

Filtered Data Export

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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.:

1.1

2(b). If no, please give details of why you consider this part of the Introduction chapter is not legally compliant. Please be as precise as possible.: Consultation Draft NPPF (December 2025) It is acknowledged that the 2nd Reg 19 draft LP will be examined against the provisions of the NPPF December 2023. However, the direction of travel is material insofar as the national Development Management policies contained in the December 2025 draft NPPF will prevail if there is a conflict with Local Plan policies. There seems little point in finding local plan policies sound that we already know will ultimately attract only limited weight in the planning balance if/when the new NPPF is published – which is likely to be before the examination of this plan. A prime example of this is the proposed blanket 20% BNG requirement on all sites, as set out in Strategic Policy PB05: Biodiversity net gain (BNG).

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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.:

1.14

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

4(b). If no, please give details of why you consider this part of the Introduction chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

Duty to Cooperate We refer to an entirely new subsection in the 2nd Reg 19 draft LP entitled “Duty to co-operate and joint working with neighbouring authorities” and associated paragraph 1.14. Paragraph 1.14 refers to joint working that ran through the production of the Local Plan. We request evidence of this including meeting minutes and other documents demonstrating engagement with neighbouring authorities sufficient to meet the statutory requirement. Paragraph 1.14 also refers to Our Shared Coordinates (KSD-002) and seeks to demonstrate – albeit belatedly - that the Duty has been met in large part by the production of this document, saying that it informed the Local Plan policy and was a “key element” in ensuring the Duty was met. We note also that Duty to Cooperate (CSD-010) is dated 10/12/25, meaning it had not been prepared for the 1st Reg 19 draft LP consultation. This is a significant omission and suggests that at most only limited engagement with neighbouring authorities took place. The evidence requested above will confirm the veracity of this claim either way. The Duty to Cooperate refers to the Greater Exeter Strategic Plan (GESP). It also identifies the bodies with whom engagement is required and the key issues but fails to demonstrate that appropriate cooperation has taken place sufficient to meet the Duty’s requirements. The history of this Council’s work with neighbouring authorities includes withdrawing from the GESP as a result of political concerns over the scale of new development it proposed – development that was considered necessary at the time to meet housing and other needs. This paints a picture of a Council that is unwilling to engage with other authorities if that means accommodating additional development needs within its administrative area. Finally, at Section 5, the Duty to Cooperate document sets a timetable for engagement with relevant bodies and explains that this will be done before the examination. This is putting the cart before the horse: the whole

point of the Duty is that this engagement takes place during and throughout plan making - not afterwards - so that matters such as the spatial strategy, housing numbers and site allocations reflect the outcome of engagement. It is considered that Our Shared Coordinates and Duty to Cooperate (KSD-002) fall way short of achieving any of the claims at paragraph 1.14 and as far as we can see, there is no evidence to demonstrate the statutory Duty has been met. Based on the Council's own evidence, it is considered that it has failed comprehensively to meet the Duty to Cooperate.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

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.: Additional requirements relating to electric vehicle charging have been added cross referenced to the additional assessment work carried out in respect of the impact of vehicle emissions on the Pebblebed Heaths SAC/SPA. As EV charging is covered by the Building Regulations robust evidence is required to justify a higher standard. The technical assessments and preliminary mitigation strategy that have been produced by the Council have not been subject to full public consultation and there are serious concerns about such a significant piece of work being introduced almost by stealth as part of the draft EDLP evidence base. There are contradictory statements regarding the scope of impact between the technical assessment, mitigation strategy, and Strategic Policy PB04 and these need to be fully tested before being applied as policy. This is discussed further below in respect of Strategic Policies PB01: Protection of internationally and nationally important wildlife sites and PB04: Habitat Regulations Assessment (HRA) and Mitigation Strategies. Requirements for developers to encourage electric vehicle use are also not considered reasonable or necessary given that developers already provide EV charging in accordance with the Building Regulations and travel planning measures.

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.: Any standard needs to be properly justified. Flexibility should be included in relation to inclusion of garages as parking spaces with reference to a minimum garage size as referred to. Delete reference to electric vehicle charging

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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

1(b). Does your comment relate to one of the changes listed above?: 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 previous comments about the parking standards have not been addressed so remain valid.

Additional requirements relating to electric vehicle charging have been added cross referenced to the additional assessment work carried out in respect of the impact of vehicle emissions on the Pebblebed Heaths SAC/SPA.

As EV charging is covered by the Building Regulations robust evidence is required to justify a higher standard. The technical assessments and preliminary mitigation strategy that have been produced by the Council have not been subject to full public consultation and there are serious concerns about such a significant piece of work being introduced almost by stealth as part of the draft EDLP evidence base. There are contradictory statements regarding the scope of impact between the technical assessment, mitigation strategy, and Strategic Policy PB04 and these need to be fully tested before being applied as policy. This is discussed further below in respect of Strategic Policies PB01: Protection of internationally and nationally important wildlife sites and PB04: Habitat Regulations Assessment (HRA) and Mitigation Strategies. Requirements for developers to encourage electric vehicle use are also considered to be unreasonable and unnecessary given that developers already provide EV charging in accordance with the Building Regulations and travel planning measures.

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.: Any standard needs to be properly justified. Flexibility should be included in relation to inclusion of garages as parking spaces with reference to a minimum garage size as referred to. Delete reference to electric vehicle charging.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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.: TR03

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

2(b). If no, please give details of why you consider this part of the Sustainable Transport and Communications chapter is not legally compliant. Please be as precise as possible.: This policy, which seeks to set the parameters for Transport Statements, Transport Assessments and Travel Plans, should be amended to reflect (or simply reference) national policy and guidance on the matter, including that which is set out in the NPPF and the NPPG:

- The policy appears to have a presumption that all development proposals will need to 'secure new sustainable transport arrangements' – whereas, in many areas, existing or future active travel networks may be appropriate in themselves, without the need for 'new' infrastructure.
- C. should reference 'other committed development', in line with policy. New developments should not have to take account of the theoretical transport impacts of other sites which have no status in planning.
- D. Consideration should be given to the overall traffic effects of development across the day, rather than simply at peak times, in line with recent caselaw including the Penwortham decision (attached). Those traffic effects must be weighed as part of the overall planning balance, rather than being treated as determinative. E.g.:

307: Even if the residual cumulative impacts on the highways could be describes as severe, this does not necessarily lead to a conclusion that the appeal proposal should e refused, particularly bearing in mind that the appeal site is an allocated site in the adopted local plan. I return to this points in the planning balance. [89]

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

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.: It is considered that Policy TR03 would be better addressed as a validation requirement

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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.: TR02

1(b). Does your comment relate to one of the changes listed above?: 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.: Our previous comments have not been addressed and on further review the reference to addressing transport impact of later development is not considered to be sound. Accounting for the effects of committed development is national policy, whereas it would not be appropriate for LP policy to require developers to provide infrastructure or capacity for developments which have no status in planning and are outside of the LP period / geographical area

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.: Amend 'potential that may arise though later developments in adjoining or nearby areas' to 'potential that may arise though committed developments in adjoining or nearby areas'.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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

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

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 previous comments about the parking standards have not been addressed so remain valid. Additional requirements relating to electric vehicle charging have been added cross referenced to the additional assessment work carried out in respect of the impact of vehicle emissions on the Pebblebed Heaths SAC/SPA. As EV charging is covered by the Building Regulations robust evidence is required to justify a higher standard. The technical assessments and preliminary mitigation strategy that have been produced by the Council have not been subject to full public consultation and there are serious concerns about such a significant piece of work being introduced almost by stealth as part of the draft EDLP evidence base. There are contradictory statements regarding the scope of impact between the technical assessment, mitigation strategy, and Strategic Policy PB04 and these need to be fully tested before being applied as policy. This is discussed further below in respect of Strategic Policies PB01: Protection of internationally and nationally important wildlife sites and PB04: Habitat Regulations Assessment (HRA) and Mitigation Strategies. Requirements for developers to encourage electric vehicle use are also considered to be unreasonable and unnecessary given that developers already provide EV charging in accordance with the Building Regulations and travel planning measures.

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.: Any standard needs to be properly justified. Flexibility should be included in relation to inclusion of garages as parking spaces with reference to a minimum garage size as referred to. Delete reference to electric vehicle charging.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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.: TR03

1(b). Does your comment relate to one of the changes listed above?: 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.: This policy, which seeks to set the parameters for Transport Statements, Transport Assessments and Travel Plans, should be amended to reflect (or simply reference) national policy and guidance on the matter, including that which is set out in the NPPF and the NPPG:

- The policy appears to have a presumption that all development proposals will need to 'secure new sustainable transport arrangements' – whereas, in many areas, existing or future active travel networks may be appropriate in themselves, without the need for 'new' infrastructure.
- C. should reference 'other committed development', in line with policy. New developments should not have to take account of the theoretical transport impacts of other sites which have no status in planning.
- D. Consideration should be given to the overall traffic effects of development across the day, rather than simply at peak times, in line with recent caselaw including the Penwortham decision (attached). Those traffic effects must be weighed as part of the overall planning balance, rather than being treated as determinative. E.g.:

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.: It is considered that Policy TR03 would be better addressed as a validation requirement.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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.: TR02

1(b). Does your comment relate to one of the changes listed above?: No

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.: Our previous comments have not been addressed and on further review the reference to addressing transport impact of later development is not considered to be sound. Accounting for the effects of committed development is national policy, whereas it would not be appropriate for LP policy to require developers to provide infrastructure or capacity for developments which have no status in planning and are outside of the LP period / geographical area

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.: Amend 'potential that may arise though later developments in adjoining or nearby areas' to 'potential that may arise though committed developments in adjoining or nearby areas'.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): WainHomes (South West) Ltd

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

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

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 previous comments about the parking standards have not been addressed so remain valid. Additional requirements relating to electric vehicle charging have been added cross referenced to the additional assessment work carried out in respect of the impact of vehicle emissions on the Pebblebed Heaths SAC/SPA. As EV charging is covered by the Building Regulations robust evidence is required to justify a higher standard. The technical assessments and preliminary mitigation strategy that have been produced by the Council have not been subject to full public consultation and there are serious concerns about such a significant piece of work being introduced almost by stealth as part of the draft EDLP evidence base. There are contradictory statements regarding the scope of impact between the technical assessment, mitigation strategy, and Strategic Policy PB04 and these need to be fully tested before being applied as policy. This is discussed further below in respect of Strategic Policies PB01: Protection of internationally and nationally important wildlife sites and PB04: Habitat Regulations Assessment (HRA) and Mitigation Strategies. Requirements for developers to encourage electric vehicle use are also not considered reasonable or necessary given that developers already provide EV charging in accordance with the Building Regulations and travel planning measures.

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.: Any standard needs to be properly justified. Flexibility should be included in relation to inclusion of garages as parking spaces with reference to a minimum garage size as referred to. Delete reference to electric vehicle charging.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): WainHomes (South West) Ltd

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

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

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 previous comments about the parking standards have not been addressed so remain valid. Additional requirements relating to electric vehicle charging have been added cross referenced to the additional assessment work carried out in respect of the impact of vehicle emissions on the Pebblebed Heaths SAC/SPA. As EV charging is covered by the Building Regulations robust evidence is required to justify a higher standard. The technical assessments and preliminary mitigation strategy that have been produced by the Council have not been subject to full public consultation and there are serious concerns about such a significant piece of work being introduced almost by stealth as part of the draft EDLP evidence base. There are contradictory statements regarding the scope of impact between the technical assessment, mitigation strategy, and Strategic Policy PB04 and these need to be fully tested before being applied as policy. This is discussed further below in respect of Strategic Policies PB01: Protection of internationally and nationally important wildlife sites and PB04: Habitat Regulations Assessment (HRA) and Mitigation Strategies. Requirements for developers to encourage electric vehicle use are also not considered reasonable or necessary given that developers already provide EV charging in accordance with the Building Regulations and travel planning measures.

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.: Any standard needs to be properly justified. Flexibility should be included in relation to inclusion of garages as parking spaces with reference to a minimum garage size as referred to. Delete reference to electric vehicle charging.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): WainHomes (South West) Ltd

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

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

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 previous comments about the parking standards have not been addressed so remain valid. Additional requirements relating to electric vehicle charging have been added cross referenced to the additional assessment work carried out in respect of the impact of vehicle emissions on the Pebblebed Heaths SAC/SPA. As EV charging is covered by the Building Regulations robust evidence is required to justify a higher standard. The technical assessments and preliminary mitigation strategy that have been produced by the Council have not been subject to full public consultation and there are serious concerns about such a significant piece of work being introduced almost by stealth as part of the draft EDLP evidence base. There are contradictory statements regarding the scope of impact between the technical assessment, mitigation strategy, and Strategic Policy PB04 and these need to be fully tested before being applied as policy. This is discussed further below in respect of Strategic Policies PB01: Protection of internationally and nationally important wildlife sites and PB04: Habitat Regulations Assessment (HRA) and Mitigation Strategies. Requirements for developers to encourage electric vehicle use are also not considered reasonable or necessary given that developers already provide EV charging in accordance with the Building Regulations and travel planning measures.

