

Filtered Data Export

Full name: Alistair Macdonald

Organisation (where relevant): Blue Fox Planning Ltd

Other party name (if relevant): Persimmon Homes South West

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

2(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not legally compliant. Please be as precise as possible.: Persimmon supports the ambition of achieving Biodiversity Net Gain (BNG) based on the requirements of the Environment Act 2021. However, the requirement that major development will need to deliver BNG of "at least" 20% is not justified and is not supported by a robust evidence base.

Without such justification, the approach is considered unduly onerous to the extent that it may render some development opportunities undeliverable/unviable and the policy is therefore unlikely to be effective.

The Environment Act 2021 is clear that the starting point for BNG is 10%. Neither Strategic Policy PB05 nor its justification explain why the Plan is seeking 20% or present any evidence as to why this level of gain is considered appropriate and achievable.

The lack of evidence to support the 20% minimum requirement has been raised by various parties previously including at Regulation 18 stage as summarised in the Topic Paper relating to Chapter 13 "Protecting and enhancing our outstanding biodiversity" (February 2025, OTE-014 and CSD-007). However, and again, no justification as to why the 20% requirement has been identified is provided and therefore the figure appears entirely arbitrary.

Given the absence of clarity and justification, Strategic Policy PB05 should adopt a minimum target of 10% BNG in accordance with the Environment Act 2021

2(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Strategic Policy PB05 be amended to reflect the Environment Act 2021 as follows:

"Major 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..."

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

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.: Persimmon is a national house builder and has vast experience in delivering new homes across the country.

Persimmon also owns the Land south west of Woolbrook (Sidm_01) allocation which is intended to deliver the majority of new homes identified for the Town and it is therefore considered that Persimmon's participation at the Hearing Sessions would be useful for the appointed Inspector(s).

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Proposal:

3. The Spatial Strategy

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

Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP02

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: 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.: This representation is made on behalf of Persimmon Homes South West ("Persimmon"). As will be note from other representations submitted on its behalf, Persimmon also own the allocation proposed under Strategic Policy SD06 Land south west of Woolbrook (Sidm_01).

Persimmon has reviewed the emerging Plan's proposed approach to meeting the housing requirement, including the stepped trajectory, and believes it to be unsound insofar as it is not positively prepared, is not justified and, consequently, is unlikely to be effective.

As currently drafted, the emerging Plan proposes a stepped trajectory as follows:

- 2020/21 to 2031/32 - 850 homes per annum; and

- 2032/33 to 2041/42 - 1,070 homes per annum

Persimmon does not object specifically to the stepped trajectory approach but feels that its adoption must be fully justified and based on robust and relevant evidence including at a local level.

Whilst paragraph 3.12 of the emerging Plan states that the stepped trajectory results from a "...recognition of the complexities inherent in delivering major development sites, particularly the proposed new community...". It would appear that it is also a consequence of assumptions made on the delivery of other sites identified in the Plan.

The published evidence base for the Regulation 19 Plan includes the Housing Delivery Technical Report (HOU_001). Section 5 of that report seeks to justify the "Stepped Delivery Requirement" and refers to research conducted by Lichfields. Unfortunately, that research is not specifically named and does not appear to form part of the Plan's evidence base and therefore it is difficult to know what its basis was although we assume it is the "Start to Finish" research last updated in September 2024.

If we are correct in that assumption, it should be noted that the latest edition of "Start to Finish" predates the current version of the National Planning Policy Framework and the current standard method for calculating housing need. It is also based on monitoring data up to 1st April 2023.

"Start to Finish" is also a national study based on a wide range of sites (including both greenfield and brownfield), locations (including major cities and rural areas) and sizes and types of developments including apartments. Therefore, whilst "Start to Finish" is an extremely valuable and useful study, it may be considered something of a "blunt tool" to underpin an individual Local Plan's delivery strategy particularly in the absence of any attempt to refine its findings at a local level.

We can find no evidence that the Local Plan has attempted to consider the deliverability of proposed allocations on the basis of individual circumstances. For example, in respect of Persimmon's Sidm_001 site, HOU_001 (Appendix 4: "Allocated sites projections") suggests that first completions will not be achieved until 2032. This is presumably based on Lichfield's findings that, nationally, sites of 100+ dwellings have a median time frame of just under 5 to nearly 7 years from application validation to first completions.

