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Second Regulation 19 Consultation – East Devon Local Plan – Responses by Chapter

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17.1

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Proposal: 17. Implementation and Monitoring

1. To which part of the Implementation and Monitoring chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 17.1

1(b). Does your comment relate to one of the changes listed above?: Yes

3. Do you consider that this part of the Implementation and Monitoring chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Implementation and Monitoring chapter is not sound. Please be as precise as possible.: Resources are needed for monitoring developments after completion to check landscaping (policy PB09 – excellent) and other ecological facilities have been installed and are being maintained. (Reference Lost Nature Report December 2024 commissioned by Wild Justice. Findings from surveys of new development sites reveal that only of the half ecological enhancements had been provided which fell to a third when tree planting was discounted.) The monitoring of the provision of 'promised or planned' infrastructure also needs to be monitored to ensure that it takes place in an agreed and timely manner.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation

Proposal: 17. Implementation and Monitoring

1. To which part of the Implementation and Monitoring chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 17.1

3. Do you consider that this part of the Implementation and Monitoring chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Implementation and Monitoring chapter is not sound. Please be as precise as possible.: The Implementation and [Monitoring] Chapter and the Monitoring Framework are not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy.

The Plan should include a more detailed Monitoring Framework which sets out the targets for housing (and other matters) that will be monitored and the triggers for action being taken, and what that action will be. Monitoring is essential to see if the Plan is delivering housing as expected. The monitoring framework is part of the way that the Plan delivers the flexibility is needed, so that the Council is able to respond to any changing circumstances.

If despite HBF views, this Plan is to proceed under the NPPF transitional arrangements and is only planning for 80% of the standard method, in order to comply with the NPPF and transitional arrangements it must include a clear commitment to Local Plan review. We would draw the Council's attention to the following examples of such a policy- Spelthorne policy (see MM12 (24) Policy ST£ <https://spelthorne.inconsult.uk/MMconsultation/consultationHome>) or the proposed policy in South Staffordshire see document SST/ED53 Council's position on an early review of the Local Plan, available here <https://www.sstaffs.gov.uk/local-plan-review-examination/examination-documents>

HBF do not support the inclusion of policies within a Local Plan that only trigger a review of the Local Plan if monitoring shows housing delivery is not occurring as expected. Such a policy does nothing to address the housing crisis or undersupply of

homes. There are other more effective and immediate measures that could be introduced into policy as well that would enable the Council to address housing under delivery, much more quickly than would be possible through the production of another plan, or plan review. It will be important the Monitoring Framework to set out what actions will be taken in case of an under delivery of housing, above and beyond the preparation of a New Local Plan.

It is important that houses are brought forward, and the matter addressed as soon as possible, if under delivery is observed. HBF would suggest, as a minimum, explicit reference should be made within the Plan's policy and monitoring framework to the potential to bring forward additional housing supply earlier. As the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites and/or include policies that would allow for additional windfall housing sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing per-missions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring.

The Plan needs to be amended to set out how and when monitoring will be undertaken, and more information is needed on what action(s) will be taken when if monitoring shows under delivery of housing. This should be in the form of a Local Plan Review Policy and supporting text. Not doing so means the plan will be ineffective and therefore unsound, and would mean it fails to comply with the transitional arrangements set out in the Dec 2024 NPPF.

3(c). Please set out the modification(s) you consider necessary to make this part of the Implementation and Monitoring 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 Implementation and Monitoring 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 Plan should include a more detailed Monitoring Framework which sets out the targets for housing (and other matters) that will be monitored and the triggers for action being taken, and what that action will be.

in order to comply with the NPPF and transitional arrangements it must include a clear commitment to Local Plan review. We would draw the Council's attention to the

following examples of such a policy- Spelthorne policy (see MM12 (24) Policy ST£ <https://spelthorne.inconsult.uk/MMconsultation/consultationHome>) or the proposed policy in South Staffordshire see document SST/ED53 Council’s position on an early review of the Local Plan, available here <https://www.sstaffs.gov.uk/local-plan-review-examination/examination-documents>.

HBF would suggest, as a minimum, explicit reference should be made within the Plan’s policy and monitoring framework to the potential to bring forward additional housing supply earlier. As the housing need and requirement figures for the Plan are minimum (not maximum) figures the Council could also specifically identify reserve sites and/or include policies that would allow for additional windfall housing sites that could/would be brought forward sooner to address any under delivery whatever the reason for that under performance. This could be a shortfall in market housing per-missions granted and/or completions, affordable housing permissions granted and/or completions and any failure against the Housing Delivery Test or local plan monitoring.