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.: Any standard needs to be properly justified. Flexibility should be included in relation to inclusion of garages as parking spaces with reference to a minimum garage size as referred to. Delete reference to electric vehicle charging.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

1(b). Does your comment relate to one of the changes listed above?: 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 additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

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.: Policy should be deleted.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.: PB01

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

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.:

These policies have been significantly amended. Strategic Policy PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations. Strategic Policy PB04 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy beak clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to offsite mitigation measures. The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected and there is inconsistency across the relevant documents. The Technical Assessment which underpins this new requirement concludes that: “In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler. A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features:
- European dry heaths
- European nightjar *Caprimulgus europaeus*

- Dartford warbler *Sylvia undata* In the following area of the site: o North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14); o East/West along the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8);
- Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and o Dalditch Common, < 150 m from the road (SSSI unit 13)”

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, Tipton St John are likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA. The Viability Addendum also notes that the mitigation will not be required across of all East Devon. As such the policy wording, technical evidence, and viability report are inconsistent and contradictory in terms of the scope and application of this new policy requirement. Given this uncertainty the reference to the break clause, which could effectively impose an embargo on development in the district, is alarming. How this would be applied and the impact this could have on housing supply and delivery in the district needs to be fully assessed. Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed. A “long list” of potential mitigation measures are identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy. The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested. There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process. This does not amount to “limited new material” as stated at the start of the consultation draft.

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.: The additional reference to the The Pebblebed Heaths Air Quality Mitigation Strategy should be deleted.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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

1(b). Does your comment relate to one of the changes listed above?: 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.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

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.: This policy should be deleted.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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

1(b). Does your comment relate to one of the changes listed above?: 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 additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

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.: Policy should be deleted.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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.: PB01

1(b). Does your comment relate to one of the changes listed above?: 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 PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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

1(b). Does your comment relate to one of the changes listed above?: 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 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy beak clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to off site mitigation measures.

The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected. The Technical Assessment which underpins this new requirement concludes that: “In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler.

A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the

HRA Stage 1 screening undertaken in this technical report, focussing on the following features:

- European dry heaths
- European nightjar *Caprimulgus europaeus*
- Dartford warbler *Sylvia undata*

In the following area of the site: o North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14); o East/West along the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8); • o Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and o Dalditch Common, < 150 m from the road (SSSI unit 13)”

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, Tipton St John are likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA. The Viability Addendum also notes that the mitigation will not be required across of all East Devon. As such the policy wording, technical evidence, and viability assessment are inconsistent and contradictory in terms of the scope and application of this new policy requirement.

Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed. A “long list” of potential mitigation measures is identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy. The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested. There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process. This does not amount to “limited new material” as stated at the start of the consultation draft and does not meet the NPPF test of soundness.

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.: The additional reference to the The Pebblebed Heaths Air Quality Mitigation Strategy should be deleted.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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

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.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

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.: This policy should be deleted.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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(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 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy beak clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to off site mitigation measures. The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected. The Technical Assessment which underpins this new requirement concludes that: “In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler. A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features: European dry heaths
- European nightjar *Caprimulgus europaeus*
- Dartford warbler *Sylvia undata* In the following area of the site: o North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14); o East/West along

the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8); • o Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and o Dalditch Common, < 150 m from the road (SSSI unit 13)”

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, Tipton St John are likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA. The Viability Addendum also notes that the mitigation will not be required across of all East Devon. As such the policy wording, technical evidence, and viability assessment are inconsistent and contradictory in terms of the scope and application of this new policy requirement. Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed. A “long list” of potential mitigation measures is identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy. The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested. There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process. This does not amount to “limited new material” as stated at the start of the consultation draft and does not meet the NPPF test of soundness.

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.: Policy should be deleted.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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.: PB01

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

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 PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

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

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.: The additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

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.: Policy should be deleted.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

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

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.: These policies have been significantly amended. Strategic Policy PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations. Strategic Policy PB04 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy break clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to offsite mitigation measures. The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected and there is inconsistency across the relevant documents. The Technical Assessment which underpins this new requirement concludes that: "In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler. A mitigation strategy ("ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1") has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features: European dry heaths
- European nightjar *Caprimulgus europaeus*

- Dartford warbler *Sylvia undata* In the following area of the site:
 - o North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14);
 - o East/West along the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8);
- o Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and
- o Dalditch Common, < 150 m from the road (SSSI unit 13)”

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, and Tipton St John as being likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA. The Viability Addendum notes that the mitigation will not be required across of all East Devon. As such the policy wording, technical evidence, and viability report are inconsistent and contradictory in terms of the scope and application of this new policy requirement. Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed. A “long list” of potential mitigation measures are identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy. The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested. There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process. This does not amount to “limited new material” as stated at the start of the consultation draft.

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.: The additional reference to the The Pebblebed Heaths Air Quality Mitigation Strategy should be deleted.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

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

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 additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

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.: This policy should be deleted.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

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

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 additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

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.: Policy should be deleted.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.: PB01

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

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.: These policies have been significantly amended. Strategic Policy PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations. Strategic Policy PB04 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy break clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to off site mitigation measures. The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected and there is inconsistency across the relevant documents. The Technical Assessment which underpins this new requirement concludes that: “In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler. A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features:
- European dry heaths
- European nightjar *Caprimulgus europaeus*

- Dartford warbler *Sylvia undata* In the following area of the site: North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14); o East/West along the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8); • o Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and o Dalditch Common, < 150 m from the road (SSSI unit 13)” However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, Tipton St John as being likely to be the allocations the most traffic to roads passing through the SAC and SPA. The Viability Addendum also notes that the mitigation will not be required across of all East Devon. As such the policy wording, technical evidence, and viability report are inconsistent and contradictory in terms of the scope and application of this new policy requirement. Given this uncertainty the reference to the break clause, which could effectively impose an embargo on development in the district, is alarming. How this would be applied and the impact this could have on housing supply and delivery in the district needs to be fully assessed. Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed. A “long list” of potential mitigation measures are identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy. The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested. There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process. This does not amount to “limited new material” as stated at the start of the consultation draft.

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.: The additional reference to the The Pebblebed Heaths Air Quality Mitigation Strategy should be deleted.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

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

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 additional supporting text which refers to the “significant nature conservation assets” and “environmental designations” within East Devon are not considered sufficient justification for the higher BNG % being proposed as these assets and designations are protected through other mechanisms and policies in the draft EDLP.

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.: This policy should be deleted.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.: PB01

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

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.:

These policies have been significantly amended. Strategic Policy PB01 is not considered necessary as it simply restates the existing requirements of the Habitat Regulations. Strategic Policy PB04 has been significantly amended with the expanded reference to mitigating vehicle emissions on protected areas and in particular the Pebblebed Heaths (as referenced above in respect of Policy TR04). The additional text effectively sets out:

- That development in large parts of the district could impact the Pebblebed Heaths.
- Application of a policy break clause which could see development refused.
- Requirements for assessment and monitoring.
- Requirement for financial contributions to off site mitigation measures. The policy does not identify any catchment or impact zone for these impacts which introduces significant uncertainty for new developments as to whether or not they will be affected and there is inconsistency across the relevant documents. The Technical Assessment which underpins this new requirement concludes that: “In summary, for the EDLP in isolation and in-combination, any LSE from airborne NOx can be discounted for all qualifying features across the site. For the remaining pollutants, LSE can be completely discounted for some features and some areas of the site, however the potential for adverse impacts remains in some areas of the site, for European dry heaths, the European nightjar and the Dartford warbler. A mitigation strategy (“ED21793_East Devon Pebblebed Heaths_Mitigation Strategy_i1”) has been developed in parallel with and drawing on the outputs from the HRA Stage 1 screening undertaken in this technical report, focussing on the following features:
- European dry heaths
- European nightjar *Caprimulgus europaeus*

- Dartford warbler *Sylvia undata* In the following area of the site: o North/South along the B3180, < 400 m from the road (SSSI units 1, 6, 7, 9, 10, 11, 14); o East/West along the A3052 Exeter Road, < 600 m from the road (SSSI units 7,8); • o Bystock Nature Reserve & Withycombe Raleigh Common adjacent to B3179, < 300 m from the road (SSSI units 15, 16); and o Dalditch Common, < 150 m from the road (SSSI unit 13)”

However, the preliminary Mitigation Strategy (the detailed mitigation strategy is noted as still being in production) refers to proposed allocations in Sidmouth and Seaton, as well as service centres in East Budleigh, Woodbury and Otterton, Tipton St John are likely to be the allocations that contribute the most traffic to roads passing through the SAC and SPA. The Viability Addendum also notes that the mitigation will not be required across of all East Devon. As such the policy wording, technical evidence, and viability assessment are inconsistent and contradictory in terms of the scope and application of this new policy requirement. Given this uncertainty the reference to the break clause, which could effectively impose an embargo on development in the district, is alarming. How this would be applied and the impact this could have on housing supply and delivery in the district needs to be fully assessed. Reference is made in the Mitigation Strategy to consultation with Stakeholders, but this did not include any representatives from the development industry or members of the public. As such this has not been properly scrutinised or independently assessed. A “long list” of potential mitigation measures are identified at Section 13.20 of the draft EDLP supporting text but the majority of these measures will be reliant on third party delivery. It is not clear who will be responsible for monitoring impacts and how the mitigation measures will be implemented in the absence of the detailed mitigation strategy. The Viability Assessment Addendum does address the additional costs of this mitigation using a ‘reasonable allowance’ agreed with the Council of £112 per dwelling however, as noted above, this has not had any inputs from the development industry. The listed measures are very broad in their scope and so could have significantly varied costs which need to be properly tested. There are serious concerns about such a significant piece of work with potentially serious implications on development viability and delivery being introduced almost by stealth at such a late stage in the LP process. This does not amount to “limited new material” as stated at the start of the consultation draft.

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.: The additional reference to the The Pebblebed Heaths Air Quality Mitigation Strategy should be deleted.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal: 16. Community Facilities

1. To which part of the Community Facilities chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CF02

1(b). Does your comment relate to one of the changes listed above?: No

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

3(b). If no, please give details of why you consider this part of the Community Facilities chapter is not sound. Please be as precise as possible.: The footnote reference to the Marketing Statement Guidance which sets out a minimum of 12 months marketing is noted. "Community value" is a subjective term and is not defined. An alternative wording could be "...and is at least a like for like replacement in terms of size and facilities."

3(c). Please set out the modification(s) you consider necessary to make this part of the Community Facilities 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 Community Facilities 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 should be amended to provide greater clarity.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal: 16. Community Facilities

1. To which part of the Community Facilities chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CF02

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

3(b). If no, please give details of why you consider this part of the Community Facilities chapter is not sound. Please be as precise as possible.: The footnote reference to the Marketing Statement Guidance which sets out a minimum of 12 months marketing is noted. "Community value" is a subjective term and is not defined. An alternative wording could be "...and is at least a like for like replacement in terms of size and facilities."

3(c). Please set out the modification(s) you consider necessary to make this part of the Community Facilities 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 Community Facilities 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 should be amended to provide greater clarity.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

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

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.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

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.: The policy should be deleted.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

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

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.: Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

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.: This policy should be deleted.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

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

Deletion of the requirement for a financial bond supported but the requirements set out at A and B are still considered unnecessary for both the applicant and the Council. No evidence has been presented to demonstrate that the new requirements are necessary. This is a role for the Council as enforcement authority following the introduction of a standard landscape planning condition.

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.: This policy should be deleted.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal:

2. The Vision

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

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

2.1

1(b). Does your comment relate to one of the changes listed above?: No

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

3(a). If yes, and you wish to support the soundness of this part of the Vision chapter, please use this box to set out your comments.: Local Plan Vision Statement All previous comments regarding the lack of references in the Vision Statement to meeting development need, and in particular housing need, remain valid

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal:

2. The Vision

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

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

2.1

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

3(a). If yes, and you wish to support the soundness of this part of the Vision chapter, please use this box to set out your comments.: CarneySweeney on behalf of DABB Partnership

DABB Partnership reiterates its support for the aspirations of the plan to raise standards and deliver high quality development and good design and the need to assess and mitigate the impacts of development, subject to the following caveats:

- All proposed local policies must be justified.
- Potential impacts on viability and deliverability must be properly understood.
- Policies should not seek to unnecessarily replicate the NPPF or Building Regs (or other regulatory regimes).
- Policies should not be drafted in such a way that they hinder or discourage development.
- Where any standards or thresholds are set out there needs to be flexibility built into the policy to take account of site specific, technical feasibility and viability considerations.

Local Plan Vision Statement All previous comments regarding the lack of references in the Vision Statement to meeting development need, and in particular housing need, remain valid

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

Proposal:

2. The Vision

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

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

2.1

1(b). Does your comment relate to one of the changes listed above?: No

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

3(b). If no, please give details of why you consider this part of the Vision chapter is not sound. Please be as precise as possible.: It is notable that the Local Plan Vision statement does not refer to the allocation and delivery of enough land to meet housing needs, reflecting Section 5 of the Framework. The requirement for Development Plans to be consistent with the Framework is a central tenet to plan-making and therefore it is a prominent omission to not state support for the Government's objective of "significantly boosting the supply of homes", provided at Paragraph 61 of the Framework.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Viability It is noted that financial implications of the Building Safety Level are now addressed in the Viability Addendum (VA). However, the VA retains 6% for professional fees for larger sites on the basis that: "The allowances for professional fees are within the ranges of viability assessments found sound at EiP, including locally as part of the Cranbrook Plan DPD and the Teignbridge Local Plan." www.carneysweeney.co.uk CARNEYSWEENEY.CO.UK BIRMINGHAM | CARDIFF | EXETER | LONDON We reiterate our view that 6% for professional fees is not an appropriate figure for larger sites and is not supported by RICS valuation guidance. This is closer to 8% - 10%, so this should be reflected in the Viability Addendum.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.:

3.9

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Paragraph 3.9 refers to addressing housing needs by establishing a clear housing requirement based on the New Standard Method. To clarify, the 2nd Reg 19 draft LP only has to meet 80% of the New Standard Method housing need as a minimum.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.:

3.8

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Housing Targets / Delivery

The proposed housing targets and stepped trajectory have not been amended and so our previous comments regarding the validity of this approach remain valid. While associated paragraph 3.8 has been amended to identify that the plan will be reviewed/updated if housing delivery falls short or future housing needs change, this is not considered sufficiently robust or clear as to how and when this would take place.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.: SD03

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::
Honi_10

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.: *** Personal details have been removed *** fully endorses the allocation of site Honi_10 but considers that the policy should be amended to reflect that the site has outline consent granted 14 August 2025 under application 23/1897/MOUT. The following further changes are requested to the site allocation policy (deleted text struck through and new text underlined in red): This land is allocated for 21 homes and benefits from an existing outline consent which demonstrates that 21 homes can be delivered on the site and will form a small-scale development on the northern side of Honiton.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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

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

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

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.: CarneySweeney on behalf of DABB Partnership

Housing Targets / Delivery The proposed housing targets and stepped trajectory set by Strategic Policy SP02: Levels of future housing development have not been amended and so our previous comments regarding the validity of this approach remain valid. While associated paragraph 3.8 has been amended to identify that the plan will be reviewed/updated if housing delivery falls short or future housing needs change, this is not considered sufficiently robust or clear as to how and when this would take place. Paragraph 3.9 refers to addressing housing needs by establishing a clear housing requirement based on the New Standard Method. To clarify, the 2nd Reg 19 draft LP only meets around 80% of the New Standard Method housing need.

