ? how needs vary across different housing tenures; and ? the overall impact on viability.

9.40 The evidence base supporting the Plan³⁰ suggests that the minimum combined need for both Category M4(2) and M4(3) housing, having regard to the accessibility and adaptability of the existing housing stock, would be: ? affordable housing – 1,047 dwellings; and ? market housing – 4,072 dwellings. ? Total = 5,119 dwellings.

9.41 The maximum need was identified as being 12,959 dwellings. ²⁸ MHCLG, Planning Practice Guidance, Housing: optional technical standards , Paragraph: 015 Reference ID: 56-015-20150327 ²⁹ MHCLG, Planning Practice Guidance, Housing: optional

technical standards , Paragraph: 007 Reference ID: 56-007-20150327 30 ORS , Local Housing Needs Assessment (2022), para. 8.5. EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 52

9.42 On the basis of these conclusions, the Local Housing Needs Assessment confirms that “East Devon should plan for a minimum of 30% of the LHN to be both M4(2) Category 2 or M4(3) Category 3 housing³¹.”

9.43 However, as drafted, the emerging Local Plan seeks all new dwellings to meet Category M4(2) Building Regulation standards, with additional M4(3) (a) and/or (b) requirements for specialist accommodation for older people, affordable housing for rent and affordable housing for homeownership.

9.44 Assuming that the housing requirement was met in full, then over the plan period, a total of 20,909 homes would be delivered as either M4(2) or (3) dwellings. This is a significantly higher quantum of accessible and adaptable dwellings and wheelchair user dwellings than the evidence suggests is necessary.

9.45 Consequently, the Plan is seeking the provision of a significantly greater proportion of accessible and adaptable homes and wheelchair adaptable and wheelchair user dwellings than the evidence suggests is necessary. This is not a justified proposition.

4. Do you consider that this part of the Meeting Housing Needs 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.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

8. Meeting Housing Needs

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

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

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

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 Cherwell Group are supportive of Policy HN05 which will be a key component of how the needs of those wishing to build or commission their own home will be met over the plan period.

Notwithstanding their general support for the emerging Policy, the Cherwell Group is concerned with the proposed requirement for self-build plots to have a suitable road access delivered at an early stage of the development. For strategic sites, which are often subject of phasing, it could be impractical to provide a suitable road access at an early stage of the development. A more practical approach would be to require a developer to provide a suitable road access for the self-build plots at an early stage of the phase of the development that they are located within. This modest amendment would help to improve the effectiveness of emerging Policy HN05.

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.: SUGGESTED CHANGES

"B. Have suitable road access delivered at an early stage of the phase of development that they are located within"

4. Do you consider that this part of the Meeting Housing Needs 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.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

8. Meeting Housing Needs

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

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

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

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.:

9.46 DWH are supportive of Policy HN05 which will be a key component of how the needs of those wishing to build or commission their own home will be met over the plan period.

9.47 Notwithstanding their general support for the emerging Policy, DWH are concerned with the proposed requirement for self-build plots to have a suitable road access delivered at an early stage of the development. For strategic sites, which are often subject of phasing, it could be impractical to provide a suitable road access at an early stage of the development. A more practical approach would be to require a developer to provide a suitable road access for the self-build plots at an early stage of the phase of the development that they are located within. This modest amendment would help to improve the effectiveness of emerging Policy HN05.

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.: Suggested changes “B. Have suitable road access delivered at an early stage of the phase of development that they are located within in the development;”

4. Do you consider that this part of the Meeting Housing Needs 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.: Due to the significant policy issues concerned.