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## East Devon Local Plan 2020-2042 (Reg 19 Consultation)

The following submissions and objection is made on behalf of Mr & Mrs S. Anthony of [REDACTED] [REDACTED] site owners of Land South of Underhill Close, Lymestone.

The objections relate to:

- Policy SP02 – Levels of future Housing Development
- Policy SP03 – Housing requirement by Designated Neighbourhood Area
- Policy SP05 – Development inside Settlement Boundaries
- Policy SP06 – Development beyond Settlement Boundaries
- Policy SD10 – Development Allocations at Lymestone
- Policy OL05 – Green Wedges
- Policy PB05 – Biodiversity Net Gain
- Consultation Map Inset - Lymestone

### General Points

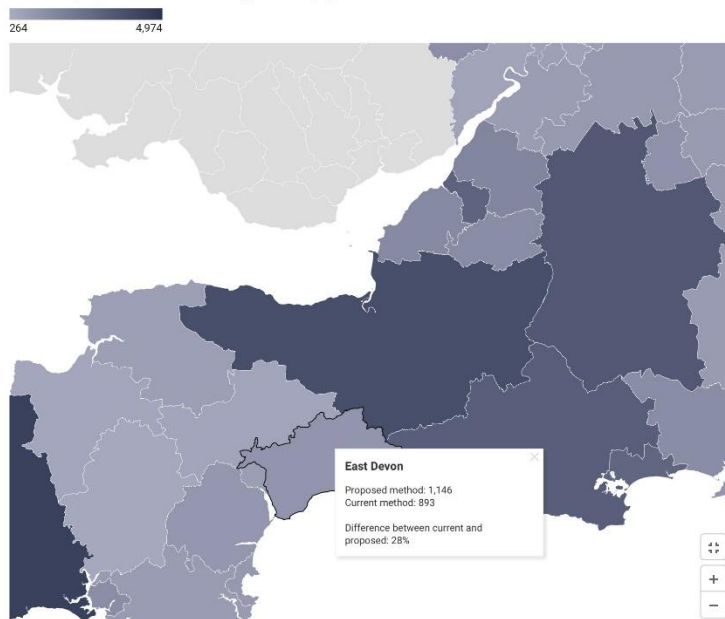
The draft plan has progressed to consultation under Reg.19 against the backdrop of a change of Government with the incoming administration making a clear declaration of intent to reform the Planning System and prioritise delivery of housing; and the introduction of a statutory requirement to achieve an uplift of 10% in Biodiversity in relation to development proposals.

### Housing Delivery

Since Consultation under Reg.18, under the Updated NPPF, the housing requirement for East Devon increased by 28% from 893 to 1,146 equating to an increase of 5,060 over 20 years (an additional 253 per year). Faced with a significant level of increase over the same period, nearby Bath and North-East Somerset Council has announced a new call for sites as part of a 'resetting' of the local plan.

### Housing targets under new method

The housing targets for each local authority under the proposed new method



In the Regulation 19. Draft, Strategic Policy SP02 states that:

**“Housing provision will be made for at least 20,909 dwellings (net) to be delivered in the plan area between 1 April 2020 to 31 March 2042. The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1070 homes per year from 2032/33 to 2041/42.”**

First, this represents a shortfall of more than 2000 dwellings over the plan period against the NPPF figure.

Secondly, the subsequent paragraph 3.12 states:

“In recognition of the complexities inherent in delivering major development sites, particularly the proposed new community provision of new homes will come forward under a stepped trajectory that will provide an annual average of 850 dwellings per year from 2020/21 to 2031/32 and 1,070 per year from 2032/33 to plan end at 2023/24...”

Notwithstanding the fact that we are now four years into the plan period, the draft plan proposes site allocations which, for the first ten years of the plan period, fall short annually by 296 dwellings. The ‘stepped trajectory’ involves effectively ‘kicking the can down the road’ for another seven years until 2032 before the shortage can be addressed.

The approach of the Reg.19 consultation version of the EDDC plan is ineffectual and insufficiently robust to contribute to meeting need and addressing the housing crisis, which is current, rather than seven years or more in the future. This is unconvincing and unrealistic, and lacks a robust evidence base demonstrating that the allocated sites and the numbers suggested can indeed be delivered in time to address need.