The identified 'headroom surplus' for housing supply at paragraph 3.11 has increased to 12.18% but this is due to the accounting period being adjusted to 2025 rather than additional allocations being identified. The previous comments and concerns about the identified number and stepped trajectory remain and it is considered a 20% buffer would be more robust and in line with national policy.

The previous comments about the apparent conflict between Strategic Policy HN02 (Affordable Housing), and Policy SP06 regarding the certainty of windfall development also remain valid.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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 identified 'headroom surplus' for housing supply at paragraph 3.11 has increased to 12.18% but this is due to the accounting period being adjusted to 2025 rather than additional allocations being identified. The previous comments and concerns about the identified number and stepped trajectory remain and it is considered a 20% buffer would be more robust and in line with national policy.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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.:

3.9

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Paragraph 3.9 refers to addressing housing needs by establishing a clear housing requirement based on the New Standard Method. To clarify, the 2nd Reg 19 draft LP only has to meet 80% of the New Standard Method housing need as a minimum.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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.:

3.8, 3.9

1(b). Does your comment relate to one of the changes listed in the table above?: 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 proposed housing targets and stepped trajectory set by Strategic Policy SP02: Levels of future housing development have not been amended and so our previous comments regarding the validity of this approach remain valid. While associated paragraph 3.8 has been amended to identify that the plan will be reviewed/updated if housing delivery falls short or future housing needs change, this is not considered sufficiently robust or clear as to how and when this would take place.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: Transitional

Arrangements It is considered that the Council is unable to rely on the transitional arrangements set out in the NPPF 2024 by virtue of the approach it has taken to the publication of two Regulation 19 Local Plans and the significant changes that have been made to the 1st Reg 19 draft LP and its evidence base. The PPG contains the relevant guidance on this matter, which is set out below in full: How do the implementation aspects of the NPPF apply to plans where more than one round of Regulation 19 consultation has been undertaken? Some local planning authorities may undertake more than one round of Regulation 19 consultation on a plan. Where this is the case, for the purposes of implementing Annex 1 of the Framework, a plan is normally to be taken as having reached the Regulation 19 stage at the date on which the first round of Regulation 19 consultation commenced. However, in some limited circumstances, a plan is to be taken as having reached Regulation 19 on the date that a subsequent round of consultation commenced. These limited circumstances could include instances such as when the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage. Paragraph: 86 Reference ID:61-086-20250616 Revision date: 26 06 2025 Changes to the Local Plan The above amendment to the PPG was introduced after the 1st Reg 19 draft LP was published for consultation and constitutes a material change in the policy context regarding the application of the transitional arrangements. The PPG cites one example of the limited circumstances that include [our emphasis] a scenario whereby a plan has reached Regulation 19 only on the date that a subsequent draft plan has been published which has changed significantly from the initial Regulation 19 plan. It is considered that this scenario applies in this case because significant changes have been introduced into the 2nd Reg

19 draft LP. These changes can be seen plainly in the tracked change version of the 2nd Reg 19 draft LP available on the Council's on-line Examination page and include:

1. Amendments that seek to address legal compliance shortcomings and respond to consultation comments on the 1st Reg 19 draft LP:

- **Duty to Co-operate:** New section and footnote at 1.14 seeking to justify the (in our view inadequate) approach taken to the Duty to Co-operate. Amendments to numerous policies including: ? Significant changes to Strategic Policy WS01 Marlcombe ? Numerous site allocation policies (see below). ? Strategic Policy AR02: Water Efficiency. Amended to also relate to water quality, with a suite of new requirements placed on applicants. See also "Changes to the Evidence Base" below. ? Strategic Policy PB01: Protection of internationally and nationally important wildlife sites (policy and text), with the introduction of "very demanding tests". ? Strategic Policy PB04: Habitat Regulations Assessment (HRA) and mitigation strategies (policy and text). ? Seeking to justify 20% BNG in Strategic Policy PB05: Biodiversity Net Gain (BNG) ? Policy PB09: Monitoring requirements for new planting schemes. It is considered that a number of these policies risk prejudicing housing delivery on allocated, windfall and other sites by imposing unjustified and unreasonable demands on applicants and restrictions on the scale of new development.

2. New provisions that arise from new evidence and work undertaken by the Council since the 1st Reg 19 draft LP: It is evident that when the Council set its two stage Regulation 19 strategy, it was envisaged that only matters of policy detail in respect of Strategic Policy WS01 would be added and be informed by ongoing evidence work. This is made clear on Page 5 of the tracked changes to the 2nd Reg 19 draft LP. What is clear with the publication of the 2nd Regulation 19 draft LP is that the exercise to complete the necessary evidence work and fill in the policy gaps was in fact extensive and significant. Changes to the Evidence Base The PPG does not define other limited circumstances, but it does imply quite clearly that significant changes to the plan itself are not the only circumstances in which a plan would not benefit from the transitional arrangements. It is considered that another limited circumstance could include the introduction of new and significantly different evidence prepared in connection with the emerging plan. This is considered to apply in this case and relates to the following extensive suite of evidence that was uploaded in November 2025, being new evidence that was not presented in connection with the 1st Reg 19 draft LP. Second Regulation 19 Publication Draft Local Plan Sustainability Appraisal report November 2025 (CSD-003 rev)

- East Devon Local Plan Viability Assessment Addendum (CSD-004a) Habitats Regulations Assessment of the East Devon Local Plan 2020 – 2040 (Second Regulation 19 Publication Draft Plan – Autumn 2025) (CSD-006 rev b)

- Equalities Impact Assessment (2nd Reg 19) November 2025 (CSD_008(rev))

- Statement of Representations Procedure November 2025 (CSD_009(rev))
- Duty to Cooperate – Statements of Common Ground December 2025 (CSD_010 a-d)
- Statement of Community Involvement (SCI) November 2025 (CSD-011)
- Duty to Co-operate 10/12/25 (KSD-002)
- Infrastructure Delivery Plan November 2025 - Version 02 (KSD_001 (rev))
- Settlement Boundaries Topic Paper November 2025 (KSD-010(rev))
- Technical Assessment of Housing Delivery November 2025 (HOU-001)
- East Devon Local Housing Needs Assessment (Oct 2025) (HOU-002(rev))*
- Method options for calculating housing requirements for designated neighbourhood Areas in East Devon November 2025 (HOU-013)
- Custom and Self-Build Topic Paper November 2025 (HOU—015)
- South East Devon Wildlife – Joint Habitats Sites Mitigation Strategy November 2025 (ENV_009(rev))
- Mitigation of Air Quality Impacts – East Devon Pebblebed Heaths – Technical Report October 2025 (ENV-033)
- Mitigation Strategy for Air Quality Impacts – East Devon Pebblebed Heaths November 2025 (ENV-034)
- Coastal Change Topic Paper (Oct 2025) (CCF-005 (rev))
- The East Devon Water Cycle Study Revised, November 2025 (13 November 2025) (CCF-001)
- Adaption and Resilience to Climate Change: Flood Risk Second regulation 19 consultation September 2025 (CCF-004(rev))
- Adaption and Resilience to Climate Change: Coastal Change Second reg 19 consultation version 02 November 2025 (CCF-005(rev))
- Evidence for Increased Water Efficiency November 2025 (CCF-026)**
- Catchment data Explorer – East Devon Management Catchment November 2025 (CCF_028)***
- Catchment Data Explorer – South West Trac Management Catchment November 2025 (CCF-029)***
- Catchment Data Explorer – Lyme Bay East water Body November 2025 (CCF-030)***
- Transport – Various Site Assessments – (TRI_023b), (TRI-027)

- Transport evidence – Empirical Data Report March 2025, uploaded November 2025 (TRI-026)

- Greater Exeter Transport Study Mitigation Modelling (September 2025) uploaded November 2025 (TRI-029) • Greater Exeter Transport Study Technical Note 1 (August 2025) uploaded November 2025 (TRI-030 and 030a)

- Greater Exeter Local Plan Growth – Vissim Modelling November 2025 (TRI-033)

- Heritage Study 2024 – 2042 uploaded November 2025 (HRD-004)

- Various site selection reports uploaded in November 2025

- A Vision for Marlbcombe September 2025

- Strategic Outline Business Case for Marlbcombe - Phase 1 (Executive Summary) (September 2025) (NWS-005) *With paragraph 8.4 noting that more detailed guidance will be issued and specific guidance may be needed for Marlbcombe. **Dated July 2024, but not uploaded until November 2025 ***EA data updated 17.03.25, but not uploaded until November 2025 The assessment at Appendix 1 sets out the key differences in the Sustainability Appraisal prepared in connection with the 1st Reg 19 draft LP and the November 2025 version. Planning Officer Advice on the PPG The extracts below are from the Council's Strategic Planning Committee on 02.09.25. Officers considered that examples of other limited circumstances under the PPG could be: Officers clearly grappled with the issues raised in the PPG. They advised that one of more substantial changes could make the Council vulnerable, as could a larger number of smaller changes or a mixture of the two. It is considered that the 2nd Reg 19 draft LP makes a number of substantial changes together with scores of smaller changes (or varying degree of scale) that amount to significant cumulative change, contrary to the PPG. In producing the 2nd Reg 19 draft LP, this advice was clearly not heeded by the very officers who drafted it. Consultation Draft NPPF (December 2025) It is acknowledged that the 2nd Reg 19 draft LP will be examined against the provisions of the NPPF December 2023. However, the direction of travel is material insofar as the national DM policies contained in the consultation draft NPPF will prevail if there is a conflict with Local Plan policies. There seems little point in finding local plan policies sound that we already know will ultimately attract only limited weight in the planning balance if/when the new NPPF is published – which is likely to be before the examination of this plan. A prime example of this is the proposed blanket 20% BNG requirement on all sites, as set out in Strategic Policy PB05: Biodiversity Net Gain (BNG). *** Personal details have been removed *** MP's letter to PINS dated 30 July 2024 *** Personal details have been removed *** MP's letter to the Chief Executive of The Planning Inspectorate dated 30 July 2024 states that: "Section 20 of the Planning and Compulsory Purchase Act 2004 provides that a local planning authority must not submit a local plan unless they have complied with relevant legislative requirements, and they think the plan is ready for

independent examination by a Planning Inspector. Accordingly, an authority should not be submitting for examination a deficient plan believing the Inspector will use significant time and resource during the examination to 'fix it'. The very act of publishing the 2nd Reg 19 draft LP indicates that the Council decided that 1st Reg 19 draft LP was not ready for public examination. It is considered that the changes needed to the 1st Reg 19 draft LP and its associated evidence base have, out of necessity, been so significant as to prevent the Council from claiming it benefits from the transitional arrangements. It is also arguable whether even the 2nd Reg 19 draft LP is ready for examination, given the legal and technical deficiencies in the plan and its evidence base as described above and in representations submitted in connection with the 1st Reg 19 draft LP. The scope and nature of our representations in tandem with the above analysis confirms that the 1st Reg 19 draft LP was not ready for publication. However, it was published regardless solely with the aim of meeting the transitional provisions in the December 2024 NPPF. As a result, the Council was able to postpone the challenge of having to meet the full housing need identified in the New Standard Method - an additional 5,227* dwellings over the Plan period - until some unknown point in the future and very probably, after local government reorganisation. This approach is consistent with the Council's withdrawal from GESP and its approach of allocating sites for development but then imposing significant policy obstacles to delivery. *A report to the Council's Strategic Planning Committee on 02.09.25 confirmed that the New Standard Method housing need was 1,188 per annum, amounting to 26,136 homes over the Plan period. This compares to the minimum of 20,909 homes that the Council needs to provide under the transitional arrangements - some 5,227 homes less than the New Standard Method need. Despite the subsequent publication of the above PPG paragraph, the Council had little choice but to press ahead and publish the 2nd Reg 19 draft LP in November 2025 and claim that only limited changes had been made, even though it quite clearly incorporated significant changes to both the 1st Reg 19 draft LP and its associated evidence base. Based on the Council's own evidence, it is considered that it has failed comprehensively to meet the Duty to Cooperate. Accordingly, it is considered that the 2nd Reg 19 draft LP should not be permitted to proceed in accordance with the transitional arrangements. This would mean that a new or amended plan should be produced that allocates sufficient sites to meet housing need in the New Standard Method in full. The concept of Marlcombe as a New Town is supported. However, it is considered that there remain significant gaps in the evidence relating to deliverability and phasing because of the absence of a fully costed Infrastructure Delivery Plan and business case supporting the ambitious policy aspirations for the delivery of services and facilities (for example the education hub) in early phases. Even if it is found that the 2nd Reg 19 draft LP does satisfy the transitional arrangements and the PPG, and putting to one side our concerns about the Duty to Cooperate (see previous representation and above), it is considered that it should be amended as follows:

