

East Devon Local Plan Publication Draft Consultation

Representations on behalf of David Wilson
Homes

March 2025



PLANNING
LIMITED

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1 Introduction

- 1.1 This representation to the East Devon Local Plan Review Publication Draft consultation (Regulation 19) is submitted on behalf of David Wilson Homes (hereafter DWH). As a national housebuilder, they control a number of land parcels across East Devon, including some 13.45ha of land to the west of Lilypond Lane, Whimble.
- 1.2 DWH form part of the Barratt Redrow PLC Group. The Group is the nation's leading housebuilder. They create great new places to live throughout Britain. Their business is acquiring land, obtaining planning consents and building the highest quality homes in places people aspire to live. Their purpose is to make sustainable living a reality and to build stronger communities. They build both private and affordable homes. They have a number of national accolades and are the only major national housebuilder to retain a 5 star rating for the fifteenth consecutive year. In 2024, they received 111 Pride in the Job Quality Awards, which is more than any other housebuilder for 20 years. All of their developments must meet the Building for a Healthy Life design standards.
- 1.3 Importantly, as both a land promoter and a house builder, they are able to make commitments through the planning process and ensure that developments are delivered as intended. This includes in relation to necessary infrastructure required to facilitate development, the design intent, biodiversity net gains and measures to address the impact of climate change. They have the ability to prepare applications in outline, or in order to accelerate delivery, as hybrid or fully detailed proposals.
- 1.4 DWH have, for a number of years, taken an active role in reviewing and responding to emerging planning policy within East Devon. In that regard, they submitted representations to the previous consultations concerning the Local Plan in 2023 and 2024.
- 1.5 Given their interests, DWH are pleased to see further progress is being made on the emerging Local Plan. They are generally supportive of its content. However, in their consultation responses to the 2023 and 2024 Regulation 18 consultations, and in correspondence to the Strategic Planning Committee in Autumn 2024, they outlined a number of areas where they believed further consideration was necessary. In the main, these concerns remain unaddressed.
- 1.6 Most notably, DWH consider that:
 - in order for the emerging Plan to be considered to be *positively prepared*, there is a need for a higher housing requirement and a greater quantum of land to be allocated for housing, in order to more closely meet local housing needs as defined by the standard method;
 - having regard to the above, the proposed allocations and the designated neighbourhood housing requirement, the emerging spatial strategy should afford a greater role to Whimble in meeting the District's housing needs;
 - there is a need to increase the supply of homes within East Devon over the plan period, including in the first five years after adoption; and
 - there are deficiencies in the now dated evidence base underpinning the Plan, which have resulted in an *unjustified* plan.
- 1.7 In addition, DWH continues to advocate that land to the west of Lilypond Lane is a sustainable location to accommodate residential development. As has been detailed to the Local Planning Authority for some time, in contrast with the conclusions presented within the Council's Housing and Economic Land Availability Assessment (HELAA), technical work prepared on behalf of DWH confirms that suitable pedestrian, cycle and vehicular accesses can be achieved and that there are no other technical transport reasons that would preclude the proposed development. Indeed, the work confirms that the residual traffic impacts can largely be offset by wider changes in mobility

patterns, particularly given the proximity of the railway station, which is located to the north of the site.

1.8 In the context set out above, these representations therefore focus on:

- the development opportunity at land to the west of Lilypond Lane, Whimple;
- the Plan period and the length of time for its preparation;
- transitional arrangements;
- the objectively assessed need for housing and the housing requirement;
- the spatial strategy and the distribution of development;
- the Plan's housing supply;
- the proposed development management policies; and
- the evidence base underpinning the Plan.

1.9 A summary of these representations is provided at Section 11.

2 The development opportunity on land to the west of Lilypond Lane, Whimble

SITE DESCRIPTION

- 2.1 As set out in Section 1 of this representation, DWH control land to the west of Lilypond Lane, Whimble. The site, which measures approximately 13.45ha, is located to the south and south east of Whimble. It is identified on a location plan provided at Appendix 1 of these representations. The boundaries of the site are defined by:
- to the north and north west – the West of England Main Railway Line, with residential development further to the north;
 - to the east – properties known as Bridgefield and Higher Slewton, as well as Lilypond Lane;
 - to the south east – mature hedgerows and trees, with fields beyond; and
 - to the west – a treelined watercourse, with allotments and dwellings on Grove Road beyond.
- 2.2 The site is irregular in shape and covers an expansive area of grazed modified grassland made of multiple field parcels, divided by mature trees and hedgerows. As indicated above, the site's western boundary is marked by an existing watercourse. A tributary of the watercourse runs horizontally across the southern part of the subject site. Public Rights of Way also cross the northern and southern areas of the site.

SUSTAINABILITY AND ACCESSIBILITY

Whimble

- 2.3 The evidence base underpinning the Local Plan identifies that Whimble benefits from the following services and facilities:
- a railway station;
 - a primary school;
 - a convenience store/shop;
 - a post office;
 - a doctor's surgery;
 - a community hall;
 - two public houses;
 - allotments;
 - sports provision; and
 - children's play provision.
- 2.4 It is considered that relative to its size, Whimble has a good range of services and facilities and it is therefore a sustainable location for growth.
- 2.5 Many of these services and facilities are located within 500m of the centre of the site, including: (1) allotments; (2) a community hall; (3) the primary school; (4) the railway station; and (5) a public house. Work undertaken by SLR, which is provided at Appendix 2, identifies a number of potential walking and cycling routes to the centre of the Village, where the majority of these services and facilities are present. Their analysis demonstrates that at worst, it would take approximately a 16 minute walk/five minute cycle ride from the subject site to the centre of the Village (utilising the

proposed pedestrian access in the north east of the site), with shorter routes including the existing level crossing to the north of the site (an eight minute walk) and the potential pedestrian access to the west (a four minute walk/one minute cycle). Many of Whimble's services and facilities could be reached in a quicker timeframe, including the railway station.

Active and sustainable transport options to other destinations

Active travel

- 2.6 Whimble is located approximately 1km to the east of the consented Cobdens development, which itself is located within Cranbrook. Consequently, Whimble is located within a comfortable active travel distance of the services, facilities and employment opportunities found within Cranbrook and to the west of it, which include Skypark Business Park, the Gateway Logistics Park, Tithebarn Green/Mosshayne and the Exeter Science Park. These active travel routes are proposed to improve over the course of the Local Plan's plan period, with improvements to London Road having been secured through developments being delivered at Cranbrook, as well as proposals within the Clyst Valley and New Communities Local Cycling and Walking Infrastructure Plan.

Sustainable transport opportunities

- 2.7 As described above, Whimble's railway station is located to the north of the subject site. An existing Public Right of Way, which includes a level crossing, connects the site to the railway station. The railway station is therefore within an easy walking distance of the site. The railway station, which is only one of nine within the District, is generally served by a twice hourly service to a range of destinations, including Cranbrook, Pinhoe, Exeter Central and Exeter St Davids to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. The railway station's strategic role is to increase over the plan period, as it forms part of the Devon Metro, which aims to provide half hourly services. The Devon Metro is to be a high frequency metropolitan line. It is anticipated that it will function more like a metro or a tram and therefore patronage levels will be greater than traditional rail links. There is also a long-term aspiration of Network Rail to provide a new passing loop between Whimble and Cranbrook. The provision of a railway station in the settlement is a key facility that is only found within two of the five Main Centres and one Local Centre, as defined by Strategic Policy 2 of the emerging Local Plan.
- 2.8 Consequently, the railway station would, for the residents that needed to access services, facilities and employment opportunities beyond Whimble, provide an attractive alternative to the private car. There is therefore significant potential for encouraging journeys from Whimble by the railway, not least because it connects Whimble to the growing cluster of employment sites to the west, as well as the services and facilities, including education provision, found within other settlements, including Cranbrook, Honiton and Exeter.