There does not appear, however, any attempt in the Local Plan's evidence base to test these national findings against the performance of East Devon District Council as Local Planning Authority. In short, Persimmon does not agree that it must take 5 years from

the point of validation to achieve first completions and to simply accept this without locally based evidence demonstrates that the Plan is not positively prepared.

It also appears to suggest that an application would not be prepared or submitted before the formal adoption of the Plan which the current Local Development Scheme (February 2025) suggests will be in "late 2026".

It is, however, not uncommon for developers to prepare and submit applications to coincide with a Local Plan Examination in order to demonstrate the suitability of the proposed allocation. This is an approach that Persimmon will consider for the land south west of Woolbrook (Sidm_001).

Subject to the comments set out above, we consider a reasonable, possibly conservative, delivery programme for the site as follows:

1. Application Submitted in line with Local Plan Examination - mid 2026
2. Application determined (12 months allowed) - mid 2027
3. Pre-commencement conditions discharged - end 2027
4. Start on site and pre-occupation conditions discharged - Q2 2028
5. First completions - mid/end 2028.

Based on the above first completions on the site would therefore be achieved approximately 4 years before the date assumed by the Plan and in HOU_001.

If this scenario was replicated in respect of other proposed allocations, then this would impact on the proposed stepped trajectory and, potentially, remove the need for such an approach altogether.

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.: In order to demonstrate that the Plan is positively prepared and justified by a robust evidence base, a detailed examination of the likely delivery profile of proposed allocations of 100+ dwellings should be carried out.

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. : Persimmon is a national house builder and has vast experience in delivering new homes across the country.

Persimmon also owns the Land south west of Woolbrook (Sidm_01) allocation which is intended to deliver the majority of new homes identified for the Town and it is therefore considered that Persimmon's participation at the Hearing Sessions would be useful for the appointed Inspector(s).

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Proposal:

5. Development in the Towns and Villages

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD06

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

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: No

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

Whilst supporting the Plan in its proposed allocation of Land south-west of Woolbrook Road (Sidm_01), for the reasons set out at 4 (b), we believe that its effectiveness and therefore its soundness could be improved.

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

South-West of Woolbrook Road", Sidmouth (Sidm_01).

Persimmon fully supports the intention to allocate this land for residential use and we can confirm that the site is available, for development. in addition, Persimmon has instructed a project team in order to bring the site forward for development as envisaged by the emerging Local Plan. This project team includes the following specialisms:

- Design/Master Planning
- Highways/Accessibility
- Drainage/Flood Risk Assessment

- Ecology
- Landscape and Visual Impact.

The work undertaken by Persimmon has further confirmed that the site is appropriate, achievable and deliverable for development and will deliver much needed new homes, including affordable. In addition, the site will also assist in delivering significant benefits and localised improvements for the wider area including in respect of enhancing sustainable travel modes and surface water flooding.

Notwithstanding Persimmon's support for the principle of allocating the site for development, we are concerned at the wording of Strategic Policy SD06 in that it states "This land is allocated for development of 127 new homes...".

We consider that this wording is both too definitive and inflexible in identifying specifically exactly "127 new homes" and, further, that it is likely to underestimate the true capacity of the site in terms of dwelling numbers.

It is important that planning policies, in allocating land for development, incorporate a degree of flexibility in prescribing the amount of development anticipated to come forward on a specific site if they are to be considered effective and positively prepared.

It is therefore common practice for allocation policies to include terms such as "approximately", "in the region of" and/or "around" when identifying levels of development that are likely to be delivered. The reason for such terminology is that the true capacity of the site is only likely to be understood at planning application stage once detailed survey and design work has been completed. A definitive figure of "127 new homes" runs the risk of being unnecessarily restrictive resulting in the Plan not making the best use of land.

It is noted that the emerging Local Plan adopts a less definitive approach in respect of many of its other proposed allocations. For example:

- Land to the south of Harepath Hill (Seat_03) - "This site is allocated for around 75 dwellings" (page 88)
- Land off Harepath Road (Seat_05) - "This site is allocated for around 130 dwellings" (page 88)
- Land west of Two Bridges Road, Sidford (Sidm_06a) - "This land is allocated for development to the north of Sidford to accommodate around 30 new homes." (page 89).

Other examples demonstrating this point exist throughout the emerging Plan and we therefore request that the same approach is used for Sidm_01 with suggested wording set out in response to 4 (c) below.