1. To address the matters on specific policy-related matters identified in our representations on the 1st and 2nd Reg 19 draft LP's (above and attached).
 2. To allocate our client's site for a new village of up to 2,000 homes to complement Marlcombe and deliver the remaining 2,000 homes (that are not allocated in the 2nd Reg 19 draft LP), being the very least that are needed for Marlcombe to achieve New Town status.
- 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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

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.: Up to 2031/32, the Council indicate a trajectory to deliver 850 dwellings per year on average, with the remaining plan period from 2032/33 onwards to deliver an annual average of 1,070 dwellings per year. Whilst this averages out to provide for the required housing need, it means that for the first part of the plan-period, the LPA will be under-delivering against their identified housing need and more than likely unable to demonstrate a five-year housing land supply within the early parts of the plan-period, as evidenced by Appendix 1 of the Draft Local Plan. This approach appears to be at odds with the Framework, in particular, the requirement to “meet the area’s objectively assessed needs”. It is, effectively, a workaround, where the LPA will only be delivering 70% of the housing requirement, which would be averaged out by delivery later in the plan period, for the Plan to continue to be assessed against the previous version of the Framework and therefore requiring 80% of the housing requirement to be planned for. Elsewhere in the Draft Local Plan, notably in Strategic Policy HN02 (Affordable Housing), it is referenced that 35% affordable housing would be a target for windfall development outside settlement boundaries. This appears at odds with Policy SP06 which restricts development outside settlement boundaries, presenting concerns about the level of contribution that windfall sites will provide to meeting housing need. Paragraph 75 of the Framework is clear that there should be “compelling evidence” that windfall sites will provide a reliable source of supply. The current wording of Policy SP06 does not provide confidence that development on windfall sites will be a reliable source of supply. In combination, the restrictive nature of Policy SP06, and the reliance of larger sites to deliver the required housing need later in the plan-period cemented by Policy SP02, presents the prospect of a deteriorating housing supply position from the point of adoption within the first half of the plan period. The Framework is clear that planning

policies “should identify opportunities for villages to grow and thrive, especially where this will support local services”. The restrictive nature of Policies SP02 and SP06 is at odds with the clear intention of what the Framework is aspiring to achieve. Furthermore, the Framework is clear that strategic policies should provide for objectively assessed needs “as a minimum”.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

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

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.:

-

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.: We support the spatial strategy contained within Policy SP01 which identifies Kilminster as a Service Village where the Draft Plan seeks to allow limited development. This is reflective of the amenities available within Kilminster which are located in proximity to the site. However, only two allocations are proposed for the settlement set to deliver 28 new homes in total over the plan period. East Devon Strategic Planning Committee decided not to allocate the site at the meeting dated 20th September 2024. The Report, prepared by Officers in advance of the meeting, proposed not to allocate the site due to development likely having "significant landscape impact". This assertion of significant landscape impact is not justified and ignores the Council's own site assessment carried out in preparation of the Report. The Council contends that the site has a very high landscape value but a low to medium visibility due to mature trees at its boundary. The Council has also failed to recognise the extant planning permission on the site which not only secures the principle of residential development but also contains written commentary from the Council within the Officer Report that the landscape impact would largely be negligible with some moderate adverse impacts from Silver Street. As such, the Council failed to appropriately justify the decision to omit Kilm_05 as a draft allocation in the Local Plan.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.:

3.8

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Housing Targets / Delivery

The proposed housing targets and stepped trajectory have not been amended and so our previous comments regarding the validity of this approach remain valid. While associated paragraph 3.8 has been amended to identify that the plan will be reviewed/updated if housing delivery falls short or future housing needs change, this is not considered sufficiently robust or clear as to how and when this would take place. Paragraph 3.9 refers to addressing housing needs by establishing a clear housing requirement based on the New Standard Method. To clarify, the 2nd Reg 19 draft LP only has to meet 80% of the New Standard Method housing need as a minimum. As noted above, the identified 'headroom surplus' for housing supply has increased to 12.18% but this is due to the accounting period being adjusted to 2025 rather than additional allocations being identified. The previous comments and concerns about the identified number and stepped trajectory remain and it is considered a 20% buffer would be more robust and in line with national policy.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.:

3.9

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Housing Targets / Delivery

The proposed housing targets and stepped trajectory have not been amended and so our previous comments regarding the validity of this approach remain valid. While associated paragraph 3.8 has been amended to identify that the plan will be reviewed/updated if housing delivery falls short or future housing needs change, this is not considered sufficiently robust or clear as to how and when this would take place. Paragraph 3.9 refers to addressing housing needs by establishing a clear housing requirement based on the New Standard Method. To clarify, the 2nd Reg 19 draft LP only has to meet 80% of the New Standard Method housing need as a minimum. As noted above, the identified 'headroom surplus' for housing supply has increased to 12.18% but this is due to the accounting period being adjusted to 2025 rather than additional allocations being identified. The previous comments and concerns about the identified number and stepped trajectory remain and it is considered a 20% buffer would be more robust and in line with national policy.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.:

3.8-3.9

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Housing Targets / Delivery

The proposed housing targets and stepped trajectory have not been amended and so our previous comments regarding the validity of this approach remain valid. While associated paragraph 3.8 has been amended to identify that the plan will be reviewed/updated if housing delivery falls short or future housing needs change, this is not considered sufficiently robust or clear as to how and when this would take place. Paragraph 3.9 refers to addressing housing needs by establishing a clear housing requirement based on the New Standard Method. To clarify, the 2nd Reg 19 draft LP only has to meet 80% of the New Standard Method housing need as a minimum. The identified 'headroom surplus' for housing supply has increased to 12.18% but this is due to the accounting period being adjusted to 2025 rather than additional allocations being identified. The previous comments and concerns about the identified number and stepped trajectory remain and it is considered a 20% buffer would be more robust and in line with national policy. The previous comments about the apparent conflict between Strategic Policy HN02 (Affordable Housing), and Policy SP06 regarding the certainty of windfall development also remain valid.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.:

3.8, 3.9

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Housing Targets / Delivery

The proposed housing targets and stepped trajectory have not been amended and so our previous comments regarding the validity of this approach remain valid. While associated paragraph 3.8 has been amended to identify that the plan will be reviewed/updated if housing delivery falls short or future housing needs change, this is not considered sufficiently robust or clear as to how and when this would take place. Paragraph 3.9 refers to addressing housing needs by establishing a clear housing requirement based on the New Standard Method. To clarify, the 2nd Reg 19 draft LP only has to meet 80% of the New Standard Method housing need as a minimum. The identified 'headroom surplus' for housing supply has increased to 12.18% but this is due to the accounting period being adjusted to 2025 rather than additional allocations being identified. The previous comments and concerns about the identified number and stepped trajectory remain and it is considered a 20% buffer would be more robust and in line with national policy.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal:

4. Development at the West End

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.: WS01

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

1(c). If the comment is related to a site, please state the site reference here::
Marlcombe

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.: The 2nd Reg 19 draft LP allocates land which it claims can deliver 8,000 new homes at densities of between 20 dph and 75 dph. This claim has not been tested but in our opinion, this objective is likely to be a major challenge. The policy objective that “within and around the town centre, densities of up to 75 dwellings per hectare (net) will be required” is entirely new. It is notable that land for a further 2,000 homes still needs to be allocated in order for Marlcombe to achieve New Town status and the strategy is to do this in a future Local Plan. New Town status requires at least 10,000 homes for a scheme to qualify.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

Proposal:

4. Development at the West End

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.: WS01

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

1(c). If the comment is related to a site, please state the site reference here::
Marlcombe

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.: The provisions for Marlcombe represent the single largest topic changes in the 2nd Reg 19 draft LP. There remains considerable uncertainty as to Marlcombe's deliverability and phasing, as can be seen in the evidence base prepared in connection with the 2nd Reg 19 draft LP. Infrastructure Delivery Strategic Policy WS01 and the related evidence base emphasise the importance of the early delivery of services and facilities. The Vision Document states at Section 6 that the following will be delivered early:

- Primary access road and key junction improvements (c. £100m)
- Education Campus (c. £85m to serve 8,000 homes)
- Town centre (c. £75m)
- SANG (c. £5m for phase 1)
- Utilities (c. £270m) This is a laudable objective, although the Vision Document acknowledges that significant public sector intervention will be required to achieve it. The Infrastructure Delivery Plan (KSD-001) (IDP) identifies that the costs are still "TBC" for the following key elements of Marlcombe, with potential funding sources identified as being largely from developer contributions and CIL:
 - Blue light facility
 - Community centres
 - Place of worship and parsonage

- Cemetery
- Youth, children's and library facility
- Public art
- Community builder
- SANG
- GI
- Outdoor play including MUGA
- Grass sports pitches, pavilion and car park
- Tennis courts, greens, tracks and trails
- Leisure centre
- Mobility hubs
- Health hub
- Extra care
- Residential care Phasing The Technical Assessment of Housing Delivery November 2025 (HOU-001) suggests that Marlcombe will start delivering in 2029/30 (144 homes), 144 homes in 2030/31, 216 homes in each of the years 2031/32 to 2034/35 and so on. At the present time and given the process identified in the Strategic Outline Business Case for Marlcombe – Phase 1 (Executive Summary) September 2025 (NWC-005) alongside the consenting process – all of which remain to be started, let alone completed, it is considered that this trajectory is highly optimistic, both in terms of the starting point and the ambition to deliver 3,096 homes by 2042. In summary, it is questionable whether even the 2nd Reg 19 draft LP is ready for submission with the uncertainty remaining around the funding, deliverability and phasing of Marlcombe. The concept of Marlcombe as a New Town is supported. However, it is considered that there remain significant gaps in the evidence relating to deliverability and phasing because of the absence of a fully costed Infrastructure Delivery Plan and business case supporting the ambitious policy aspirations for the delivery of services and facilities (for example the education hub) in early phases.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.: SD11

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

1(c). If the comment is related to a site, please state the site reference here::
Wood_16

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

-

2(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages 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 Development in the Towns and Villages 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.:

-

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

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.:

*** Personal details have been removed *** fully endorses the allocation of site Wood_16 but considers that the policy should be amended to reflect that the site has outline consent granted 29 August 2025 under application 22/2838/MOUT. This application was accompanied by an illustrative site layout and DAS identifying an acceptable approach to the site layout, development areas and design which the subsequent reserved matters must have regard to. As such is it not considered reasonable for the allocation policy to be amended to add additional requirements after

an outline application has been approved. Prescribing that the layout and design should reflect the Conservation Area – which is quite extensive with a mixed character and appearance – or prescribing a buffer zone to the watercourse could limit the ability of the subsequent reserved matters to adhere to the outline principles.

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.:

Finally, while not proposed as an amendment in the current version the reference to need for the footpath to be protected and enhanced should also be amended to reflect that the definitive route of the footpath (although not the actual worn route on the site) will need to be diverted to accommodate the consented development. Requested Changes The following further changes are requested to the site allocation policy (deleted text struck through and new text underlined in red): This site is allocated for around 70 dwellings and benefits from an existing outline consent which demonstrates that 70 homes can be delivered on the site. Suitable provision will need to be made for pedestrians to safely cross the B3179 to access the pavement route to the village centre. Woodbury footpath 3, as it travels through the site, must be protected and enhanced will need to be diverted as part the development but a PROW through the site must be provided. The design and layout of development should reflect the key characteristics of Woodbury Conservation Area to the north. Buffer zones of no built development at least 8m from the watercourse must be provided.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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.: SD29

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

1(c). If the comment is related to a site, please state the site reference here::
Whim_11, Whim_08

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

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.:
CarneySweeney on behalf of DABB partnership.

We continue to support the allocation of these sites.

It is worth noting however that the new text (in red) simply largely repeats the provisions of Strategic Policy AR01 Flooding, Policy HE02: Listed Buildings and associated provisions of the NPPF. While this may not in itself make the Policy unsound, the new text is considered superfluous and could be removed without diluting the provisions of Strategic Policy SD29.

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.: We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): DABB Partnership

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?: Paragraph

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

5.1

1(b). Does your comment relate to one of the changes listed above?: No

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.:

National Landscape, Ecology, Flood Risk and Heritage Considerations in Site Allocation Policies A number of site allocation policies contain material amendments, some of which are likely to affect site yield, in response to the allocation of sites within areas of National Landscape and with ecology, flood risk, heritage and other considerations. The amendments to an allocation for 700 homes on Land at St John's (Exmo_20) under Strategic Policy SD01: Exmouth and its development allocations are particularly significant in themselves and it is noted that there is an unresolved objection to the allocation of this site from Devon County Council as the Minerals and Waste Planning Authority because part of the site is within a Minerals Safeguarding Zone.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Taylor Wimpey

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.: SD20

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

1(c). If the comment is related to a site, please state the site reference here::
Kilm_05

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

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.:

Previously Developed or Brownfield Land An appeal decision for this site from March 2020 concluded that the site is a brownfield site, and factors of perceived neglect are not uncommon with many brownfield sites. Nevertheless, the NPPF acknowledges the significant role of brownfield sites to meet housing need and encourages development of these sites, with Paragraph 123 stating that: "Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land". We consider that appropriate weight has not been given to the site's status as previously developed land in the site assessment for Kilm_05.