THE DEVELOPMENT OPPORTUNITY

- 2.9 DWH has commissioned a number of technical assessments to support the promotion of land to the west of Lilypond Lane. This work includes: (1) transport and access; (2) ecology; (3) drainage and flood risk; and (4) masterplanning. Together, this work has demonstrated that the site is suitable for residential development, which could be accommodated on the site in a technically achievable manner. As demonstrated through this representation, DWH are continuing to make the site available for residential development, so it follows that the site is also available. Importantly, it has the ability to come forward in the next five-year period and is therefore a deliverable proposition.
- 2.10 Building on Whimble's locational advantages, which are described above, the technical work prepared on behalf of DWH has indicated that land to the west of Lilypond Lane could be brought forward in the following two ways:

Option A

- up to 115 homes, at a net density of 34/35 dwellings per hectare;

- approximately 65% of the site being delivered as green infrastructure, with all open space typologies being met on site, aside from sports provision. The provision could include SANG, or this could be provided off-site;
- vehicle access in the form of a T-junction in the site's north eastern corner, onto Lilypond Lane;
- the retention of the Public Right of Way and the level crossing to the north of the site;
- the retention of the Public Right of Way in the southern portion of the site;
- a pedestrian/cycle connection via the existing Grove Road allotments;
- potential new parking for the existing Grove Road allotments; and
- new basins and wetlands, which could provide flood storage and flow management for the tributary watercourse, which could provide an improvement downstream, within the Whimple Critical Drainage Area.

Option B

- up to 95 homes, at a net density of 34/35 dwellings per hectare;
- approximately 70% of the site being delivered as green infrastructure, with all open space typologies being met on site, aside from sports provision. The provision could include SANG, or this could be provided off-site;
- vehicle access in the form of a T-junction in the site's north eastern corner, onto Lilypond Lane;
- the retention of the Public Right of Way and the level crossing to the north of the site;
- the retention of the Public Right of Way in the southern portion of the site;
- a pedestrian/cycle connection via the existing Grove Road allotments;
- potential new parking for the existing Grove Road allotments; and
- new basins and wetlands, which could provide flood storage and flow management for the tributary watercourse, which could provide an improvement downstream, within the Whimple Critical Drainage Area.

Access arrangements

2.11 As described above, the proposed access arrangements are:

Vehicular access

- a T-junction arrangement onto Lilypond Lane.

Pedestrian and cycle access

- a pedestrian and cycle access onto Lilypond Lane; and
- potentially, a connection through the existing Grove Road allotments to the west.

Pedestrian access

- via the existing Public Right of Way and level crossing to the north.

2.12 This access strategy follows technical advice provided by highways consultants SLR. In their 2024 technical note, which is provided at Appendix 2, they concluded that:

- a potential pedestrian access onto Lilypond Lane is achievable. The work concluded that Lilypond Lane is lightly trafficked, and surveys have indicated that vehicle flows are below accepted thresholds for a shared surface. Whilst the existing bridge does restrict forward visibility for pedestrians, speeds are low and pedestrian movements already occur without a safety record. It was concluded that there is the potential to enhance safety over the bridge, which could include

vegetation clearance and/or the potential to introduce more formalised shared surface features or limited formal footways. Other opportunities exist on Lilypond Lane to reinforce pedestrian safety;

- there is an existing pedestrian crossing across the railway via the most northern of the two Public Rights of Way. There is an opportunity to provide an alternative route over the railway line in the form of a new pedestrian overbridge, which would serve as a supplementary route to the Lilypond Lane pedestrian access. It would provide a direct route to the services and facilities found within Whimble. Land would be safeguarded for its construction and its delivery would be discussed with Network Rail;
- the potential to provide a pedestrian access onto Grove Road will be subject of further investigation;
- automated traffic counts have been undertaken at three locations in and around Whimble. The surveys demonstrate that both Lilypond Lane and Grove Road are lightly trafficked and are well below the threshold for shared surfaces (100 vehicles per hour). Church Road was the busier of the three roads surveyed, but is still relatively low;
- typically, a scheme of 150 dwellings would generate approximately 75 two-way vehicle movements in the peak hours. However, the trip rates agreed for the Codbens development were 0.2-0.4 vehicle trips in the peak, per hour, per dwelling. SLR conclude that there is no reason, given the access to existing and proposed services, facilities and sustainable and active modes of travel, why those rates could not be achieved from this development;
- having regard to existing vehicular flows, Lilypond Lane could easily accommodate the traffic generated from the proposals and therefore provides a sensible location for a vehicular access; and
- improvements to the bridge to the north could be made, which could include the widening of the approaches, or a priority movement.

2.13 In overall terms, SLR conclude that:

“...there are no technical highways reasons not to support the development, and the residual traffic impacts can largely be offset by wider changes in mobility patterns in the village, which can be accelerated with investment offered by the development, including contributions towards improved access to the railway station.”

Drainage

2.14 Technical work undertaken on behalf of DWH has demonstrated that:

- the site is located within the Whimble Critical Drainage Area and is within the catchment of the Upper Cranny Brook. The Upper Cranny Brook runs to the north of Whimble;
- two watercourses impact the site. The first runs along the site's western boundary, whilst the second runs east to west in the southern portion of the site. There are narrow areas associated with these watercourses that fall within Flood Zones 2 and 3. There are also surface water pathways that broadly follow both watercourses;
- other than a potential connection to Grove Road and an area for additional flood management, no development is proposed within Flood Zones 2 or 3;
- both these watercourses, which are tributaries of the Cranny Brook, are defined as being Minor Watercourses and are therefore the responsibility of the Lead Local Flood Authority;
- the tributary located in the southern part of the site was found to intercept surface water from the south and therefore there is an opportunity to divert flows into a new wetland/storage area that would also provide other ecological benefits;

- the watercourse on the site's western boundary was found to be relatively short. The opportunity to reduce ground levels to the east of the watercourse to provide some additional flood storage upstream of the railway line was identified;
- with the inclusion of these flood management storage areas (in addition to conventional SuDS) it was concluded that there would likely be a reduction in flood risk, particularly to the south of the railway line;
- run off from the proposed development will, as a minimum, be restricted to the 1 in 10 year discharge rate, although it is hoped that this discharge rate will be improved upon, which will provide some betterment by reducing peak flows downstream of the tributary; and
- on-site drainage features would be designed to accommodate the 1 in 100 year storm event, plus a suitable allowance for climate change.

2.15 The proposed flood risk and drainage strategy therefore has the potential to provide a number of significant benefits, including reducing flood risk to the north, as well as providing ecological benefits within the site.

Ecology

2.16 Green Ecology undertook an Extended Phase 1 Habitat Survey and a habitat condition assessment in 2022. This work has been supplemented by a desk based study, utilising data obtained from the Devon Biodiversity Records Centre. Whilst the assessment work recommended the need for a further survey effort for bats, Great Crested Newts, reptiles, dormouse and otter, which will be undertaken in due course, a number of initial recommendations which have been incorporated into the masterplan were identified. These include:

- the retention of the veteran tree on the site's northern boundary, with a suitable buffer;
- the retention and enhancement of the orchard;
- the retention of woodland and the watercourse;
- a suitable buffer to be provided to the watercourse;
- opportunities to enhance the site for bats, birds and invertebrates;
- opportunities to create species rich grassland; and
- the retention of hedgerows where possible.

2.17 No overriding constraints were identified that would preclude the development of the subject site.

Vision Statement

2.18 A Vision Statement, which describes and illustrates the development opportunity on land to the west of Lilypond Lane, Whimple, is provided at Appendix 3.

Delivery trajectory

2.19 The table below establishes the envisaged programme to first completions.

TABLE 1: PROGRAMME TO FIRST COMPLETIONS

	PRE-APPLICATION PROCESS	SUBMISSION OF APPLICATION TO DETERMINATION	CONDITIONS	SITE CLEARANCE	FIRST LEGAL COMPLETIONS
2025/26	●				
2026/27	●	●			
2027/28		●	●	●	
2028/29					●

2.20 It is envisaged that the site would be delivered by two of the developers within the Barratt Redrow PLC Group, including DWH and therefore there would be two delivery outlets. Using the Local Planning Authority's delivery assumptions set out within the HELAA, the site would be delivered as follows:

TABLE 2: DELIVERY TRAJECTORY FOR OPTION A

YEARS			
	2028/29	2029/30	2030/31
Completions	24	50	41

2.21 Consequently, the development would be entirely completed by monitoring year 2030/31 and therefore within the first five year period after the envisaged adoption of the Plan.

2.22 As set out in Section 8 of these representations, DWH do not consider that a demonstrable five year supply can be identified on adoption of the Plan. Significant weight should therefore be afforded to the ability of the development at Lilypond Lane to make a meaningful contribution to housing land supply over this period.

3 The policy context

- 3.1 The following section of this representation provides a summary of the policy context that will inform the emerging East Devon Local Plan.