The Plan needs to be amended to set out how and when monitoring will be undertaken, and more information is needed on what action(s) will be taken when if monitoring shows under delivery of housing. This should be in the form of a Local Plan Review Policy and supporting text.

(see also 3(b))

Full name: Neil Butler

Organisation (where relevant): Natural England

Proposal: 17. Implementation and Monitoring

1. To which part of the Implementation and Monitoring chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 17.1

3(c). Please set out the modification(s) you consider necessary to make this part of the Implementation and Monitoring 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 Implementation and Monitoring 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.: Given the scale of the development at Marlcombe it may be useful for the operational status of SANG to be included in Chapter 17 Implementation and Monitoring.

17.2

Full name: Thomas Shillitoe

Proposal: 17. Implementation and Monitoring

1. To which part of the Implementation and Monitoring chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 17.2

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Implementation and Monitoring chapter is legally compliant?: No

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

Regarding the new clause within 17.2. I await further information regarding the Air Quality at East Devon Heaths SAC / SPA and delivery of the strategy for mitigation of the potential adverse impact of rising vehicle emissions on the East Devon Heaths SAC / SPA, as there is no mitigation strategy currently shown as viable and no supporting HRA (currently showing adverse impacts) for the Local Plan, it is impossible to know the implications that a strategy would have. If the strategy has implication on neighbouring LPAs such as Exeter & Teignbridge, they need to be advised and be able to comment on a Regulation 19 plan which includes the mitigation strategy (and a supporting HRA) for EDDC to believe they have complied with their Duty to co-operate. The unknown air quality mitigation strategy could have significant implications as to the viability of Exeter & Teignbridge Local Plans.

2(c). Please set out the modification(s) you consider necessary to make this part of the Implementation and Monitoring 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 Implementation and Monitoring 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.: Awaiting air quality mitigation strategy to comment in full.

3. Do you consider that this part of the Implementation and Monitoring chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Implementation and Monitoring chapter is not sound. Please be as precise as possible.: Regarding the new clause within 17.2. I await further information regarding the Air Quality at East Devon Heaths SAC / SPA and delivery of the strategy for mitigation of the potential

adverse impact of rising vehicle emissions on the East Devon Heaths SAC / SPA, as there is no mitigation strategy currently shown as viable and no supporting HRA (currently showing adverse impacts) for the Local Plan, it is impossible to know the implications that a strategy would have. If the strategy has implication on neighbouring LPAs such as Exeter & Teignbridge, they need to be advised and be able to comment on a Regulation 19 plan which includes the mitigation strategy (and a supporting HRA) for EDDC to believe they have complied with their Duty to co-operate. The unknown air quality mitigation strategy could have significant implications as to the viability of Exeter & Teignbridge Local Plans.

3(c). Please set out the modification(s) you consider necessary to make this part of the Implementation and Monitoring 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 Implementation and Monitoring 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.: Awaiting air quality mitigation strategy to comment in full.

4. Do you consider that this part of the Implementation and Monitoring chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Implementation and Monitoring chapter fails to comply with the duty to co-operate. Please be as precise as possible.: Regarding the new clause within 17.2. I await further information regarding the Air Quality at East Devon Heaths SAC / SPA and delivery of the strategy for mitigation of the potential adverse impact of rising vehicle emissions on the East Devon Heaths SAC / SPA, as there is no mitigation strategy currently shown as viable and no supporting HRA (currently showing adverse impacts) for the Local Plan, it is impossible to know the implications that a strategy would have. If the strategy has implication on neighbouring LPAs such as Exeter & Teignbridge, they need to be advised and be able to comment on a Regulation 19 plan which includes the mitigation strategy (and a supporting HRA) for EDDC to believe they have complied with their Duty to co-operate. The unknown air quality mitigation strategy could have significant implications as to the viability of Exeter & Teignbridge Local Plans.

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.: Awaiting air quality mitigation strategy to comment in full.

Full name: Grace Lewis

Organisation (where relevant): Network Rail

Proposal: 17. Implementation and Monitoring

1. To which part of the Implementation and Monitoring chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 17.2

1(b). Does your comment relate to one of the changes listed above?: Yes

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

3(a). If yes, and you wish to support the soundness of this part of the Implementation and Monitoring chapter, please use this box to set out your comments.: We support the idea of a governance body to oversee implementation of the Marcombe Transport Vision and monitoring framework, especially the reference to tracking mode share and resident surveys. Hopefully some of this data, particularly in relation to rail usage/perceptions around the rail services could be shared with us to provide strategic planning insights.