Environmental Considerations Ecological matters have never been cited as reasons to refuse planning permission on this site. Furthermore, both preferred allocation options in Kilmington would be caught by both Nutrient Neutrality and mandatory Biodiversity Net Gain requirements which would limit their deliverability and site yield. As Pit Orchard already benefits from an extant planning consent, development would not be subject to the same restrictions either through implementation of the current consent or a variation thereto. CONCLUSION Fundamentally, the reason given by EDDC for not allocating Kilm_05 is inconsistent with assessments of the site undertaken by officers in determining the previous planning applications on the site. The conclusion that

development of the site will create visual impact on the wider parts of the National Landscape overlooks documented evidence contained within the extensive planning history of the site. For example, the description of the site and the ability to develop the site under the extant planning consent are not considered in the EDDC site assessment. Moreover, there is no reference in the EDDC site assessment to Kilm_05 being a brownfield site. This is surprising as the NPPF clearly favours the use of brownfield land for the development of new homes which is a key component in the core theme of 'making effective use of land'. It is considered that much greater weight should be afforded to this status. In the context of the Framework and other material considerations, aspects of the Draft Plan appear inconsistent with these, and sufficient justification is not provided to demonstrate that the housing trajectory is robust, particularly when considering the approach for windfall sites. In the event that additional housing sites are required to meet the identified housing needs of the District, the site is in a prime position to accommodate a modest level of growth. Development of the site is shown to provide very limited impact on heritage assets and areas of landscape importance and is located in a sustainable location with good access to local services and facilities as confirmed by the decision of EDDC in granting permission for residential development of the site in April 2016. Finally, the site is deliverable in BNG and nutrient neutrality terms by virtue of the extant consent. These characteristics put the site head and shoulders above any other site in the village and in our opinion make it a logical and essential choice for allocation.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Mr and Mrs Hansford

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.: SD20

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

1(c). If the comment is related to a site, please state the site reference here::
Kilm_05

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

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.:

CarneySweeney acts for Mr and Mrs Hansford, in connection with land at Pit Orchard, Bim Bom Lane, Kilmington which our client has been seeking to promote for open market led housing development through the draft East Devon Local Plan.

CarneySweeney submits the following representations on behalf of our clients which are to be read in conjunction with previous representations submitted to the Regulation 19 Publication draft in March 2025 (Reg 19 Rep) which are appended in full. We maintain that our client's site is a suitable and appropriate location for new development and with the benefit of the extant consent for 6 new homes, is capable of coming forward early in the plan period to deliver a modest but nonetheless important level of new housing. The Council's continued failure to allocate the site is not justified in light of the previous planning history and additional submissions made in support of the allocation. It is also noted that since our previous representation no applications have come forward on the two sites allocated in the made neighbourhood plan or the two sites proposed to be allocated in the draft LP. Once again, we write to confirm that a series of inaccuracies have arisen within reporting of this site by the Council hat has led to the site not being considered for allocation for market-led residential development. The characteristics of the site, and its location, inform its development potential and its omission from the Draft Local Plan is unjustified. The Site and Surroundings The site – shown below - extends to 0.56ha and is located to the south of Kilmington. The site fronts on to Bimbom Lane from which access is taken:

Topographically, the lane is lower than the surrounding landscape, with the exception of a narrow band of land already developed for housing to the north that runs east to west along a section of Silver Street and Silver Lea. The site largely consists of scrubland with the central part of the site already been cleared and an access road constructed up to base course level in connection with an existing planning consent. The site also includes narrow but steep banks in the south west, south and east with heavily planted mature trees positioned at the top of the slope. The northern boundary consists of a low bank topped with a mature hedgerow and trees. The topographical nature of the site and the presence of a band of heavily planted mature trees around the boundary, with the exception of the point of access, means that the views out of the site are very limited. The level central part of the site falls away from Bimbom Lane meaning that the site is not visible in any views from the east. At this location, Bimbom Lane acts as a small ridge with it being the local high point for views from the east coming from other areas of Kilminster, and Axminster beyond. In addition to the topography of the site, a strong mature Devon hedgebank on the east side of Bimbom Lane prevents any views towards the site from the east, as demonstrated in Photograph 3 of this report. Kilminster itself is a village with a population of just under 1,000, situated south of the A35. Kilminster has a good range of community facilities including a church, primary school, pub, petrol station, farm shop and cricket pavilion with bus services available to the larger settlements of Honiton and Axminster. These factors contribute to Kilminster being able to accommodate suitable levels of development.

Planning History The site has a relatively extensive planning history and benefits from an extant planning consent (ref: 15/1746/OUT and 16/1586/RES) for 6 residential dwellings. The planning consent is for an affordable housing led development, therefore, there is a recognition that residential development can be accommodated at the site. Correspondence received from East Devon District Council by email dated 15th May 2018 states that “the development has begun within the requisite time period established” and consequently, it can be said with confidence that the principle of residential development of this site has been established and secured. In granting consent for the proposal for 6 residential dwellings, the Council concluded that “the benefits of the scheme are considered to outweigh any harm”. In relation to character and appearance, it was determined that the “site would be apparent from localised views... such views as would be afforded would though be localised only and although likely to have a slight negative impact this could be minimised through the use of appropriate design and materials”. Furthermore, landscape impact was considered to be “limited”.

Subsequently, two more detailed planning applications have been submitted to EDDC for residential development (19/0077/FUL and 20/0435/FUL) with both being refused. The former was dismissed at appeal in March 2020, yet raises pertinent points regarding the development prospects of the site. Notably, in coming to their decision, the Inspector concluded that the development would “utilise a brownfield site which is encouraged by the Framework”, suggesting that weight should be added to the re-use of the site for residential development. Notable in its absence, was any discussion around landscape impact, particularly of interest as the site is within the AONB suggesting that landscape impact was not fundamental to the case for refusal. The latter application provided new commentary on landscape impact, stating that “the impact of the development on visual receptors is likely to be negligible in most views although the visual impact on residents and pedestrians from Silver Street is likely to be moderate adverse during construction and on completion reducing to low as new perimeter planting matures”. These recent applications demonstrate that development would give rise to very limited landscape harm. The fact remains that the site has secured a consent for 6 dwellings which has been lawfully commenced through the creation of the access road and remains capable of implementation in full.

Policy Context for Plan-Making Provisions for plan-making are set out within the NPPF and NPPG. Plan makers are required to take account of the following points when preparing their Local Plan. Under the transitional arrangements of the December 2024 NPPF, the new Local Plan will be considered under the provisions of the December 2023 NPPF. National Planning Policy Framework (December 2023)

- Paragraph 31 states that “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be ...focussed tightly on supporting and justifying the policies concerned and take account of relevant market signals.”
- Paragraph 35 identifies the tests of soundness as being: a) Positively prepared: As a minimum, seeking to meet the area’s objectively assessed needs and informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with sustainable development. b) Justified: An appropriate strategy based on taking account of reasonable alternatives and proportionate evidence. c) Effective: Deliverable, based on effective joint working on cross-boundary strategic matters, evidenced in a Statement of Common Ground. d) Consistent with national policy. Previously Developed or Brownfield Land An appeal decision for this site from March 2020 concluded that the site is a brownfield site, and factors of perceived neglect are not uncommon with many brownfield sites. Nevertheless, the NPPF acknowledges the significant role of brownfield sites to meet housing need and encourages development of these sites, with

Paragraph 123 stating that: “Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”. We consider that appropriate weight has not been given to the site’s status as previously developed land in the site assessment for Kilm_05.

Environmental Considerations Ecological matters have never been cited as reasons to refuse planning permission on this site. Furthermore, both preferred allocation options in Kilmington would be caught by both Nutrient Neutrality and mandatory Biodiversity Net Gain requirements which would limit their deliverability and site yield. As Pit Orchard already benefits from an extant planning consent, development would not be subject to the same restrictions either through implementation of the current consent or a variation thereto. CONCLUSION Fundamentally, the reason given by EDDC for not allocating Kilm_05 is inconsistent with assessments of the site undertaken by officers in determining the previous planning applications on the site. The conclusion that development of the site will create visual impact on the wider parts of the National Landscape overlooks documented evidence contained within the extensive planning history of the site. For example, the description of the site and the ability to develop the site under the extant planning consent are not considered in the EDDC site assessment. Moreover, there is no reference in the EDDC site assessment to Kilm_05 being a brownfield site. This is surprising as the NPPF clearly favours the use of brownfield land for the development of new homes which is a key component in the core theme of ‘making effective use of land’. It is considered that much greater weight should be afforded to this status. In the context of the Framework and other material considerations, aspects of the Draft Plan appear inconsistent with these, and sufficient justification is not provided to demonstrate that the housing trajectory is robust, particularly when considering the approach for windfall sites. In the event that additional housing sites are required to meet the identified housing needs of the District, the site is in a prime position to accommodate a modest level of growth. Development of the site is shown to provide very limited impact on heritage assets and areas of landscape importance and is located in a sustainable location with good access to local services and facilities as confirmed by the decision of EDDC in granting permission for residential development of the site in April 2016. Finally, the site is deliverable in BNG and nutrient neutrality terms by virtue of the extant consent. These characteristics put the site head and shoulders above any other site in the village and in our opinion make it a logical and essential choice for allocation.

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.: We maintain that the site should be allocated for development under Strategic Policy SD20: Development allocations at Kilmington.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): CG Fry & Son Ltd

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.: SD02

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

1(c). If the comment is related to a site, please state the site reference here::

Axmi_02, Axmi_08, Axmi_09

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.: Our client continues to fully support the allocation of the site for residential development and most of the proposed changes to the allocation policy but continues to dispute the proposed employment uses and community hall. In respect of the additions to the policy we comment as follows: Archaeology and Heritage We confirm a programme of phased archaeological field evaluation as required by the amended policy wording is underway as agreed with the Devon County Council Archaeologist. Masterplan requirements The 7 points listed in the policy with our comments are set out below: Requirement 1. Secure public transport improvements and provide active travel links to the town centre, railway station, the existing road network and public rights of way; Comment While consideration of public transport improvements and active travel links is reasonable there are concerns that the current wording is too prescriptive. Any measures should be informed by the transport assessment work in the context of what is reasonable and necessary from a highway perspective, and how such measures can best be delivered. Some measures for example may be for other to deliver with appropriate contributions. Requirement 4. Create a public open space in the northern part of allocation Axmi_02 provisioned with appropriate publicly accessible heritage information that enhances and better reveals the significance of the Roman and Romano-British settlement here; Comment The heritage sensitivity of the site is fully appreciated, and it is acknowledged that this will be an important consideration for the future layout and design. However, as with point 1 this is considered overly prescriptive in terms of how the scheme should address the asset through directing what type of development should be carried out within its setting. This should instead be informed by a proportionate Heritage Assessment which could identify a different but

nonetheless acceptable approach, but which would be precluded by the strict policy wording. Heritage impact is also addressed by point 6. Requirement 5. Across the wider development include high quality accessible green space that is well related and sympathetic to protection of archaeological interests and their setting within the development and attractive, legible links from the site to the wider footpath network

Comment This point is not considered necessary as heritage impacts are dealt with by point 6. As above this is overly prescriptive. The quantum of open space should comply with policy requirements and the location informed by the appropriate technical assessments.

Beer Quarry and Caves SAC The consultation zone for the Beer Quarry and Caves SAC only affects the very southern edge of the site Given the consultation zone affects such a small part of the site and impact on bats would be assessed as part of the normal level of ecological assessment, is it not considered this needs to be specifically referenced. Even if the reference were retained it should be reworded to note the need for assessment at application stage and if necessary, mitigation measures taken, not 'will need to be identified' as a blanket requirement.

Employment We reiterate our concerns with the proposed employment allocation on the site on the basis of the significant over provision of employment land proposed in the local plan in comparison to the identified need. It is noted that the supporting text to Policy SP04 at para 3.27 has been amended to refer to additional employment land being required to "...address past under provision. ... improve self-containment in existing settlements and offer flexibility and choice to the market". While an element of flexibility in a policy to provide a buffer is reasonable it is not considered a provision of 175.16 ha against an identified need of 80 ha is justified. Even if a very generous 20% buffer were applied this would only equate to 96 ha of employment land. It is noted that the revised housing buffer is only 12.18% but this is noted as a "healthy headroom" at Section 3.12. The additional text does not provide sufficient justification for this markedly greater level of overprovision. All previous comments regarding the approach to interspersed employment allocation on this and other sites, irrespective of whether the site are suitable for such uses, and the proposed allocation of the Axminster Carpets (Axmi_07) which would be a loss of employment land, remain valid.

Community Hall All previous comments regarding the lack of justification for a community hall on the site and concerns regarding the viability of such a facility remain valid.

Highways Measures All previous comments regarding the reference to the provision of off-carriageway bus stops on Musbury Road remain valid.

Requested Changes The following further changes are requested to the site allocation policy to meet the NPPF tests of soundness - deletions in square [] brackets and deletions in normal () brackets. This land is proposed for [438] (430) dwellings, [1.6 hectares of employment land and a community hall or meeting place.] A programme of phased archaeological field evaluation will need to be undertaken prior to the submission of a planning application to be undertaken in accordance with an agreed Written Scheme of Investigation to understand the presence and significance of any archaeological remains that will be affected by the proposed

development. This allocation will need to come forward on the basis of an agreed masterplan for the whole site that clearly demonstrates how comprehensive development will be undertaken and implemented. The masterplan will be informed by the findings of the archaeological field evaluation and will demonstrate how development will:

1. [Secure] (Consideration of reasonable) public transport improvements and active travel links to the town centre, railway station, the existing road network and public rights of way as informed by an appropriate technical assessment

2. Address the site's built environment, heritage and landscape setting;

3. Address flooding; [4. Create a public open space in the northern part of allocation Axmi_02 provisioned with appropriate publicly accessible heritage information that enhances and better reveals the significance of the Roman and Romano-British settlement here;

5. Across the wider development include high quality accessible green space that is well related and sympathetic to protection of archaeological interests and their setting within the development and attractive, legible links from the site to the wider footpath network.]