NATIONAL PLANNING POLICY TRANSITIONAL ARRANGEMENTS

- 3.2 Annex 1 of the 2024 version of the NPPF confirms that for the purposes of plan-making, from 12th March 2025, the current version of the NPPF will be used, unless one or more of the following apply:
- a) the plan has reached Regulation 19 (pre-submission stage) on or before 12th March 2025 and its draft housing requirement meets at least 80% of local housing need;
 - b) the plan has been submitted for examination under Regulation 22 on or before 12th March 2025;
 - c) the plan includes policies to deliver the level of housing and other development set out in a preceding local plan adopted since 2020;
 - d) the local plan is for an area where there is an operative Spatial Development Strategy and the local plan has reached Regulation 19 stage on or before 12th March 2025; or
 - e) the plan only deals with minerals and/or waste matters and has reached Regulation 19 stage, on or before 12th March 2025.
- 3.3 As set out in para. 3.11 of the Regulation 19 consultation, the Local Authority contests that by employing a housing requirement that is above 80% of the objectively assessed need for housing derived from the latest standard method calculation, they benefit from the transitional arrangements provided above. Consequently, they consider that the emerging Local Plan will be examined against the 2023 version of the NPPF, and not the current version. This, for the reasons set out in Section 5 of these representations, is disputed by DWH. However, to ensure consistency with the emerging Local Plan, relevant sections of the 2023 version of the NPPF are summarised below.

NATIONAL PLANNING POLICY

- 3.4 The NPPF (2023) establishes the Government's planning policies for England and how they are to be applied. It provides a framework within which locally prepared plans can provide housing and other forms of development in a sustainable manner (para. 1).
- 3.5 Para. 15 confirms that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area, a framework for meeting housing needs and addressing other economic, social and environmental priorities and be a platform for local people to shape their surroundings.
- 3.6 Plans should: be prepared with the objective of contributing to sustainable development; be positively prepared, but deliverable; shaped by effective engagement; contain policies that are clearly written and unambiguous; be accessible through the use of digital tools; and serve a clear purpose, avoiding unnecessary duplication (para. 16).
- 3.7 Development plans must include strategic policies to address an area's priorities for development and the use of land (para. 17). Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for, amongst other things, homes (including affordable housing), employment, retail, leisure and other commercial development; infrastructure; community facilities and the conservation and enhancement of the natural, built and historic environment and measures to address climate change mitigation and adaptation (para. 20).
- 3.8 Strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities. Where large scale developments such as

new towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take account of the likely timeframe for delivery (para. 22). Strategic policies should provide a clear strategy for bringing land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning and allocating sufficient sites to deliver the strategic priorities of the area (para. 23).

- 3.9 Para. 11 states that plans and decisions should apply a presumption in favour of sustainable development. For plan making this means promoting a sustainable pattern of development that seeks to: (1) meet the development needs of the area; (2) align growth and infrastructure; (3) improve the environment; and (4) mitigate climate change and adapt to its effects. As a minimum, strategic policies should provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
- the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 3.10 Para. 24 confirms that local planning authorities and County Councils have a duty to cooperate with each other and with other prescribed bodies, on strategic matters that cross administrative boundaries. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy (para. 26).
- 3.11 The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate (para. 31). Local plans should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. It should demonstrate how the plan addresses economic, social and environmental objectives. Significant adverse impacts should be avoided. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (para. 32).
- 3.12 Local plans will be examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound (para. 35). Plans are sound if they are:
- **positively prepared** – provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from a neighbouring area is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **justified** – an appropriate strategy, taking into account reasonable alternatives and based on proportionate evidence;
 - **effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **consistent with national planning policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

Housing

- 3.13 Para. 60 confirms that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

- 3.14 To determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method. The outcome of the standard method is an advisory starting point for establishing a housing requirement for an area. There may be exceptional circumstances which justify an alternative approach to assessing housing need. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account (para 61).
- 3.15 Strategic policy making authorities should establish a housing requirement for their whole area which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need (para. 67).
- 3.16 Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- specific, deliverable sites for five years following the intended date of adoption; and
 - specific, developable sites or broad locations for growth for the subsequent years 6 to 10 and, where possible, for years 11-15 of the remaining plan period (para. 69).
- 3.17 Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
- 3.18 Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period (para. 75).

SUMMARY

- 3.19 As indicated at para. 2 of the NPPF, the Local Planning Authority must, when preparing the emerging Local Plan, take the content of the NPPF into account.

4 The plan period and the length of time for its preparation

- 4.1 As set out in national planning policy¹, strategic policies should look ahead over a minimum 15-year period from the date of the adoption of the Local Plan. In addition, planning law requires the preparation of a Local Development Scheme, which must specify the development plan documents that, once prepared, will comprise the development plan for the area. The same section of the 2004 Planning Act requires local planning authorities to provide a timetable for the preparation and revision of development plan documents and for local planning authorities to provide up-to-date information showing the *“state of the authority’s compliance (or noncompliance) with the timetable...”*
- 4.2 The latest Local Development Scheme (February 2025) forecasts adoption of the Plan in late 2026. If that occurred, there would be just over 15 monitoring years after adoption and therefore the national planning policy requirement would be met.
- 4.3 However, between the current consultation and adoption, there are the following likely stages of plan preparation:
- a further Regulation 19 consultation;
 - Submission;
 - the appointment of the examining Planning Inspector(s) and the Programme Officer by the Planning Inspectorate;
 - the scheduling of the Hearing Sessions;
 - the preparation of Hearing Statements;
 - the Hearing Sessions;
 - proposed Main Modifications (likely to be required), with supporting technical information;
 - publication of the Inspector’s Report;
 - to seek the recommendation of the Strategic Planning Committee for the Plan to be Adopted; and
 - the Plan to be adopted by Full Council.
- 4.4 It is considered highly ambitious for the stages of work listed above to be undertaken in the 21 month period allowed for in the Local Development Scheme.
- 4.5 The most obvious benchmark is the recently adopted Cranbrook Plan. In that case, the Local Planning Authority submitted the Plan to the Secretary of State for Examination on 2nd August 2019. The Hearing Sessions, which were divided into two stages, commenced on 21st January 2020 and ended on 20th November 2023. A further consultation concerning viability was undertaken in July and August 2021, with the Proposed Main Modifications published in January 2022. The Inspector’s Report was published in August 2022, with the Development Plan Document being adopted on 14th September 2022. Consequently, it took over three years from the Submission of the Cranbrook Plan to its adoption. Even allowing for the delays resulting from the Covid-19 pandemic, the period from the Submission of the Plan took significantly longer than the timeframe that has been allowed by the Local Development Scheme.

¹ Para. 22

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

5 Transitional arrangements

- 5.1 Page 5 of the consultation Local Plan suggests that as the Local Plan has reached the Regulation 19 stage on or before 12th March 2025 and its draft housing requirement can meet at least 80% of local housing need, it benefits from the transitional arrangements set out within para. 234 of the 2024 version of the NPPF.
- 5.2 However, as shown in para. 4.2 of the Local Development Scheme, a second Regulation 19 consultation is due to be undertaken in Spring 2025. It is our understanding that the second Regulation 19 consultation will focus on the second new community, which is a key element of the proposed housing delivery strategy.
- 5.3 It is DWH view that the requirement for a second Regulation 19 consultation to ensure a 'complete' draft Plan, which will occur after the 12th March 2025 deadline, means that the transitional arrangements set out in para. 234 of the NPPF are not applicable in this case. Consequently, the Plan should be assessed against the 2024 version of the NPPF and provide the full objectively assessed need for housing.

6 Policy SP02 - the objectively assessed need for housing and the proposed housing requirement

INTRODUCTION

- 6.1 The following section of this representation sets out DWH response to the emerging Local Plan's housing requirement. It also establishes East Devon District Council's current housing need.
- 6.2 Summarily, DWH note that the Local Planning Authority is planning to adopt a housing requirement that is only 82.9% of the identified local housing need. It will fail to provide for one in six homes required and will not result in Objective 5 of the Plan being met. It will neither address the significant shortfall in housing from the 2016 Local Plan or housing affordability. By failing to meet identified local housing needs and planning for the same annualised requirement as established in the 2016 Local Plan, it is not consistent with the national policy objective of significantly boosting the supply of homes. No discussions with neighbouring authorities under the duty to cooperate arrangements have been made to address the shortfall. The application of the stepped trajectory proposed within the Policy would worsen these concerns for the first 12 years of the Plan.
- 6.3 Consequently, DWH consider that the housing requirement established in Strategic Policy 2 is not *positively prepared, justified or consistent with national planning policy*. As drafted, it is therefore unsound.
- 6.4 To address these soundness concerns, and on the basis of a plan period covering 2020 to 2042, the housing requirement should be increased to meet the local housing need figure of 1,146 homes per annum/25,212 homes over the Plan period. There is an adequate theoretical supply of housing land to meet this higher requirement and it is a deliverable proposition. It is therefore *effective*. None of the Local Planning Authority's evidence suggests that it would be an *unjustified* strategy. Indeed, analysis provided in Appendix 5 of these representations suggests that a requirement that aligns with the local housing need figure should have been the preferred option.
- 6.5 Should the Local Planning Authority continue to Plan on the basis of a lower housing requirement, then there will be a need to incorporate the shortfall from the 2016 Local Plan (approximately 3,500 dwellings).