17.2 - 17.3

Full name: Steve Havers

Organisation (where relevant): National Highways

Proposal: 17. Implementation and Monitoring

1. To which part of the Implementation and Monitoring chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 17.2, 17.3

1(b). Does your comment relate to one of the changes listed above?: Yes

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

3(a). If yes, and you wish to support the soundness of this part of the Implementation and Monitoring chapter, please use this box to set out your comments.: The publication draft plan continues to advise that each policy should outline intended outcomes and how success will be monitored. We welcome the additional reference to monitoring the outcomes and successes of the Greater Exeter Transport Study under paragraph 17.2. We also note that the Marlcombe Transport Vision proposes a governance body to oversee its implementation, with a monitoring framework to track progress. We understand that the ongoing monitoring will inform future reviews of the Local Plan and associated infrastructure planning. 39. The additional monitoring requirements under paragraph 17.2 are supported. It is an objective of the Local Plan to promote sustainable transport, and it is important that the effectiveness of travel measures and overarching strategies are kept under review to identify any requirement for further action. 40. The additional paragraph 17.3 clarifies that the Council will review policies to assess the need for updates at least every five years, in accordance with National Planning Policy and relevant regulations. It is vital that monitoring of the Greater Exeter Transport Study and Marlcombe Transport Vision should inform this review process. Whilst the Marlcombe Transport Vision currently presents a framework for future monitoring, this will require further development to ensure a robust and comprehensive strategy that is able to appropriately inform future development and infrastructure decisions.

17.3

Full name: Thomas Shillitoe

Proposal: 17. Implementation and Monitoring

1. To which part of the Implementation and Monitoring chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 17.3

1(b). Does your comment relate to one of the changes listed above?: Yes

2. Do you consider that this part of the Implementation and Monitoring chapter is legally compliant?: No

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

The new 17.3 clause provides significantly greater flexibility with the Plan to review policies such that a large headroom on housing allocations (currently noticeably over EDDC's 10% target) for the full length of the plan does not need to be present. The headroom should be adjusted to be for the 5 years from the point of adoption as the Plan now states a mandatory requirement to review and update policies will be within that timescale. With this in mind, the headroom should be adjusted to be 10% x (5 years / 22 years). There is therefore limited justification for sites in more policy sensitive locations such as Exmo_20, which rely on justification or overriding need to offset potential harm or impact. Sites should be assessed against the Habitats Regulations mitigation hierarchy or other applicable legislation for sites to determine which can be removed from this Local Plan. As there is currently no Pebblebed Heaths air quality mitigation strategy or supporting Plan HRA (currently showing adverse impacts), sites closest to the SSSI units with air quality issues should be considered to be removed as a priority, such as Exmo_20.

2(c). Please set out the modification(s) you consider necessary to make this part of the Implementation and Monitoring 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 Implementation and Monitoring 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.: Remove Exmo_20 as there is no justification for its inclusion.

3. Do you consider that this part of the Implementation and Monitoring chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Implementation and Monitoring chapter is not sound. Please be as precise as possible.: The new 17.3 clause provides significantly greater flexibility with the Plan to review policies such that a large headroom on housing allocations (currently noticeably over EDDC's 10% target) for the full length of the plan does not need to be present. The headroom should be adjusted to be for the 5 years from the point of adoption as the Plan now states a mandatory requirement to review and update policies will be within that timescale. With this in mind, the headroom should be adjusted to be $10\% \times (5 \text{ years} / 22 \text{ years})$. There is therefore limited justification for sites in more policy sensitive locations such as Exmo_20, which rely on justification or overriding need to offset potential harm or impact. Sites should be assessed against the Habitats Regulations mitigation hierarchy or other applicable legislation for sites to determine which can be removed from this Local Plan. As there is currently no Pebblebed Heaths air quality mitigation strategy or supporting Plan HRA (currently showing adverse impacts), sites closest to the SSSI units with air quality issues should be considered to be removed as a priority, such as Exmo_20.

3(c). Please set out the modification(s) you consider necessary to make this part of the Implementation and Monitoring 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 Implementation and Monitoring 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 Exmo_20 as there is no justification for its inclusion.

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.: To understand why a large headroom is needed for the life of the Plan considering the 17.3 clause.