6. Conserve the setting of the Scheduled Ancient Monument and associated archaeological remains and addresses how adverse effects can be minimised and made acceptable and heritage-related public benefits realised;

7. Establish a strong sense of place. Highways access shall be taken from the A358 Musbury Road. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes. In particular, it should explore opportunities to provide [offcarriageway] bus stops on Musbury Road to improve sustainable travel options. The site is located close to the statutory road network and development should avoid adverse impacts on road safety on the National Highway. There shall be no pedestrian access to the A35. 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.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Obsidian Strategic Asset Management

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.: SD03

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

1(c). If the comment is related to a site, please state the site reference here::
Honi_18

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.: Our client continues to fully support the allocation of the site for residential development but does have some concerns with the additions to the policy as follows: National Landscape Impacts The relationship of the site to the National Landscape (NL) is fully appreciated and it is acknowledged that this relationship will be an important consideration for the future layout and design. However, the additional paragraph that has been added to the policy by requiring development to “conserve and enhance” the natural beauty of the site and its wider national landscape setting does not fully align with the NPPF1 and NPPG2. The NPPF Para 189 is clear, requiring that "development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas." (The current draft NPPF repeats this distinction). The NPPG builds on the above. Paragraph: 041 (Reference ID: 8-041-20190721) identifies the need for development within a NL (previously referred to as ‘Areas of Outstanding Natural Beauty’ within the NPPG) to be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. However, the bar is set lower for developments that are not within, but within the setting of a NL, as in the case of this site NPPG Paragraph: 042 (Reference ID: 8-042-20190721) instead states that developments within the setting "need sensitive handling" to take potential impacts into account. It also noted that there is an element of inconsistency with how this matter is addressed in the other proposed Honiton allocations:

- Land west of Hayne Lane (Gitti_03, Gitti_04 and Gitti_05) – falls partly within the NL but has the same wording that has been added to Honi_18.

- Land adjacent to St Michaels Church and south east of Cuckoo Down Lane (Honi_07) – falls wholly within the NL but only references the “the scale, design, lighting and materials of new development being appropriate to the Blackdown Hills NL”.
- Land at Middle Hill, Church Hill (Honi_13) – falls wholly within the NL but has the same wording as Honi_07.
- Land south of Northcote Hill – south of the railway (GH/ED/39b) – is outside of but within the setting the NL but has combines the wording used in both Honi-18 and Honi-07. While the importance of the NL is fully recognised how these policies are worded in terms of the approach to development within the NL as compared to development within the setting of NL should be distinguished and consistent. Heritage Impacts The relationship of the site to the Grade II listed Copper Castle toll house and associated gates is fully appreciated and it is acknowledged that this relationship will be an important consideration for the future layout and design. However, the additional paragraph that has been added is considered overly prescriptive in terms of the significance of the asset and how the scheme should address the asset through directing what type of development should be carried out within its setting. This should instead be informed by a proportionate Heritage Assessment which could identify a different but nonetheless acceptable approach, but which would be precluded by the strict policy wording.

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.: The following further changes are therefore requested to the site allocation -deleted text in square [] brackets and additional text in normal () brackets.

The site is adjacent to the Blackdown Hills National Landscape. [and development should be informed by detailed assessment and design work to maximise opportunities to conserve and enhance the natural beauty of the site and its wider national landscape setting. The scale (particularly height), design, lighting and materials of new development should be appropriate to the Blackdown Hills National Landscape.] (Development proposals should therefore be sensitively handled, informed by detailed assessment and design work to avoid or minimise adverse impacts on the designated area. The site is also adjacent to the grade II listed Copper Castle former toll house and associated grade II listed gates. [These heritage assets form a legible entry point to Honiton and development should seek to conserve and enhance the significance of

these assets. The higher ground to the south of the site should be kept open. and the proposed junction carefully located and designed to protect landscape and heritage interests.] (The development should seek to conserve and, where possible, enhance the significance of these assets. The design of the proposed development, including the design and location of the proposed access junction, should respond to the topography of the site and the significance of the heritage assets.)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): WainHomes (South West) Ltd

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.: SD08

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

1(c). If the comment is related to a site, please state the site reference here::
Budl_02

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.:

WainHomes strongly supports the allocation of Land at Barn Close, Budleigh Salterton (Budl_02) but request that the allocation policy should be worded more positively to enable much needed houses to come forward. Our client continues to fully support the allocation of the site for residential development but does have some concerns with the additions to the policy as follows:

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.:

National Landscape Impacts The relationship of the site to the National Landscape (NL) is fully appreciated and this relationship has been an important consideration for the layout and design in the current application. While conserving and enhancing the scenic beauty of NL is consistent with national policy there is a concern that the additional text, which requires the natural beauty of the site to also be conserved and enhanced, would run counter to the site being developed. This is the only site proposed to be allocated in Budleigh – and noting all previous points made about the need for development to be accommodated within the NL to meet local and district wide housing needs – policies should not be drafted in such a way to conflict with the allocation. It also noted that there is an element of inconsistency with how this matter is addressed in other site allocations proposed within or in the setting of the NL in other parts of the district. While some site policies have been amended to include reference to the need to ‘conserve and enhance’, other policies only refer to the ‘scale, design, lighting and materials of new development being appropriate for the NL’. While the importance of the NL is fully recognised how these policies are wording in terms of the

approach to development within the NL should be consistent and should not be overly prohibitive on the basis of the overriding need for such sites to come forward being accepted. The policy is also overly prescriptive regarding certain elements references specific planting requirements, site buffers, lighting limitations etc. However, the detailed scheme should be informed by the supporting technical assessments and identified mitigation. It must also be recognised that there may be specific standards required by other agencies for example street lighting by highways adoptions team.

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.: Requested Changes

The following further changes are requested to the site allocation policy deletions in square [] brackets and additions in regular () brackets: This land on the northern side of Budleigh Salterton is allocated for 35 new dwellings. The site is located inside the East Devon National Landscape. [area and particular sensitivity will need to be attached to development proposals in respect of potential adverse landscape impacts. and particular sensitivity will need to be attached to development proposals to conserve and enhance the natural beauty of the site and its wider landscape setting.]

(Development proposals should therefore be landscape-led, informed by detailed assessment and design work to avoid impacts on the designated area, including scale, design, lighting and materials appropriate for the National Landscape.) [Additional native tree and hedge planting should be provided and maintained to screen the road frontage with the B3178. Existing hedges should be retained and enhanced and adequate buffers provided between them and private curtilages. A high standard of design and use of appropriate materials reflecting local distinctiveness is required commensurate with the location within the National Landscape. This should include avoiding the introduction of street lighting along the B3178.) Site development will need to come forward with provision of safe footpath access to the Budleigh primary school. Site proximity to the Grade II* listed Tidwell House is such that significant care must be taken to avoid potential for adverse impacts on the property and its setting.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Adapting to 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 Adapting to Climate Change chapter is not sound. Please be as precise as possible.: This policy has been significantly expanded to include 4 additional requirements in relation to water efficiency. Our comments on these additional points are set out below: A – Sets out circumstances when Planning Permission will not be granted due to adverse impacts on the water environment but does refer to the use of Grampian conditions
Comment – In respect of the reference to planning permission being refused for development that would overload the foul sewer network (A.3) this is not a land use planning matter for consideration on an application-by-application basis and should not therefore be a requirement set out in local plan policy. Water companies are subject to statutory duties under Section 94 of the Water Industry Act 1991 (WIA 1991), which imposes a fundamental duty to provide, improve and extent public sewer systems to ensure their area is “effectively drained”. Section 106 of the WIA 1991 confers a power to connect to a public sewer. Section 106(1) states that the owner of any premises or the owner of any private sewer which drains premises, shall be entitled to have its drains or sewer communicate with the public sewer of any sewerage undertaker and therefore discharge foul water and surface water from those premises or that private sewer. Specifically, in relation to wastewater, the Supreme Court considered this matter in 2009 – see Barratt versus Welsh Water [2009] UKSC 13. Paragraph 23 of the decision is salient. Given its importance in the context of wastewater it is recited in full below: “The right to connect to a public sewer afforded by section 106 of the 1991 Act and its

predecessors has been described as an “absolute right”. The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker. Thus, in *Ainley v Kirkheaton Local Board* (1891) 60 LJ (Ch) 734 Stirling J held that the exercise of the right of an owner of property to discharge into a public sewer conferred by section 21 of the 1875 Act could not be prevented by the local authority on the ground that the discharge was creating a nuisance. It was for the local authority to ensure that what was discharged into their sewer was freed from all foul matter before it flowed out into any natural watercourse.”Consequently, it is inappropriate and unsound to include a policy requirement in the local plan that would prevent development from progressing in relation to a matter that is not the developer’s responsibility to resolve nor that they are legally responsible for. Rather it is the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans.

B – Appropriate Assessment where likely significant effect on a European Wildlife Site
Comment – The requirement for an Appropriate Assessment is governed by the Habitat Regulations and so does not need to be repeated in the policy.

C – Water efficiency measures and Optional Technical Housing Standard of 110 litres per day per person
Comment - Concerns were raised previously that the specified standard of 110 litres per day per person of water usage was not evidence or justified as the Water Cycle Study (WSC) which the supporting text identified as the evidence for this higher standard, had not been published at the time. The WCS has now been published and is referenced at Section 7.4 of the draft EDLP referencing water quality and supply with improved water efficiency measures playing a key role in reducing demand on water resources. In terms of the WCS Section 3.2.1 confirms that East Devon is a ‘Not Serious’ water stress area by the EA with water bodies in East Devon being classified as having ‘low ‘or ‘medium’ stress and so being comparable to areas outside of East Devon. However, at Section 4.1.4 the WCS does refer to predicted water supply deficits for water abstraction and that reducing per person consumption is one of the ways this can be addressed and is set as a target by 2050 in SWW’s draft Water Management Plan and the West Country’s Water Resources Group (WCWRG’s) 2050 draft regional resources plan. As such a policy requiring the higher technical standard is recommended by the WCS at 7.2. However there remains a concern that the mandatory wording of the policy could cause issues with viability and delivery and so a more flexible wording should be applied.

D - All development proposals to demonstrate and incorporate measures that can reasonably be taken to enhance the water environment,
Comment – This is a very vague requirement so could risk uncertainty and confusion over what is required, and the level of assessment and mitigation.

E - Developers shall undertake thorough risk assessments of the impact of proposals on surface and groundwater systems

considering avoidance and mitigation. Comment – This is also very vague and is a matter covered by other legislation. While noted that it may not apply to the draft LP if it remains under the transitional arrangement the direction of travel in the current NPPF consultation re-iterates the position that LP policies should not duplicate other regs.

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 following amendments are required for the policy to be considered sound: A – delete B – delete C -amend as follows: All development should, Developers are encouraged to, wherever possible, seek opportunities to implement water efficiency, water storage and water recycling measures. All new dwellings should achieve at least the Optional Technical Housing Standard of 110 litres per day per person for water efficiency as described by Building Regulation subject to considerations of viability. D – delete E - delete

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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

This policy has been significantly expanded to include 4 additional requirements in relation to water efficiency. Our comments on these additional points are set out below:

A – Sets out circumstances when Planning Permission will not be granted due to adverse impacts on the water environment but does refer to the use of Grampian conditions Comment – In respect of the reference to planning permission being refused for development that would overload the foul sewer network (A.3) this is not a land use planning matter for consideration on an applicationby- application basis and should not therefore be a requirement set out in local plan policy. www.carneysweeney.co.uk Water companies are subject to statutory duties under Section 94 of the Water Industry Act 1991 (WIA 1991), which imposes a fundamental duty to provide, improve and extent public sewer systems to ensure their area is “effectively drained”. Section 106 of the WIA 1991 confers a power to connect to a public sewer. Section 106(1) states that the owner of any premises or the owner of any private sewer which drains premises, shall be entitled to have its drains or sewer communicate with the public sewer of any sewerage undertaker and therefore discharge foul water and surface water from those premises or that private sewer. Specifically, in relation to wastewater, the Supreme Court considered this matter in 2009 – see Barratt versus Welsh Water [2009] UKSC 13. Paragraph 23 of the decision is salient. Given its importance in the context of wastewater it is recited in full below:

“The right to connect to a public sewer afforded by section 106 of the 1991 Act and its predecessors has been described as an “absolute right”. The sewerage undertaker

cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker. Thus, in *Ainley v Kirkheaton Local Board* (1891) 60 LJ (Ch) 734 Stirling J held that the exercise of the right of an owner of property to discharge into a public sewer conferred by section 21 of the 1875 Act could not be prevented by the local authority on the ground that the discharge was creating a nuisance. It was for the local authority to ensure that what was discharged into their sewer was freed from all foul matter before it flowed out into any natural watercourse.”

Consequently, it is inappropriate and unsound to include a policy requirement in the local plan that would prevent development from progressing in relation to a matter that is not the developer’s responsibility to resolve nor that they are legally responsible for. Rather it is the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans.

B – Appropriate Assessment where likely significant effect on a European Wildlife Site
Comment – The requirement for an Appropriate Assessment is governed by the Habitat Regulations and so does not need to be repeated in the policy.