ESTABLISHING THE LOCAL HOUSING NEED - THE APPLICATION OF THE STANDARD METHOD

- 6.6 As confirmed above and on page 5 of the consultation document, the Local Planning Authority consider that the emerging Local Plan will, due to the transitional arrangements set out in the December 2024 version of the NPPF, be examined against the requirements of the December 2023 version of the NPPF. As set out in Section 5 above, this is disputed by DWH.
- 6.7 In any event, para. 61 of the 2023 version of the NPPF confirms that in order to determine the minimum number of homes needed in an area, strategic policies should be informed by a local housing needs assessment, conducted using the standard method. The outcome of the standard method is the starting point for establishing a housing requirement for an area.
- 6.8 The 2023 version of the NPPF acknowledged that there may be exceptional circumstances that justify an alternative approach to calculating housing need. However, since the publication of the 2023 version of the NPPF, a revised standard method has been published, which regardless of the iteration of the NPPF that the Plan is being prepared to accord with, supersedes earlier versions of the standard method.

- 6.9 The revised standard method employs differing inputs to earlier versions, including the existing dwelling stock within an area and an adjustment to take account of affordability. The revised approach provides *“a stable and predictable baseline that ensures that all areas, as a minimum, are contributing a share of the national total that is proportionate to the size of their current housing market².”*
- 6.10 Given this revised position, the Planning Practice Guidance (PPG) confirms that the standard method should be used to assess housing needs and that only in the following limited circumstances should an alternative approach be considered:
- where the strategic policy-making authorities boundaries do not align with the local authorities boundaries;
 - the data required for the standard method is not available for the area; or
 - the data sample size is too small³.
- 6.11 None of these circumstances are relevant to East Devon; the emerging Local Plan will cover the whole of East Devon, the data is available and the data sample size for all inputs is sufficiently large. Accordingly, as set out in the Plan, the 2024 version of the standard method should be used for calculating the objectively assessed need.
- 6.12 Consequently, it would, in the case of the emerging Local Plan, be inappropriate to use any other approach to calculating housing need, other than the latest version of the standard method.
- 6.13 As rightly confirmed at para. 3.11 of the consultation document, the objectively assessed need for housing within East Devon at the time that the Regulation 19 version of the Local Plan was published was 1,188 dwellings per annum. However, since the publication of the Plan, revised affordability ratios have been published. Their application within the standard method suggests that the local housing need is now 1,146 dwellings per annum. Extrapolated over a 22 year plan period, the objectively assessed need would be 25,212 dwellings (net) over the period 2020 to 2042.

THE NEED FOR A HIGHER HOUSING REQUIREMENT

- 6.14 As set out above, the objectively assessed need for housing within East Devon is presently 1,146 dwellings per annum. Despite this level of local housing need, the Local Planning Authority is proposing to utilise the provisions established within para. 234 of the 2024 version of the NPPF to plan to meet only 82.9% of this identified need. Notwithstanding DWH significant concerns with this approach, the implications of establishing a housing requirement that is lower than the established objectively assessed need for housing is set out below.

Not addressing needs

- 6.15 As set out above, the Local Planning Authority has, over the 22 year plan period, established a housing requirement that seeks to address only 82.9% of local housing need. Consequently, the housing requirement will result in 4,303 homes fewer than the standard method considers is necessary. This equates to a failure to provide just over one in every six homes identified as being needed.
- 6.16 Whilst this is permissible if the transitional arrangements provided by the 2024 version of the NPPF apply, it is modestly over the minimum level of housing required to enable the Plan to proceed

² MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 005 Reference ID: 2a-005-20241212.

³ MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 014 Reference ID: 2a-014-20241212

through the plan-making process, without the provisions of para. 237 of the NPPF applying. As set out in Section 5 above, it is DWH view that the transitional arrangements do not apply in this case.

- 6.17 Moreover, even in the event that the transitional arrangements apply, it will mean that the Plan will be Examined against the 2023 version of the NPPF. There remains in that version of the NPPF, as is described in Section 3 above, a requirement to provide, as a minimum, the objectively assessed needs for housing (paras. 11(b) and 61 refer), unless the provisions of para. 11(b) (i) and (ii) apply. DWH are not aware of any evidence to suggest that the provisions of para. 11(b) (i) and (ii) apply in East Devon.
- 6.18 Consequently, the Plan, as currently drafted, cannot be considered to be consistent with *national planning policy*. Indeed, without alteration, given the shortfall between the local housing need and the housing requirement, the emerging Local Plan cannot, also, be considered to be *positively prepared or justified*.
- 6.19 In addition, DWH fails to see how such a housing requirement, which will result in such a shortfall in comparison to the objectively assessed need, will help to deliver Objective 5 of the Plan, which seeks to “*meet people’s needs*.”

The operation of the transitional arrangements with a stepped trajectory

- 6.20 Alongside setting a housing requirement that seeks to meet only 82.9% of the identified housing need over the Plan period, Strategic Policy SP02 also seeks to employ a stepped trajectory, as follows:
- over the period 2020/21 to 2031/32 – 850 homes per annum; and
 - over the period 2032/33 to 2041/42 – 1,070 homes.
- 6.21 For the first 12 years of the Plan, it is proposed that the housing requirement will be set at a level that is 100.4 homes per annum lower than the proposed annualised housing requirement (950.4 homes). As set out above, the annualised housing requirement itself has been set at a level that seeks to meet only 82.9% of the established housing need.
- 6.22 Consequently, over the period 2020 to 2032, the requirement is proposed to be just 74% of the objectively assessed need for housing. In comparison to the local housing need figure, over the period 2020 to 2032, the requirement would be just 10,200 homes, against a local housing need of 13,752 homes. It would mean that over the first 12 years of the Plan, the requirement would be 3,552 fewer homes than the objectively assessed need would suggest is required.
- 6.23 It is also instructive to note that neither element of the stepped trajectory will provide a housing requirement that meets the objectively assessed need for housing.
- 6.24 Consequently, the use of a stepped trajectory, which will widen the gap further between the local housing need and the housing requirement in the first 12 years of the Plan, further strengthens the view that the emerging Local Plan cannot be considered to be *positively prepared, justified or consistent with national planning policy*.

Boost significantly the supply of homes

- 6.25 Para. 60 of the 2023 version of the NPPF confirmed that it was the Government’s objective to significantly boost the supply of homes. This objective has been reconfirmed at para. 61 of the 2024 version of the NPPF.
- 6.26 The current East Devon Local Plan, which was adopted in 2016 and therefore before the 2023 and 2024 versions of the NPPF were published, seeks, as a minimum, to provide 17,100 homes over its 18 year plan period. This is the same housing requirement that is currently being proposed in the emerging Local Plan Review as an annualised average. As stated above, over the first 12 years of the

Plan, the requirement is proposed to be lower than the requirement contained within the adopted Local Plan.

- 6.27 Given the above, in DWH view, the proposed housing requirement is *not consistent with the national planning policy* objective of significantly boosting the supply of homes, for, at best, it seeks a continuation of the current requirement.
- 6.28 Moreover, DWH note that the PPG confirms that the affordability adjustment is applied in order to ensure that the standard method for assessing local housing need is consistent with the national policy objective of significantly boosting the supply of homes⁴. It follows that a requirement that was set lower than the local housing need figure would *not be consistent with the national policy* objective of significantly boosting the supply of homes.