The new Government’s forward-looking approach and methodology has been informed by many years of failure by the Planning system and previous Governments to address the growing housing crisis by achieving and facilitating sufficient housing to meet existing and proposed demand. Habitual

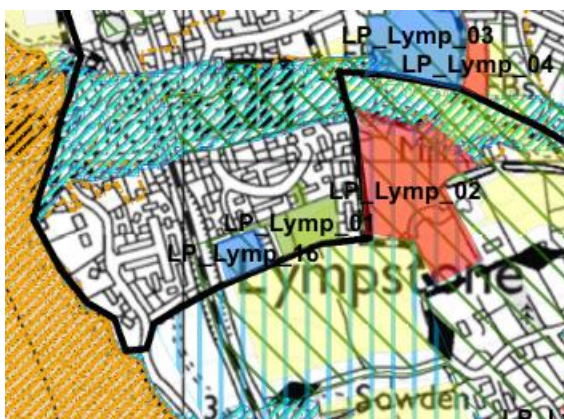
allocation of sites where delivery is problematic because of ownership and infrastructure and citing them as evidence of a five-year housing land supply is an out of date and nebulous approach geared more towards developing a strategy for defending appeals against refusals of planning permission for residential development elsewhere, than to the actual delivery of housing. This approach needs to change. In particular a more pragmatic and supportive approach is needed to maximising and realising the potential for smaller sites to contribute to the delivery of housing, including a more rigorous examination of the potential for sustainable delivery on Brownfield land.

The now statutory requirement for the achievement of BNG in relation to new residential developments has potential implications for the housing numbers and densities of residential development within planned allocated sites. BNG must be achieved within these sites or by way of purchasable BNG credits elsewhere. Unless each allocation is preceded by an audit in this respect and supported by evidence that the required uplift can be achieved and delivered, the Plan will not enable the LPA to demonstrate adequate provision of land where housing can genuinely be delivered in sufficient numbers.

Pursuant to Regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017, the LPA is under a statutory obligation to identify and publish annually a register of brownfield land and to update it at least once a year. The register on the EDDC website states it was 'recently' updated in December 2021. It is therefore more than three years out of date.

### **Land South of Underhill Close**

The site within the respondents' ownership is shown on the Lymptstone Inset Map forming part of the Reg. 19 Consultation. It lies to the west of Housing allocation site Lymp\_01 between that site and the railway embankment. In the previous Reg.18 Local Plan Consultation map it was shown as Lymp\_16 and shaded in blue (referred to in the key as 'Planning Permission Granted') and within the settlement boundary of Lymptstone. (See below). Over 50% of the land is hard surfaced tarmac which was laid out as a car park during local works by a statutory undertaker.



Extract from Reg.18 Consultation Map

In a site selection report to the Council's Strategic Planning Committee of September 3<sup>rd</sup> 2024 it was stated that the respondents' site LYMP\_16 (0.3ha) was not identified as a potential housing site in the Housing and Economic Land Availability Assessment (HELAA) on the grounds that it fell below the size threshold. However the introduction to the HELAA states that the criteria for inclusion is a

minimum size of 0.15ha with capacity for 5 dwellings. The respondents' site should therefore be properly considered as a housing site with potential for delivery of 5 dwellings. The adjacent Lymp\_01 site was described in the same report as follows: "Fairly level garden and field adjacent to Lympstone. Site adjacent to Coastal Preservation Area and features multiple small parcels of land with some garden areas. Mature trees across site, mature hedgerows throughout. Nevertheless, small scale site with existing dwellings around provide a built context, and overall, low landscape sensitivity to new development." The aerial photograph from that report is reproduced below. The respondents' site containing the car park is in the bottom left hand corner.



Overhead photo of Lymp\_01

The previous owners of the respondents' site made representations to the Regulation 18. consultation in January 1993 (Copy attached) supporting the designation and settlement boundary and making the case for the suitability of Lymp\_16 for housing development in the same manner and density as Lymp\_1. This latter point was not given adequate consideration or weight.