C – Water efficiency measures and Optional Technical Housing Standard of 110 litres per day per person
Comment - Concerns were raised previously that the specified standard of 110 litres per day per person of water usage was not evidence or justified as the Water Cycle Study (WCS) which the supporting text identified as the evidence for this higher standard, had not been published at the time. The WCS has now been published and is referenced at Section 7.4 of the draft EDLP referencing water quality and supply with improved water efficiency measures playing a key role in reducing demand on water resources. In terms of the WCS Section 3.2.1 confirms that East Devon is a ‘Not Serious’ water stress area by the EA with water bodies in East Devon being classified as having ‘low’ or ‘medium’ stress and so being comparable to areas outside of East Devon. However, at Section 4.1.4 the WCS does refer to predicted water supply deficits for water abstraction and that reducing per person consumption is one of the ways this can be addressed and is set as a target by 2050 in SWW’s draft Water Management Plan and the West Country’s Water Resources Group (WCWRG’s) 2050 draft regional resources plan. As such a policy requiring the higher technical standard is recommended by the WCS at 7.2. However there remains a concern that the mandatory

wording of the policy could cause issues with viability and delivery and so a more flexible wording should be applied,

- All development proposals to demonstrate and incorporate measures that can reasonably be taken to enhance the water environment, Comment – This is a very vague requirement so could risk uncertainty and confusion over what is required, and the level of assessment and mitigation.

E - Developers shall undertake thorough risk assessments of the impact of proposals on surface and groundwater systems considering avoidance and mitigation. Comment – This is also very vague and is a matter covered by other legislation. While noted that it may not apply to the draft LP if it remains under the transitional arrangement the direction of travel in the current NPPF consultation re-iterates the position that LP policies should not duplicate other regs.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change 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 Adapting to Climate Change 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.: The following

amendments are required for the policy to be considered sound: A – delete B – delete C – amend as follows: All development should, Developers are encouraged to, wherever possible, seek opportunities to implement water efficiency, water storage and water recycling measures. All new dwellings should achieve at least the Optional Technical Housing Standard of 110 litres per day per person for water efficiency as described by Building Regulation subject to considerations of viability. D – delete E - delete

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

1(b). Does your comment relate to one of the changes listed above?: 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.: Our previous comments on this policy have not been addressed and additional requirements added which make the policy more stringent and prescriptive. Mandating flood mitigation measures beyond those necessary to address the impact of the development in accordance with relevant guidance could impact on scheme viability and delivery. Prohibiting car parks in areas at risk of flooding is not reasonable as such use can be water compatible.

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.: Delete all new additions and the requirements for assessment of land within 5 metres horizontal distance of Flood Zone 2 and identifying wider community flood risk benefit.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: This policy has been significantly expanded to include 4 additional requirements in relation to water efficiency. Our comments on these additional points are set out below: A – Sets out circumstances when Planning Permission will not be granted due to adverse impacts on the water environment but does refer to the use of Grampian conditions
Comment – In respect of the reference to planning permission being refused for development that would overload the foul sewer network (A.3) this is not a land use planning matter for consideration on an application-by-application basis and should not therefore be a requirement set out in local plan policy. Water companies are subject to statutory duties under Section 94 of the Water Industry Act 1991 (WIA 1991), which imposes a fundamental duty to provide, improve and extent public sewer systems to ensure their area is “effectively drained”. Section 106 of the WIA 1991 confers a power to connect to a public sewer. Section 106(1) states that the owner of any premises or the owner of any private sewer which drains premises, shall be entitled to have its drains or sewer communicate with the public sewer of any sewerage undertaker and therefore discharge foul water and surface water from those premises or that private sewer. Specifically, in relation to wastewater, the Supreme Court considered this matter in 2009 – see Barratt versus Welsh Water [2009] UKSC 13. Paragraph 23 of the decision is salient. Given its importance in the context of wastewater it is recited in full below: “The right to connect to a public sewer afforded by section 106 of the 1991 Act and its predecessors has been described as an “absolute right”. The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker. Thus, in *Ainley v Kirkheaton Local Board* (1891) 60 LJ (Ch) 734 Stirling J held that the exercise of the right of an owner

of property to discharge into a public sewer conferred by section 21 of the 1875 Act could not be prevented by the local authority on the ground that the discharge was creating a nuisance. It was for the local authority to ensure that what was discharged into their sewer was freed from all foul matter before it flowed out into any natural watercourse.” Consequently, it is inappropriate and unsound to include a policy requirement in the local plan that would prevent development from progressing in relation to a matter that is not the developer’s responsibility to resolve nor that they are legally responsible for. Rather it is the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans.

B – Appropriate Assessment where likely significant effect on a European Wildlife Site
Comment – The requirement for an Appropriate Assessment is governed by the Habitat Regulations and so does not need to be repeated in the policy.

C – Water efficiency measures and Optional Technical Housing Standard of 110 litres per day per person
Comment - Concerns were raised previously that the specified standard of 110 litres per day per person of water usage was not evidence or justified as the Water Cycle Study (WCS) which the supporting text identified as the evidence for this higher standard, had not been published at the time. The WCS has now been published and is referenced at Section 7.4 of the draft EDLP referencing water quality and supply with improved water efficiency measures playing a key role in reducing demand on water resources. In terms of the WCS Section 3.2.1 confirms that East Devon is a ‘Not Serious’ water stress area by the EA with water bodies in East Devon being classified as having ‘low’ or ‘medium’ stress and so being comparable to areas outside of East Devon. However, at Section 4.1.4 the WCS does refer to predicted water supply deficits for water abstraction and that reducing per person consumption is one of the ways this can be addressed and is set as a target by 2050 in SWW’s draft Water Management Plan and the West Country’s Water Resources Group (WCWRG’s) 2050 draft regional resources plan. As such a policy requiring the higher technical standard is recommended by the WCS at 7.2. However there remains a concern that the mandatory wording of the policy could cause issues with viability and delivery and so a more flexible wording should be applied.

D - All development proposals to demonstrate and incorporate measures that can reasonably be taken to enhance the water environment,
Comment – This is a very vague requirement so could risk uncertainty and confusion over what is required, and the level of assessment and mitigation.

E - Developers shall undertake thorough risk assessments of the impact of proposals on surface and groundwater systems considering avoidance and mitigation.
Comment – This is also very vague and is a matter covered by other legislation. While noted that it may not apply to the draft LP if it remains under the transitional arrangement the direction of travel in the current NPPF consultation re-iterates the position that LP policies should not duplicate other regs.

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 following amendments are required for the policy to be considered sound: A – delete B – delete C -amend as follows: (All development should,) [Developers are encouraged to], wherever possible, seek opportunities to implement water efficiency, water storage and water recycling measures. All new dwellings should achieve at least the Optional Technical Housing Standard of 110 litres per day per person for water efficiency as described by Building Regulation [subject to considerations of viability]. D – delete E - delete

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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(a). If yes, and you wish to support the legal compliance of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: Our previous comments on this policy have not been addressed and additional requirements added which make the policy more stringent and prescriptive. Mandating flood mitigation measures beyond those necessary to address the impact of the development in accordance with relevant guidance could impact on scheme viability and delivery. Prohibiting car parks in areas at risk of flooding is not reasonable as such use can be water compatible.

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.: Delete all new additions and the requirements for assessment of land within 5 metres horizontal distance of Flood Zone 2 and identifying wider community flood risk benefit.

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: Our previous comments on this policy have not been addressed and additional requirements added which make the policy more stringent and prescriptive. Mandating flood mitigation measures beyond those necessary to address the impact of the development in accordance with relevant guidance could impact on scheme viability and delivery. Prohibiting car parks in areas at risk of flooding is not reasonable as such use can be water compatible.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: This policy has been significantly expanded to include 4 additional requirements in relation to water efficiency. Our comments on these additional points are set out below: A – Sets out circumstances when Planning Permission will not be granted due to adverse impacts on the water environment but does refer to the use of Grampian conditions
Comment – In respect of the reference to planning permission being refused for development that would overload the foul sewer network (A.3) this is not a land use planning matter for consideration on an application-by-application basis and should not therefore be a requirement set out in local plan policy. Water companies are subject to statutory duties under Section 94 of the Water Industry Act 1991 (WIA 1991), which imposes a fundamental duty to provide, improve and extent public sewer systems to ensure their area is “effectively drained”. Section 106 of the WIA 1991 confers a power to connect to a public sewer. Section 106(1) states that the owner of any premises or the owner of any private sewer which drains premises, shall be entitled to have its drains or sewer communicate with the public sewer of any sewerage undertaker and therefore discharge foul water and surface water from those premises or that private sewer. Specifically, in relation to wastewater, the Supreme Court considered this matter in 2009 – see Barratt versus Welsh Water [2009] UKSC 13. Paragraph 23 of the decision is salient. Given its importance in the context of wastewater it is recited in full below: “The right to connect to a public sewer afforded by section 106 of the 1991 Act and its predecessors has been described as an “absolute right”. The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker. Thus, in *Ainley v Kirkheaton Local Board* (1891) 60 LJ (Ch) 734 Stirling J held that the exercise of the right of an owner

of property to discharge into a public sewer conferred by section 21 of the 1875 Act could not be prevented by the local authority on the ground that the discharge was creating a nuisance. It was for the local authority to ensure that what was discharged into their sewer was freed from all foul matter before it flowed out into any natural watercourse.” Consequently, it is inappropriate and unsound to include a policy requirement in the local plan that would prevent development from progressing in relation to a matter that is not the developer’s responsibility to resolve nor that they are legally responsible for. Rather it is the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans.

B – Appropriate Assessment where likely significant effect on a European Wildlife Site
Comment – The requirement for an Appropriate Assessment is governed by the Habitat Regulations and so does not need to be repeated in the policy.

C – Water efficiency measures and Optional Technical Housing Standard of 110 litres per day per person
Comment - Concerns were raised previously that the specified standard of 110 litres per day per person of water usage was not evidence or justified as the Water Cycle Study (WCS) which the supporting text identified as the evidence for this higher standard, had not been published at the time. The WCS has now been published and is referenced at Section 7.4 of the draft EDLP referencing water quality and supply with improved water efficiency measures playing a key role in reducing demand on water resources. In terms of the WCS Section 3.2.1 confirms that East Devon is a ‘Not Serious’ water stress area by the EA with water bodies in East Devon being classified as having ‘low’ or ‘medium’ stress and so being comparable to areas outside of East Devon. However, at Section 4.1.4 the WCS does refer to predicted water supply deficits for water abstraction and that reducing per person consumption is one of the ways this can be addressed and is set as a target by 2050 in SWW’s draft Water Management Plan and the West Country’s Water Resources Group (WCWRG’s) 2050 draft regional resources plan. As such a policy requiring the higher technical standard is recommended by the WCS at 7.2. However there remains a concern that the mandatory wording of the policy could cause issues with viability and delivery and so a more flexible wording should be applied.

D - All development proposals to demonstrate and incorporate measures that can reasonably be taken to enhance the water environment,
Comment – This is a very vague requirement so could risk uncertainty and confusion over what is required, and the level of assessment and mitigation.

E - Developers shall undertake thorough risk assessments of the impact of proposals on surface and groundwater systems considering avoidance and mitigation.
Comment – This is also very vague and is a matter covered by other legislation. While noted that it may not apply to the draft EDLP if it remains under the transitional arrangement the direction of travel in the current NPPF consultation re-iterates the position that LP policies should not duplicate other regulations.

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 following amendments are required for the policy to be considered sound: A – delete B – delete C -amend as follows - deletions in square [] brackets and additions in normal () brackets (()) [All development should,] (Developers are encouraged to,) wherever possible, seek opportunities to implement water efficiency, water storage and water recycling measures. All new dwellings should achieve at least the Optional Technical Housing Standard of 110 litres per day per person for water efficiency as described by Building Regulation (subject to considerations of viability.) D – delete E - delete

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: This policy has been significantly expanded to include 4 additional requirements in relation to water efficiency. Our comments on these additional points are set out below: A – Sets out circumstances when Planning Permission will not be granted due to adverse impacts on the water environment but does refer to the use of Grampian conditions
Comment –In respect of the reference to planning permission being refused for development that would overload the foul sewer network (A.3) this is not a land use planning matter for consideration on an application-by-application basis and should not therefore be a requirement set out in local plan policy. Water companies are subject to statutory duties under Section 94 of the Water Industry Act 1991 (WIA 1991), which imposes a fundamental duty to provide, improve and extent public sewer systems to ensure their area is “effectively drained”. Section 106 of the WIA 1991 confers a power to connect to a public sewer. Section 106(1) states that the owner of any premises or the owner of any private sewer which drains premises, shall be entitled to have its drains or sewer communicate with the public sewer of any sewerage undertaker and therefore discharge foul water and surface water from those premises or that private sewer. Specifically, in relation to wastewater, the Supreme Court considered this matter in 2009 – see Barratt versus Welsh Water [2009] UKSC 13. Paragraph 23 of the decision is salient. Given its importance in the context of wastewater it is recited in full below: “The right to connect to a public sewer afforded by section 106 of the 1991 Act and its predecessors has been described as an “absolute right”. The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker. Thus, in *Ainley v Kirkheaton Local Board* (1891) 60 LJ (Ch) 734 Stirling J held that the exercise of the right of an owner

of property to discharge into a public sewer conferred by section 21 of the 1875 Act could not be prevented by the local authority on the ground that the discharge was creating a nuisance. It was for the local authority to ensure that what was discharged into their sewer was freed from all foul matter before it flowed out into any natural watercourse.” Consequently, it is inappropriate and unsound to include a policy requirement in the local plan that would prevent development from progressing in relation to a matter that is not the developer’s responsibility to resolve nor that they are legally responsible for. Rather it is the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans. –

Appropriate Assessment where likely significant effect on a European Wildlife Site
Comment – The requirement for an Appropriate Assessment is governed by the Habitat Regulations and so does not need to be repeated in the policy.

C – Water efficiency measures and Optional Technical Housing Standard of 110 litres per day per person

Comment - Concerns were raised previously that the specified standard of 110 litres per day per person of water usage was not evidence or justified as the Water Cycle Study (WCS) which the supporting text identified as the evidence for this higher standard, had not been published at the time. The WCS has now been published and is referenced at Section 7.4 of the draft EDLP referencing water quality and supply with improved water efficiency measures playing a key role in reducing demand on water resources. In terms of the WCS Section 3.2.1 confirms that East Devon is a ‘Not Serious’ water stress area by the EA with water bodies in East Devon being classified as having ‘low’ or ‘medium’ stress and so being comparable to areas outside of East Devon.