Shortfall in housing delivery against the adopted Local Plan requirement

- 6.29 As stated in the PPG, the affordability adjustment is applied in the standard method to take account of past under-delivery⁵. However, as set out above, the emerging Local Plan is seeking to meet only 82.9% of local housing need. Consequently, by not meeting the affordability uplift in full, it cannot be argued that, in the case of the emerging Local Plan, past under-delivery has been taken into account.
- 6.30 Table 17 of the Local Planning Authority's latest housing monitoring information confirms that the under-delivery of homes in comparison to the 2016 Local Plan trajectory was, at the end of monitoring year 2023/24, 3,555 dwellings. This is forecast to reduce to 3,477 dwellings at the end of the monitoring period that the Local Plan is envisaged to be adopted (2026/27).
- 6.31 It is DWH view that by not adopting a housing requirement that seeks to meet the full affordability adjustment, which itself addresses past under-delivery, the shortfall in delivery achieved over the Plan period should, as a minimum, be added to the housing requirement (approximately 3,500 dwellings).
- 6.32 Assuming that the emerging Local Plan's housing requirement seeks to meet the required increase to the housing stock in full, then it would only be meeting just over 64% of the affordability adjustment (354 homes per annum, out of an affordability adjustment of 550 homes per annum).

Housing affordability

- 6.33 The PPG confirms that the affordability adjustment within the standard method is made to ensure that "*the minimum annual housing need starts to address the affordability of homes⁶*" (our emphasis).
- 6.34 Analysis shows that without the affordability adjustment, the requirement for East Devon would be just 596 homes per annum. However, the application of the affordability adjustment would suggest that in order to start to address the affordability of homes within East Devon, there is a need for a further 550 homes per annum, to provide an overall annual objectively assessed need for housing of 1,146 dwellings per annum.
- 6.35 The emerging Local Plan, however, only seeks to provide an average annual requirement of 950 homes per annum, which means that over the plan period, each year, there would be a shortfall of 196 homes than the standard method would suggest is necessary in order to start to address the

⁴ MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 006 Reference ID: 2a-006-20241212

⁵ MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 011 Reference ID: 2a-011-20241212

⁶ MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 006 Reference ID: 2a-006-20241212.

affordability of homes in East Devon. Rather than seeking to address affordability, it is likely that such a shortfall will, instead, exacerbate housing unaffordability.

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

Implications of increasing the plan period

- 6.37 If, as is suggested in Section 4 above, there is a need to extend the plan period by a further monitoring year, then there would be the need to increase the housing requirement by:

- Local Planning Authority approach – 950 homes;
- Local housing need approach – 1,146 homes.

Unmet need from neighbouring authorities

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

- 6.39 The neighbouring authorities to East Devon are:

- Exeter City;
- Teignbridge;
- Mid Devon;
- Dorset; and
- Somerset.

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

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

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

⁷ Para. 4.3.

housing requirement. It does not appear, given the conclusions of Key Document 002, that any discussion has been held with neighbouring authorities as to how that shortfall could be met.

- 6.43 In terms of neighbouring authorities, Table 3 below provides an assessment of the current objectively assessed need for each authority against their emerging housing requirement.

TABLE 3: OBJECTIVELY ASSESSED NEEDS AGAINST EMERGING HOUSING REQUIREMENTS

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

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

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

Theoretical supply

- 6.46 Table 1 of the 2022 Housing and Economic Land Availability Assessment (HELAA) confirms that there is a theoretical supply of housing land sufficient to accommodate 39,888 homes. This comprises the following sources of supply:

TABLE 4: HELAA CONCLUSIONS

SOURCE OF SUPPLY	NO. OF DWELLINGS (APPROX.)
Available, suitable and achievable	27,088
Completions 1 st April 2020 to 31 st March 2022	1,906
Commitments at 31 st March 2022	4,389
Cranbrook DPD	4,170
Windfall allowance	2,335
Total	39,888

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

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

Deliverability

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

Sustainability Appraisal

6.50 The Regulation 19 Sustainability Appraisal tested three options for the housing requirement within East Devon, as follows:

- **Option A** – 950 dwellings per annum (20,909 dwellings over the plan period);
- **Option B** – 1,045 dwellings per annum (22,990 dwellings over the plan period); and
- **Option C** – 1,188 dwellings per annum (26,136 dwellings over the plan period).

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

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

- 6.53 However, having reviewed the analysis set out in the document, DWH considers it to be significantly flawed, for the following reasons:
- it is assumed that any additional growth above Option A would be directed to a third new community, ignoring the contribution that sites like land to the west of Lilypond Lane, Whimble, can make towards meeting needs;
 - despite Option A failing to provide for just over one in every six homes required, it scores the same for SA Objective 8 (homes) as Options B and C, the latter of which would result in needs being met in full;
 - despite the requirement for developments to mitigate and compensate for any impacts and to provide a 10% net gain (or greater if the emerging Local Plan is adopted in its current form), the harm to biodiversity is assessed as being greater for Options B and C, than A;
 - no confirmation of where the additional growth above Option A would be located is provided. Despite this, there is an assumption that the additional growth would have a greater harm to the historic and built environment. This analysis particularly ignores the requirements of para. 212 of the 2023 version of the NPPF;
 - no assessment of the ability for on-site treatment, including multi-stage treatment and waste water treatment plants, such as that proposed at the new community, is provided to offset any effects on the Exe Estuary SPA or the River Axe SAC;
 - the lower score for Options B and C against SA Objective 10 (access to services) is predicated on the additional growth being accommodated in a new town and that new town providing fewer services. It does not consider how the higher levels of development proposed under Options B and C could have been dispersed to existing settlements with existing services and facilities; and
 - the analysis provided for SA Objective 13 (connectivity and transport) ignores the opportunities to accommodate additional levels of growth at sustainable settlements, such as Whimble, where services, facilities and active and sustainable transport opportunities exist.
- 6.54 It is instructive to note that the analysis contained within the Sustainability Assessment did not conclude that there was an over-riding infrastructure or environmental capacity constraint that would prevent the full objectively assessed need being accommodated. The analysis simply expresses a preferred option, but based on what DWH consider to be a flawed assessment process.
- 6.55 Analysis provided at Appendix 5 of these representations suggests that a requirement that met local housing needs should have been the preferred option.

SYNTHESIS

- 6.56 DWH consider that, given the changes to the standard method in December 2024, which provide for a less volatile output (and therefore less opportunity to demonstrate that exceptional circumstances exist to justify an alternative approach to the standard method), it should be used for the purpose of calculating the objectively assessed housing need. At present, for East Devon, this is 1,146 homes per annum (25,212 homes over the plan period).
- 6.57 Even if the transitional arrangements provided by the 2024 version of the NPPF apply, there remains within the 2023 version of the NPPF a requirement for the Plan to be, amongst other things, *positively prepared*. This necessitates that the emerging strategy should, as a minimum, provide for the area's objectively assessed needs, and potentially unmet needs from neighbouring authorities. In order to justify a lower housing requirement, there would be a need to engage either part of para. 11(b) of the NPPF, but no evidence has been provided to suggest that either would be applicable.
- 6.58 Consequently, whilst permissible by national planning policy, by failing to plan for one in every six homes over the plan period, it cannot be said that the Plan is *positively prepared, justified or consistent with national planning policy*. It would also not result in a level of housing that, as required by Objective 5 of the Local Plan, meets needs. It is therefore, as currently drafted, *unsound*.

- 6.59 In addition, the adoption of a stepped trajectory will also compound the problem further, with an even greater resulting disparity between identified local needs and the housing requirement for the first 12 years of the Plan. Indeed, over this period, just 74% of the established objectively assessed need for housing is proposed to be met. This further strengthens the view that the plan cannot be considered as being *positively prepared, justified or consistent with national planning policy*.
- 6.60 There is no evidence to suggest that this shortfall in housing is being met in a neighbouring Authority, including within the Greater Exeter HMA. Indeed, the analysis demonstrates that a larger shortfall against emerging requirements is predicted from neighbouring authorities.
- 6.61 There will be a number of significant social and economic consequences for planning for a lower level of housing than identified needs suggest is required. Such considerations do not form part of the analysis in the Sustainability Appraisal.
- 6.62 Moreover, and without prejudice to the position set out above, the standard method output produces a local housing need figure that, with the incorporation of the affordability adjustment, does not require under-delivery to be considered in future plans. However, by proposing a housing requirement that does not meet the local housing need figure, past under-delivery should form a consideration. To date, the shortfall against the 2016 Local Plan requirement is approximately 3,500 homes.