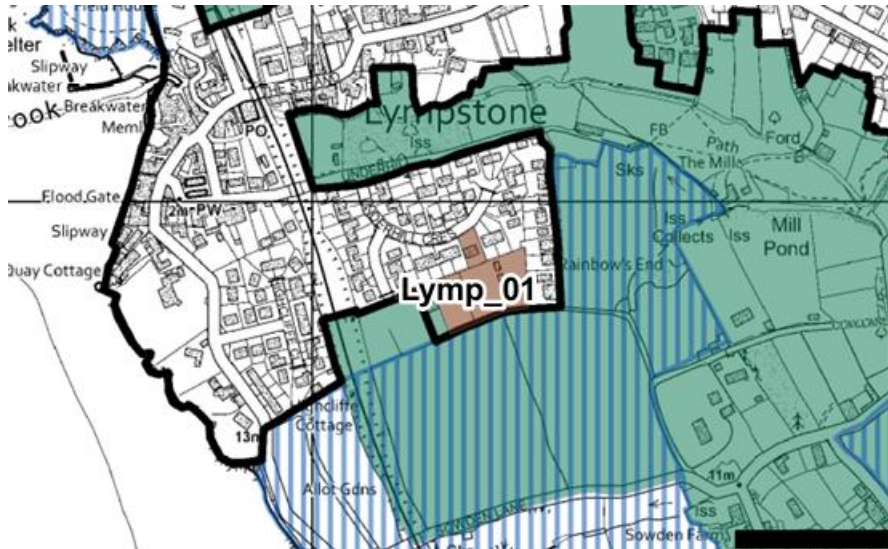
On the regulation 19. Consultation inset to the Policies map, without any prior consultation, justification or explanation, a new and illogical rectangular inset has been drawn around the respondents' site, excluding it from the settlement boundary. On this plan it has been colour coded green as part of the 'Green Wedge' between Lympstone and Exmouth but is otherwise unmarked. The previous colour coding acknowledging it as land with 'planning permission granted' does not appear.

The circumstances of the site are that it benefits from planning permission for redevelopment (Granted on appeal on two occasions) and has been acknowledged by successive Planning Inspectors as capable of development with a negligible impact on the Green Wedge and Landscape Quality, to be in a sustainable location, and to read as infill which would relate very well to surrounding housing.

In the decision on the first appeal (1st March 2022) APP/U1105/W/21/3282445 The Inspector wrote: "The development would read as infill and would relate very well to surrounding housing, falling inside a notional building line across this southern extent of the village." " .. the scheme performs well against the sustainability objectives set out within the Framework." "....the site would be suitable for the proposal, having regard to the development plan's approach to the location of housing."

In the second decision (27th November 2024) APP/U1105/W/24/3341698 " The scale and position of the dwelling within the site follows the established building line on the edge of the settlement."

As it meets the relevant criteria the site has been submitted for inclusion on the Council's register of brownfield land.



Extract from Reg.19 consultation map inset.

In the Interim the LPA has also, in advance of any formal acceptance of the Lymp\_1 allocation, already granted planning permission for two detached dwellings on the westernmost part of that site. In a report of October 2024 in making that decision the Council considered a report containing the following statement:

(Officer's report to the planning committee of 23rd October 2024 recommending that permission for two detached dwellings be granted on part of the LYMP\_01 site.)

*"Overall, whilst there is some conflict with the adopted local plan, it is considered that due to the sustainable location of the site, the need for new housing, and the resolution to promote the site as a preferred allocation in the emerging local plan, the principle of development of this site is acceptable. The proposed dwellings are considered to be acceptable in terms of layout, scale and appearance and would not result in any significant harm to the character and appearance of the area or the Green Wedge designation to justify refusal of the application. The proposal is accompanied by detailed landscaping proposals which include maintaining the southern hedgerow at an appropriate height along with additional planting which would help to soften the impact of the development in localised and wider views."*

The report contained no comment from the Council's Landscape Officer and went on to suggest that the previous grant of planning permission at appeal on the respondents' site (Lymp\_16) demonstrates that development can be accommodated within the green wedge and outside the settlement boundary without harm. It should be further noted that the means of access to the two house development in question uses Underhill Close, rather than that from Underhill Crescent envisaged in the Lymp\_1 allocation.

## Conclusion

- The respondents object to the unsound approach to housing allocation in the Regulation 19. Consultation which does not meaningfully address the requirements of the NPPF and emerging Government Policy, or take an appropriate approach to the sustainable delivery of housing.
- The Respondents object to the failure of the Regulation 19. version of the plan to give full and proper consideration to the deliverability of the projected housing land allocations therein in the context of the statutory requirement to provide BNG uplift in the context of development proposals.
- The respondents object to the over-reliance on agricultural and other open land to provide future housing sites whilst demonstrably failing to identify and promote the development of more sustainable brownfield land. In particular there has been a failure by the LPA meet its statutory duty to maintain and publish annually a register of Brownfield land. (This has not been done since 2021).
- The respondents consider the LPAs approach should show greater to support housing delivery on smaller brownfield sites, including Lymp\_16 which, are demonstrably deliverable, sustainable, accessible and ready for development, as part of their Housing Land Identification.
- The respondents object in the strongest possible terms to the illogical, unjustified and arbitrary change to the settlement boundary line resulting in the exclusion of site Lymp\_16 from the Lympstone boundary. This line should revert to the position on the regulation 18 map.

5<sup>th</sup> March 2025