However, at Section 4.1.4 the WCS does refer to predicted water supply deficits for water abstraction and that reducing per person consumption is one of the ways this can be addressed and is set as a target by 2050 in SWW’s draft Water Management Plan and the West Country’s Water Resources Group (WCWRG’s) 2050 draft regional resources plan. As such a policy requiring the higher technical standard is recommended by the WCS at 7.2. However there remains a concern that the mandatory wording of the policy could cause issues with viability and delivery and so a more flexible wording should be applied,

D - All development proposals to demonstrate and incorporate measures that can reasonably be taken to enhance the water environment, Comment – This is a very vague requirement so could risk uncertainty and confusion over what is required, and the level of assessment and mitigation.

E - Developers shall undertake thorough risk assessments of the impact of proposals on surface and groundwater systems considering avoidance and mitigation. Comment – This is also very vague and is a matter covered by other legislation. While noted that it may not apply to the draft LP if it remains under the transitional arrangement the direction of travel in the current NPPF consultation re-iterates the position that LP policies should not duplicate other regs.

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 following amendments are required for the policy to be considered sound: A – delete B – delete C -amend as follows: (suggested deletions in square [] brackets and additions in normal () brackets. [All development should], (Developers are encouraged to,) wherever possible, seek opportunities to implement water efficiency, water storage and water recycling measures. All new dwellings should achieve at least the Optional Technical Housing Standard of 110 litres per day per person for water efficiency as described by Building Regulation (subject to considerations of viability. D – delete E - delete

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: 50% M4(2) While we welcome the reduced requirement for M4(2) standards down to 50% there would still be concerns with meeting this on some sites. Additionally, the added reference to “or higher standards” creates uncertainty and undermines the clarity of the policy. As set out previously many sites do not have suitable topography to fully meet the M4(2) standards, M4 (2) external parking standard has a potentially significant cumulative effect on developable areas affecting site yield and/or street scene quality and for flat blocks this will require lifts which for occupiers and in particular RP’s would cause additional maintenance costs burdens. Noting the direction of travel of the draft NNPF (which currently proposes 40% M4 (2) or (3)) the new LP policies should be consistent. While the NNPF % may change, and our view is that a lower % of circa 20% is more reasonable and achievable, the proposed 50% is still considered too high. It is also maintained that mandating M4(2) standards on self and custom build plots (discussed further below) would go against the essence of allowing people to design and build their own bespoke home. 15% affordable rent M4 (3) (a) or affordable homeownership M4 (3) (a) or (b) Reference to the provision of either M4 (3) (a) or (b) welcomed but need should be evidenced. For all the reasons set out previously the provision of M (3) units raise issues of viability and site coverage, and such a high percentage is not considered justified.

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 following amendments are required for the policy to be considered sound: Point A: A further reduced percentage requirement (e.g. 20%) for M4

(2) dwellings would be more acceptable and reasonable for the reasons set out in previous representations. Delete “or higher standards than this” at point A Flats, 1 bed units, and self and custom build plots should be excluded entirely. Point D: M4 (3) a or b only where up to date evidence of need and subject to appropriate testing of viability through the Local Plan process including what assumptions have been made in relation to the requirement for M4 (3)(2) (a) (wheelchair adaptable) vs M4 (3) (2) (b) (wheelchair accessible), the latter of which is considerably more expensive

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

1(b). Does your comment relate to one of the changes listed above?: No

2(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not legally compliant. Please be as precise as possible.: The identified 'headroom surplus' for housing supply has increased to 12.18% but this is due to the accounting period being adjusted to 2025 rather than additional allocations being identified. The previous comments and concerns about the identified number and stepped trajectory remain and it is considered a 20% buffer would be more robust and in line with national policy. The previous comments about the apparent conflict between Strategic Policy HN02 (Affordable Housing), and Policy SP06 regarding the certainty of windfall development also remain valid.

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

1(b). Does your comment relate to one of the changes listed above?: 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.: 50% M4(2) While we welcome the reduced requirement for M4(2) standards down to 50% there would still be concerns with meeting this on some sites. Additionally, the added reference to “or higher standards” creates uncertainty and undermines the clarity of the policy. As set out previously many sites do not have suitable topography to fully meet the M4(2) standards, M4 (2) external parking standard has a potentially significant cumulative effect on developable areas affecting site yield and/or street scene quality and for flat blocks this will require lifts which for occupiers and in particular RP’s would cause additional maintenance costs burdens. A more reasonable and achievable level would be 30%. It is also maintained that mandating M4(2) standards on self and custom build plots (discussed further below) would go against the essence of allowing people to design and build their own bespoke home.

15% affordable rent M4 (3) (a) or affordable homeownership M4 (3) (a) or (b) Reference to the provision of either M4 (3) (a) or (b) welcomed but need should be evidenced. For all the reasons set out previously the provision of M(3) units raise issues of viability and site coverage, and such a high percentage is not considered justified.

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 following amendments are required for the policy to be considered sound:

Point A: A further reduced percentage requirement (e.g. 30%) for M4 (2) dwellings would be more acceptable and reasonable for the reasons set out in previous representations. Delete “or higher standards than this” at point A Flats, 1 bed units, and self and custom build plots should be excluded entirely.

Point D: M4 (3) a or b only where up to date evidence of need and subject to appropriate testing of viability through the Local Plan process including what assumptions have been made in relation to the requirement for M4(3)(2)(a) (wheelchair adaptable) vs M4(3)(2)(b) (wheelchair accessible), the latter of which is considerably more expensive

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)

Full name: Simon Coles

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: 50% M4(2) While we welcome the reduced requirement for M4(2) standards down to 50% there would still be concerns with meeting this on some sites. Additionally, the added reference to “or higher standards” creates uncertainty and undermines the clarity of the policy. As set out previously many sites do not have suitable topography to fully meet the M4(2) standards, M4 (2) external parking standard has a potentially significant cumulative effect on developable areas affecting site yield and/or street scene quality and for flat blocks this will require lifts which for occupiers and in particular RP’s would cause additional maintenance costs burdens. A more reasonable and achievable level would be 30%. It is also maintained that mandating M4(2) standards on self and custom build plots (discussed further below) would go against the essence of allowing people to design and build their own bespoke home. 15% affordable rent M4 (3) (a) or affordable homeownership M4 (3) (a) or (b) Reference to the provision of either M4 (3) (a) or (b) welcomed but need should be evidenced. For all the reasons set out previously the provision of M(3) units raise issues of viability and site coverage, and such a high percentage is not considered justified.

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.: Point A: A further reduced percentage requirement (e.g. 30%) for M4 (2) dwellings would be more acceptable and reasonable for the reasons set out in previous representations. Delete “or higher standards than this” at point A Flats, 1 bed units, and self and custom build plots should be excluded entirely. Point D: M4 (3) a or b only where up to date evidence of need and subject to appropriate testing of

viability through the Local Plan process including what assumptions have been made in relation to the requirement for M4(3)(2)(a) (wheelchair adaptable) vs M4(3)(2)(b) (wheelchair accessible), the latter of which is considerably more expensive

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: 50% M4(2) While we welcome the reduced requirement for M4(2) standards down to 50% there would still be concerns with meeting this on some sites. Additionally, the added reference to “or higher standards” creates uncertainty and undermines the clarity of the policy. As set out previously many sites do not have suitable topography to fully meet the M4(2) standards, M4 (2) external parking standard has a potentially significant cumulative effect on developable areas affecting site yield and/or street scene quality and for flat blocks this will require lifts which for occupiers and in particular RP’s would cause additional maintenance costs burdens. A more reasonable and achievable level would be 30%. It is also maintained that mandating M4(2) standards on self and custom build plots (discussed further below) would go against the essence of allowing people to design and build their own bespoke home. 15% affordable rent M4 (3) (a) or affordable homeownership M4 (3) (a) or (b) Reference to the provision of either M4 (3) (a) or (b) welcomed but need should be evidenced. For all the reasons set out previously the provision of M (3) units raise issues of viability and site coverage, and such a high percentage is not considered justified.

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 following amendments are required for the policy to be considered sound: Point A: A further reduced percentage requirement (e.g. 30%) for M4 (2) dwellings would be more acceptable and reasonable for the reasons set out in previous representations. Delete “or higher standards than this” at point A Flats, 1 bed units, and self and custom build plots should be excluded entirely. Point D: M4 (3) a or b

only where up to date evidence of need and subject to appropriate testing of viability through the Local Plan process including what assumptions have been made in relation to the requirement for M4(3)(2)(a) (wheelchair adaptable) vs M4(3)(2)(b) (wheelchair accessible), the latter of which is considerably more expensive.

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)

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: 50% M4(2) While we welcome the reduced requirement for M4(2) standards down to 50% there would still be concerns with meeting this on some sites. Additionally, the added reference to “or higher standards” creates uncertainty and undermines the clarity of the policy. As set out previously many sites do not have suitable topography to fully meet the M4(2) standards, M4 (2) external parking standard has a potentially significant cumulative effect on developable areas affecting site yield and/or street scene quality and for flat blocks this will require lifts which for occupiers and in particular RP’s would cause additional maintenance costs burdens. A more reasonable and achievable level would be 30%. It is also maintained that mandating M4(2) standards on self and custom build plots (discussed further below) would go against the essence of allowing people to design and build their own bespoke home. 15% affordable rent M4 (3) (a) or affordable homeownership M4 (3) (a) or (b) Reference to either M4 (3) (a) or (b) welcomed but need should be evidenced.

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.: Point A: A further reduced percentage requirement (e.g. 30%) for M4 (2) dwellings would be more acceptable and reasonable. Delete “or higher standards than this” at point A Flats, 1 bed units, and self and custom build plots should be excluded entirely. Point D: M4 (3) a or b only where up to date evidence of need.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

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

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

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.: 50% M4(2) While we welcome the reduced requirement for M4(2) standards down to 50% there would still be concerns with meeting this on some sites. Additionally, the added reference to “or higher standards” creates uncertainty and undermines the clarity of the policy. As set out previously many sites do not have suitable topography to fully meet the M4(2) standards, M4 (2) external parking standard has a potentially significant cumulative effect on developable areas affecting site yield and/or street scene quality and for flat blocks this will require lifts which for occupiers and in particular RP’s would cause additional maintenance costs burdens. Noting the direction of travel of the draft NNPF (which currently proposes 40% M4 (2) or (3)) the new LP policies should be consistent. While the NNPF % may change, and our view is that a lower % of circa 30% is more reasonable and achievable, the proposed 50% is still considered too high. It is also maintained that mandating M4(2) standards on self and custom build plots (discussed further below) would go against the essence of allowing people to design and build their own bespoke home. 15% affordable rent M4 (3) (a) or affordable homeownership M4 (3) (a) or (b) Reference to the provision of either M4 (3) (a) or (b) welcomed but need should be evidenced. For all the reasons set out previously the provision of M4(3) units raise issues of viability and site coverage, and such a high percentage is not considered justified.

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 following amendments are required for the policy to be considered sound: Point A: A further reduced percentage requirement (e.g. 30%) for M4

(2) dwellings would be more acceptable and reasonable for the reasons set out in previous representations. Delete “or higher standards than this” at point A Flats, 1 bed units, and self and custom build plots should be excluded entirely. Point D: M4 (3) a or b only where up to date evidence of need and subject to appropriate testing of viability through the Local Plan process including what assumptions have been made in relation to the requirement for M4(3)(2)(a) (wheelchair adaptable) vs M4(3)(2)(b) (wheelchair accessible), the latter of which is considerably more expensive

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

Proposal:

9. Supporting the Economy and Town Centres

1. To which part of the Supporting the Economy and Town Centres chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SE05

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Supporting the Economy and Town Centres chapter is not sound. Please be as precise as possible.: It is noted that the guidance on the requirements for an Employment and Skills Statements is now available and provides further guidance on what is required.

Full name: Samantha Thomas

Organisation (where relevant): Carney Sweeney

Other party name (if relevant): Stuart Partners Ltd

Proposal: Sustainability Appraisal

If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.:

1. The changes to the SA are considered to go beyond what could be described as minor. At paragraph 2.25 of the revised, it states that “...most changes to the topic-based policies are relatively minor, so do not require changes to the SA. One of the exceptions is Strategic Policy AR02 which was amended to incorporate water quality, as well as efficiency, leading to more positive effects on biodiversity and water quality.”
2. There are significant additions to the SA on Marlcombe, particularly a completely new section appraising the different scenarios for the development of the masterplan.
3. Para 2.27 states that updates have also been made to key elements of the baseline information and relevant plans, policies and programmes.
4. The SA for Marlcombe is based on traffic modelling that was undertaken for 2,500 dwellings at each Option. It is notable that the plan period runs to 2042 and the 2nd Reg 19 draft LP anticipates that 3,312 homes will be delivered at Marlcombe by 2042.
5. The SA presents significant new material on the new settlement – which totals 8,000 and is a substantial part of the LP spatial strategy. The information amounts to a significant change from the 1st Reg 19 draft, including an assessment of multiple masterplan options.
6. The archaeological evidence for individual sites fundamentally changes the conclusions of the SA on some sites. Whilst Brcl_26 was preferred in the first draft, by the second draft it was rejected because of a major negative effect upon the historic environment due to the likely presence of regionally significant archaeology, and high flood risk on site including at the likely access point. This led to the deletion of Strategic Policy WS11 in the 2nd publication draft.
7. The HRA also introduces new evidence that has changed the assessment against the SA objectives for individual sites. This information was not included in the first draft, presumably because it wasn't available at that time. This led to site assessments that could not have been legally compliant.