CHANGES REQUIRED TO ADDRESS SOUNDNESS ISSUES

- 6.63 In order to remedy the deficiencies with the proposed housing requirement, there is a need to increase the housing requirement to 1,146 dwellings per annum/25,212 homes between 2020 and 2042 (and potentially by a further 1,146 dwellings, if the plan period is extended).
- 6.64 There would be a number of benefits with such an approach, including:
- ensuring that the requirement would be *consistent with the Government policy* objective of boosting the supply of homes;
 - by setting a requirement that met the local housing need figure in full (including the affordability adjustment), there would not be the need to consider past under-delivery;
 - housing affordability would start to be addressed; and
 - East Devon would play its part in addressing the national housing crisis, as set out in the standard method.
- 6.65 Monitoring information suggests that delivery rates of over 1,000 dwellings have been achieved in the past, with the forecast delivery rate for the current monitoring year anticipated to be greater than the local housing need figure (1,192 homes). To plan for the objectively assessed need for housing in full would therefore be an *effective* proposition.
- 6.66 Whilst, in DWH view the Sustainability Appraisal is flawed, it does not identify any constraints that would suggest that a strategy that adopted the local housing need figure as the housing requirement would not be a *justified* approach.
- 6.67 If the Local Planning Authority continue to promote a housing requirement that will not provide for one in every six homes required, then, as outlined in the PPG, there will be a need to include the backlog to date from the 2016 Local Plan, which is currently approximately 3,500 homes.

7 The spatial strategy and the distribution of development

INTRODUCTION

- 7.1 The following section of this representation considers the proposed spatial strategy and the distribution of development proposed within the consultation version of the Local Plan. Each topic is considered in turn below.
- 7.2 The work demonstrates that Whimble has a not dissimilar level of services and facilities to other Tier 3 settlements and a greater level of services and facilities than other larger Tier 4 settlements. It also benefits from having active and sustainable transport connections to the services, facilities and employment opportunities found within the West End (which is only 1km to the west) and Exeter. Consequently, it is not a *justified* proposition to retain Whimble as a Tier 4 settlement. Such an approach is unsound. It would be a more justified approach to enhance its role to a Tier 3 settlement.
- 7.3 Moreover, it would also, with the commensurate increase in the quantum of housing that would be focused at Whimble resulting from the increase in its role and function, help to address DWH concerns that Whimble is afforded a disproportionately lower level of housing in comparison to other Tier 3 and 4 settlements, which is again *unjustified* and unsound. Having regard to Whimble's services and facilities in comparison to other Tier 3 and 4 settlements, DWH considers that it could accommodate a greater level of housing than is currently proposed. An increase in housing at the settlement, above that proposed within the Local Plan, would therefore be *justified*. It would also broadly accord with the emerging Plan's spatial strategy, which seeks to focus development within the West End in the first instance. The West End, which is located only 1km to the west of Whimble, is connected to the settlement by strategically important active and sustainable transport connections.

THE SPATIAL STRATEGY

- 7.4 The Local Plan Review's proposed spatial strategy is set out within Strategic Policy SP01 and its supporting text. The strategy seeks to direct new development to the most sustainable locations within the District. The Policy indicates that development will be focused at the West End of the District in the first instance, including a further new community, on-going development at Cranbrook and other strategic development close to Exeter. Significant development is then planned at the Principal Centre of Exmouth and the five other Main Centres, with development that meets local needs being supported at five Local Centres. Limited development is proposed at 23 Service Villages.
- 7.5 A strategy that seeks to focus strategic development in East Devon's West End in the first instance, represents a continuation of the spatial strategy used in the 2016 Local Plan. It responds to the District's constraints and opportunities and those found within neighbouring areas.
- 7.6 In terms of constraints, there are three National Landscapes that are located within East Devon (the East Devon National Landscape, the Blackdown Hills National Landscape and a small extent of the Dorset National Landscape), which cover approximately two-thirds of the District. The designations cover most of the southern, south eastern, eastern and northern areas of East Devon.

- 7.7 Given the availability of land to accommodate housing outside of these designations and in other areas of the District, major development within the three National Landscapes is likely to conflict with national planning policy⁸.
- 7.8 In terms of opportunities, the central and western areas of the District are also located in close proximity to the city of Exeter. A strategy which focuses growth in the western area of East Devon therefore ensures that new homes are provided in close proximity to the services, facilities, employment opportunities and infrastructure provided within Exeter city centre and those found within its more peripheral locations close to East Devon, including Sowton Industrial Estate. As this strategy has been one that has been employed within East Devon for a number of years, there are a number of strategic developments in the western portion of East Devon that now supplement the services, facilities, employment opportunities and infrastructure found within Exeter.
- 7.9 Given the above, the proposed spatial strategy will ensure that homes are provided closest to where most jobs are likely to arise, where there is the greatest potential to secure increased active and sustainable transport investment and usage, and where there exists the greatest range of services and facilities. Given these characteristics, it will result in a pattern of development which limits the need to travel and provides for a genuine choice of transport modes. In turn, this will help to reduce greenhouse gas emissions and improve air quality and public health.
- 7.10 A concentration of development within the West End of East Devon also responds to market demand; there remains strong developer and market interest for residential development in the western portion of East Devon.
- 7.11 As stated above, the proposed spatial strategy is a continuation of the spatial strategy contained within the 2016 Local Plan. It was subject of Independent Examination in 2014 and 2015⁹ and was found to be a sound proposition. It is based on the principles of sustainable development, including those contained within the NPPF (including paras. 11(a) and 110).
- 7.12 Notwithstanding the above, whilst DWH are supportive of a strategy that focuses development at East Devon's West End in the first instance, it should not be at the detriment of providing a suitable level of housing in other towns and villages within the District. Whilst there is not a requirement for a spatial strategy to respond to development needs at a settlement level, each settlement will have its own needs. This was a matter which was considered by the Inspector of the current Local Plan¹⁰. In general terms, the spatial strategy does provide the opportunity for each settlement to meet its own needs.
- 7.13 However, DWH is aware of a number of settlements that are located in the western portion of the District, which are largely unaffected by environmental designations, and have a good range of services and facilities, and benefit from strong active and sustainable transport connections. They are also located in close proximity to the services, facilities and employment opportunities found within the western portion of East Devon. Such settlements are capable of having a greater role within the spatial strategy and, in a manner that is broadly consistent with it, could accommodate greater levels of development. Further development in such locations would also help to sustain and enhance the essential services and facilities found in such locations, that service both the settlement and its rural hinterland.
- 7.14 Whimble, for instance, has, as identified in the Role and Function of Settlements evidence base document¹¹, relative to its size, a good range of services and facilities, including a primary school; a

⁸ Para. 190 of the NPPF.

⁹ Please refer to para. 22 of the Inspector's Report, January 2016.

¹⁰ Para. 26 of the Inspector's Report, January 2016.

¹¹ East Devon District Council, *The Role and Function of Settlements*, 2021.

railway station; a convenience store/shop; a post office; a doctor's surgery; a community hall; two public houses; allotments; sports provision and children's play facilities.

- 7.15 As stated in Section 2 above, being located approximately 1km to the east of the eastern edge of the Cobdens development, it is in a comfortable active travel distance of the services, facilities and employment opportunities found within Cranbrook (which are due to be enhanced through the development of the Expansion Areas) and those to the west. Improvements to the active travel facilities along London Road have been secured through the developments within the Cranbrook Expansion Areas and further improvements are proposed through the Clyst Valley and New Communities Local Cycling and Walking Infrastructure Plan.
- 7.16 In addition, Whimble also benefits from having its own railway station, which is located on the strategically important West of England Railway Line. Generally, a twice hourly service is provided to a range of destinations, including Cranbrook, Pinhoe, Exeter Central and Exeter St Davids to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. Service enhancements are proposed on the Line, with it forming part of the Devon Metro. Whimble is therefore sustainably connected to the services, facilities and employment opportunities found within higher tier settlements located to the east and west.