Perhaps more fundamentally, we are concerned that the emerging Local Plan fails to fully recognise the true capacity of the site at Woolbrook Road. This is currently considered to be 127 dwellings which is identical to the capacity set out at Regulations 18 stage. However, whilst the site boundary and land area remains identical, it should be noted that the Regulation 18 Plan, in addition to the 127 new homes also included a requirement for 0.5ha of employment development on the site.

The employment requirement has NOT been maintained into the Regulation 19 Plan which, logically, allows for a proportionate increase in the number of new homes to be provided by the allocation.

Persimmon has investigated the site capacity in detail and has concluded that the true capacity of the site, taking into account all known constraints, is approximately 160 dwellings.

The requested amendment to the capacity of the site should also be considered in the context of comments made on behalf of Persimmon in respect of Strategic Policy SP02: Levels of future housing development and, specifically, the stepped trajectory for the delivery of new homes. Persimmon is confident that the Sidm_01 site will be delivered in full during the first period of delivery set out in SP02; that is to say 2020/21 to 2031/32. It therefore follows that increasing the capacity of the site to that which can be reasonable accommodated would play an, albeit small, role in reducing the the level of change between the two delivery periods and reduce any criticism that may be made by others of the stepped approach.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Consistent with the comments set out in response to question 4 (b), and in order to ensure that the Plan is found to be positively prepared, effective and justified, we request that policy SD06 be amended to read (changes in capitals)

"Land south-west of Woolbrook Road (Sidm_01) This land is allocated for development of AROUND 160 new homes. In order to ensure no adverse effect on the integrity of the Beer Quarry and Caves SAC and bat activities, suitable avoidance or mitigation measures will need to be identified and implemented. The development will need to maximise opportunities for localised improvements/ contributions to enhance sustainable travel modes".

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.: Persimmon is a national house builder and has vast experience in delivering new homes across the country.

Persimmon also owns the Land south west of Woolbrook (Sidm_01) allocation which is intended to deliver the majority of new homes identified for the Town and it is therefore considered that Persimmon's participation at the Hearing Sessions would be useful for the appointed Inspector(s).

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Proposal:

8. Meeting Housing Needs

1. To which part of the Meeting Housing Needs chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN02

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.: Whilst Persimmon fully supports the provision of an appropriate level of affordable housing as an important and integral part of new development, any such requirement must be supported and justified by a robust evidence base.

As currently drafted, policy HN02 sets the affordable housing requirement at different levels for different parts of the District. For example, 35% affordable housing is required at the West End, Sidmouth and Budleigh Salterton whilst 30% is required on all other local plan allocated sites. Further, 25% is required at Axminster whilst the level of provision at the second new community has yet to be defined.

Whilst the references to viability are welcomed, neither the Policy nor its justification explain why the level of affordable housing requires varies so greatly across the District.

Paragraph 8.4 of the Regulation 19 Plan does, however, state that "The policy is supported by local evidence from the East Devon Local Housing Needs Assessment...", however, any such explanation should be clearly set out in the Plan itself rather than abdicated to a separate document.

In any event, we do not consider that the Local Housing Needs Assessment (LHNA) does provide such a justification. Further the LHNA was published in September 2022 and therefore pre-dates the current National Planning Policy Framework.

Likewise, the "key supporting document" East Devon Housing Need, Supply and Requirement Interim Topic Paper (KSD-017), dated November 2022, appears to rely on the LHNA and does not explain how the affordable housing requirements were arrived at. Instead, paragraph 8.44 of KSD-017 states:

"...the current delivery forecast of 3,551 is based on a working assumption of 35% affordable housing being delivered on future qualifying sites that meet the policy criteria, with a lower 15% rate at the second new town. The overall plan viability assessment will test those assumptions, and a range of other percentages of housing to be delivered as affordable housing. The Council will review this policy requirement when relevant evidence is available, and update this section in the next version of the topic paper."

Persimmon would make the following comments on this statement:

1. The Local Plan Viability Assessment (CSD-004) tests the viability of the various affordable housing requirements across the district but does not explain or justify how the requirements were set;

2. The Viability Assessment does not attempt to investigate any site specific matters which may impact on the viability of the affordable housing requirement being met;

3. The Statement that the Council will update the position relating to affordable housing "when relevant evidence is available" appears to be a tacit acceptance that the policy is not currently supported by a robust evidence base; and

4. The Topic Paper does not appear to have been updated to support the Regulation 19 Plan.

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.: Consistent with the comments set out above, the Plan should include a detailed analysis of the affordable housing requirement and justification of the approach taken including taking into account site specific factors that may affect whether the requirement can be viably met.

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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