The services and facilities found within Whimble in comparison to other settlements

Whimble in comparison to Tier 3 Local Centres

- 7.17 Evidence provided within the Role and Function of Settlements Report demonstrates the services and facilities within Whimble are not of a dissimilar level to those found within a number of Tier 3 Local Centres, including Woodbury (please see the comparison provided at Appendix 4).
- 7.18 Comparing Whimble and Woodbury, other than having a greater retail provision, the services and facilities on offer in Woodbury mirror those found within Whimble. Whilst the bus services are more regular in Woodbury, importantly, unlike Whimble, it does not have a railway station. Both have a broadly comparable employment density.
- 7.19 Given the similarities in the levels of services and facilities between Whimble and other proposed Local Centres, consideration should be given to uplifting Whimble's status in the settlement hierarchy to a Local Centre. Such an approach, which would be *justified* based on the evidence underpinning the Plan, would provide a better fit with the services and facilities found within the settlement. A greater role for Whimble in meeting needs would also help ensure that its services and facilities would be protected and enhanced, whilst also acknowledging its geographic relationship with the strategic developments found within the West End and Exeter, which are accessible by active and sustainable forms of travel.

Whimble in comparison to Tier 4 Service Villages

- 7.20 A comparison between Whimble and other Tier 4 Service Villages is also provided at Appendix 4. Summarily, it confirms that:
- **Feniton** – Feniton has a more limited range of services and facilities than Whimble, including not having a GP and one less public house;
 - **Newton Poppleford** – whilst Newton Poppleford has a better bus service, Whimble benefits from a train station and a GP. Consequently, Whimble has a greater range of community facilities; and
 - **West Hill** - whilst West Hill has a better bus service and a modestly better retail provision, Whimble has a train station, a GP, two public houses and allotments over the services and facilities found within West Hill. Consequently, Whimble has a greater range of community facilities.
- 7.21 Moreover, in comparison with Dunkeswell, Whimble has a train station, a primary school and two public houses over the provision in Dunkeswell, although it is acknowledged that Dunkeswell has one more shop.

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

Evidence base

- 7.23 The proposed spatial strategy also provides a suitable response to addressing climate change. Research undertaken by the University of Exeter¹² has demonstrated that *“location is the single most important factor in determining potential emissions arising from new development.”*
- 7.24 The work concluded that in general terms, transport related emissions were lower when development was located closer to existing major urban areas. Indeed, the work indicated that the location of development and the range of sustainable transport options available to residents would, on average, result in a greater carbon emission reduction than requiring all new dwellings to be constructed to ‘zero carbon’ for regulated emissions.
- 7.25 Consequently, a strategy that focuses development in the western portion of the District, in close proximity to Exeter City and existing developments on the western edge of East Devon, will, with additional sustainable transport measures, result in lower carbon emissions.
- 7.26 As has been demonstrated, whilst Whimble is, relative to its size, a sustainable settlement in its own right, it is also located in the western portion of East Devon and in close proximity to strategic services, facilities and employment opportunities. Its significant active and sustainable transport offer ensures that it is not an unsustainable, dormitory settlement. Indeed, if an enhanced role were afforded to Whimble in the settlement hierarchy and in accommodating the District’s needs, it would provide a strong fit with the University of Exeter’s work, as development would be located in close proximity to major urban areas and at a location with a range of sustainable transport options.

Sustainability Appraisal

- 7.27 As indicated above, the proposed spatial strategy seeks, in general terms, to continue to follow that set out in the adopted Local Plan, which itself was prepared in the context of the 2012 version of the NPPF. Consequently, at Examination, it would have been necessary for the Local Planning Authority to demonstrate that it was *“the most appropriate strategy, when considered against reasonable alternatives...”*¹³
- 7.28 It follows that unless there has been a material change in circumstance since the Inspector’s Report was published in January 2016, the proposed spatial strategy should again be considered as being appropriate (noting that for the emerging Plan to be *justified* and therefore a sound proposition, the 2023 version of the NPPF only requires the Local Plan to promote *“an appropriate strategy,”* rather than *“the most appropriate strategy”* in the 2012 version of the NPPF).
- 7.29 At a macro level, DWH is not aware of any material considerations that would suggest that a more appropriate spatial strategy should be adopted.
- 7.30 Indeed, the Sustainability Appraisal published alongside the consultation version of the Local Plan continues to suggest that the proposed spatial strategy is preferred as it:

“...promotes development at existing settlements where there is a range of jobs, services, and facilities; whilst also focussing development where there is good connectivity in close proximity to a

¹² Please refer to Section 2.3.1 of the 2020 Low Carbon and Climate Change Evidence Base for the Greater Exeter Strategic Plan Report.

¹³ Para. 182 of the 2012 version of the NPPF.

much wider range of jobs, services, and facilities in the West End and Exeter. The scale of development proposed in the new town offers the greatest potential for a mix of uses, reducing the need to travel and providing opportunities sustainable travel links, which provides better accessibility and reduced carbon emissions (sic)¹⁴."

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

7.32 Using the Sustainability Appraisal's own analysis, the promotion of Whimble to a Tier 3 Local Centre, with the additional resulting development, would provide a number of positive outcomes against the Sustainability Appraisal's objectives, including:

- **SA Objective 1 (Landscape)** - it would continue to focus development outside nationally designated landscapes and/or the undeveloped coast;
- **SA Objective 4 (Climate change and carbon emissions)** - Whimble has a good range of services and facilities that are capable of supporting a larger population. It is also within an active travel distance of the services, facilities and employment opportunities within the West End and Exeter, which are also connected by sustainable modes of transport (the West of England Main Line). A greater focus of development at Whimble would therefore provide a strong alignment with the Objective.
- **SA Objective 5 (Climate change adaption)** – the analysis identifies Whimble as being located within a Critical Drainage Area and therefore it identifies development in such locations as having an uncertain effect. However, in some cases, as has been demonstrated in Section 2 above, development in such a location can help to alleviate the issue. In such a circumstance this would achieve a positive outcome.
- **SA Objective 6 (Land resources)** – the analysis identified that Whimble is affected by a Minerals Safeguarding Area. This overplays the situation, with the designation extending to the north of the A30, but being divorced from the undeveloped areas of land that surround Whimble. Additional allocations at the settlement would therefore not affect any Minerals Safeguarding Area.
- **SA Objective 8 (Homes)** - further development at Whimble is likely to result in additional smaller-scale developments coming forward, which, as identified in the analysis, are faster to build-out. In the context of: (1) the requirement not meeting the objectively assessed need for housing; and (2) the need for a stepped trajectory for the first 12 years of the Plan, a greater number of small-scale sites would help to provide a closer alignment with needs in the first part of the plan period.
- **SA Objective 9 (Health and wellbeing)** – further development at Whimble would ensure that future residents have access to the sports provision within the settlement, as well as other rural recreation opportunities. It is also connected via active and sustainable modes of transport to the existing and proposed leisure opportunities within Cranbrook.
- **SA Objective 10 (Access to services), SA Objective 11 (Jobs and employment) and SA Objective 13 (Connectivity and transport)** – further development at the Service Villages was identified as resulting in a greater volume of travel to Exeter from inaccessible areas, with poorer travel links. This, however, is not the case for Whimble, which benefits from active and sustainable travel connections to East Devon's West End and Exeter. If Cranbrook, which lies just

¹⁴ Page 140.

1km to the west of Whimble/one stop on the West of England railway line is considered to be a sustainable location to accommodate development then, by definition, so should Whimble.

- 7.33 Consequently, an enhanced role for Whimble in the spatial strategy, which has both the services, facilities and environmental capacity to accommodate further growth, could result in a pattern of development that is consistent with the spatial strategy. It would also strengthen the positive outcomes against the SA Objectives for the preferred spatial strategy.

THE DISTRIBUTION OF DEVELOPMENT

The West End

- 7.34 As set out above, the emerging Plan's spatial strategy seeks a continuation of the spatial strategy adopted in the 2016 Local Plan, which, in the first instance, focused development within East Devon's West End. For the reasons set out above, this strategy continues to be the most appropriate.
- 7.35 Excluding windfall provision, Strategy 2 of the adopted East Devon Local Plan seeks to focus 10,563 dwellings out of the 16,393 dwellings planned for, in the West End. This equates to approximately 64% of the planned provision.
- 7.36 The Regulation 19 Sustainability Appraisal (CSD-003) confirms that the preferred option for the distribution of development is Option A, which is a continuation of the housing distribution in the current Local Plan. However, the preferred option considered a focus of only 60% of development within the West End (12,500 dwellings).
- 7.37 Whilst the emerging Local Plan sought to focus nearly two-thirds of provision within the West End, this level of provision has not materialised. Table 3 of the Council's latest Housing Monitoring Update confirms that 4,932 homes have been constructed in the West End in the period April 2013 to March 2024. This represents a shortfall of around 1,523 homes against the annualised requirement for the West End of 597 homes per annum. Over that same period, 50% of the District's total housing completions have occurred within the West End.
- 7.38 Moreover, the Monitoring Report forecasts again that there will be a shortfall in delivery within the West End against the distribution set out in Strategy 2 of the adopted Local Plan by the end of the plan period. Around 52% of forecast completions are to occur in the West End (7,882 dwellings are forecast to be completed in the West End, against total forecast completions of 15,216 homes). Whilst, *prima facie*, it could be argued that a lower housing apportionment should be afforded to the West End, it is noted that only around 25% of the overall anticipated delivery from the Cranbrook Expansion Areas is forecast to occur by the end of the plan period. Consequently, the majority of delivery from the Expansion Areas is likely to occur outside the plan period. The Local Planning Authority attributes the shortfall in the West End to the delay in the adoption of the Cranbrook Plan. This therefore justifies the approach being taken in the emerging Local Plan not to prepare a second development plan document for the new community.
- 7.39 However, it does suggest that the Local Planning Authority is correct to place less reliance on the West End in meeting objectively assessed needs, for such a focus is unlikely to be *deliverable* or *effective*. Consequently, there is a need, in order for the Plan to be both *deliverable* and *effective*, for a reduced focus within the West End, but to a level that does not undermine the achievement of the benefits of adopting such a strategy, as set out in the Sustainability Appraisal. The preferred distribution of development as set out in the Sustainability Appraisal strikes this appropriate balance.
- 7.40 Across the plan period, it would result in an average annual delivery rate for the West End of 568 homes, which is a rate of delivery that has been achieved in the West End before, suggesting that it is both a *deliverable* and an *effective* proposition.

- 7.41 It should be noted that no equivalent table to that set out in Strategy 2 of the current Local Plan is provided within the emerging Local Plan. Moreover, this information cannot be obtained from the table contained within Strategic Policy SP03 or easily from Appendix 2 of the emerging Local Plan, as they:
- do not encapsulate a full picture of supply over the plan period, as they exclude elements such as the Second New Community;
 - establish a requirement for neighbourhood planning areas, which are often wider than settlement level;
 - in some cases, attribute development to a designated neighbourhood area that principally relates to the West End. For instance, in Whimble's case, of its total requirement of 611 dwellings, 500 dwellings are attributable to a Cranbrook Expansion Area. Consequently, as set out in the Sustainability Assessment, the 500 units attributed to Whimble from the Cranbrook Expansion Areas would, in that apportionment, be associated with delivery in the West End, rather than at the Service Village.
- 7.42 Additionally, the housing supply information contained within Document KSD-009 is over two years old and therefore does not reflect the components of supply introduced into the emerging Plan since the Regulation 18 consultation.
- 7.43 The omission of a table that confirms whether the Plan provides for the distribution set out in the preferred distribution option in the Sustainability Appraisal is a significant omission that should be remedied in the second Regulation 19 consultation. It would help to demonstrate that the Plan is *justified*.

The rest of East Devon

- 7.44 The preferred option for distributing development as set out in the Sustainability Appraisal would see approximately 8,300 dwellings being distributed in the 'rest of East Devon' (approximately 40% of the housing requirement), of which:
- 30% (6,200 homes) is to be focused at Exmouth and the Main Centres; and
 - 10% (2,100 homes) to the Local Centres, Service Villages and the Countryside.
- 7.45 For the areas of the District that are located outside the West End, this would equate to an annual average delivery rate of 377 dwellings per annum. This is a rate of delivery that has been achieved in nine out of the past 11 monitoring years. Consequently, it is a *deliverable* and therefore an *effective* proposition.
- 7.46 In the context presented in Sections 6 and 8 of these representations, where there is a need for: (1) the housing requirement to be increased to better reflect objectively assessed needs or account for the shortfall in delivery against the current Local Plan's housing requirement; and (2) a need to increase the supply of homes in the first 12 years of the Plan and place less reliance on a stepped trajectory (particularly when the Plan does not proposed to meet objectively assessed needs in full), there is a need to explore the potential for further allocations to be made, particularly where they provide a strong fit with the spatial strategy.
- 7.47 Further development at Whimble, for instance, would, as has been demonstrated above, be consistent with the spatial strategy. It would provide a balance between affording an opportunity for a greater amount of rural need to be met at a settlement which has services and facilities that are capable of supporting an increased population, but in a location where higher order services, facilities and strategic employment locations can be accessed by active and sustainable modes of transport.
- 7.48 Given its locational advantages, DWH are concerned about the level of housing proposed at the settlement; excluding the commitment at the Cobdens Expansion Area, just 111 homes are proposed

at the settlement over the period 2020 to 2042, which provides an annual average delivery rate of just 5 homes per annum.

- 7.49 Despite, as suggested in the Role and Function of Settlements Report (GEV-001), Whimble housing 0.81% of the District's population, the Local Plan proposes, excluding a windfall provision, the settlement to accommodate just 0.53% of the overall planned housing provision. In comparison, Woodbury houses 1.18% of the District's population, but will accommodate approximately 1.75% of the District's housing provision. Similarly, Feniton, which, as demonstrated above, has fewer services and facilities than Whimble, houses 0.16% of the District's population, but is proposed to accommodate approximately 0.61% of the planned provision.

Whimble's current role within the spatial strategy in comparison to other Local Centres

- 7.50 Excluding the anticipated delivery from the Cranbrook Expansion Area, Whimble's housing requirement is 111 dwellings. This is a similar quantum of development to that envisaged at two of the Local Centres; Budleigh Salterton (132 homes) and Colyton (169 homes).
- 7.51 Consequently, given its services, facilities, active and sustainable transport connections and the quantum of development proposed at the settlement, Whimble is already fulfilling the role and function of a Local Centre. It would therefore be a *justified* strategy to redesignate Whimble as a Local Centre. This would provide it with the opportunity to have a greater role in meeting East Devon's housing needs.

Whimble's housing capacity based on its services and facilities

- 7.52 It has been demonstrated that Whimble has a greater number of services and facilities than other settlements with a larger population. Woodbury, Feniton and Newton Poppleford, for instance, all have populations in excess of 1,700 residents, whilst West Hill has a population of over 2,000 residents. Conservatively, before any additional allocations are proposed within the emerging Local Plan, it is considered that Whimble has, on the basis of its services and facilities, the capacity to accommodate a further 217 homes¹⁵.

CHANGES REQUIRED TO ADDRESS SOUNDNESS ISSUES

- 7.53 The analysis presented above demonstrates that Whimble has a comparable level of services and facilities to Tier 3 Local Centres. Excluding development associated with the Cobden's Expansion Area, a comparable level of development is proposed at Whimble to other Tier 3 settlements. Consequently, in all but name, Whimble is acting as a Tier 3 Local Centre. It is therefore not a *justified* proposition for it to continue to be designated as a Tier 4 Service Village; it should be re-designated as a Tier 3 Local Centre.
- 7.54 In such a circumstance, Whimble could be afforded a greater role in meeting the District's unmet housing needs, particularly as the settlement has a level of services and facilities that are capable of supporting a larger population. A greater focus of development at Whimble would also accord with the Plan's wider spatial strategy, which seeks to focus development in the western portion of East Devon.

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

8 Housing supply

INTRODUCTION

8.1 The following section of this representation provides a broad assessment of various components of the proposed housing land supply contained within the emerging East Devon Local Plan. It specifically concerns:

- the second new community;
- the need for a stepped trajectory;
- the proposed flexibility allowance;
- housing land supply in the first five years after adoption of the Local Plan;
- the role of small and medium sized sites;
- reserve sites.

8.2 Each is addressed in turn below.

8.3 Summarily, it confirms that:

- The lead in times associated with the second new community are unlikely to occur as predicted by the Local Planning Authority. DWH considers that it is more likely that first occupations will occur in monitoring year 2030/31. This will mean that 216 dwellings are removed from the five year supply on adoption of the Plan. It means that over the short term, the Local Planning Authority's assumptions are not *effective*.
- There appears, on the basis of the consultation Plan, no evidential basis for including a stepped housing trajectory. It is therefore *unjustified* and *unsound*. To address this soundness concern, the stepped housing trajectory should be removed from future iterations of the Plan.
- The flexibility allowance provided within the emerging Plan is too low. Having regard to evidence prepared by DWH it is not *justified*. A lower flexibility allowance would risk the delivery of the housing requirement and could therefore be *ineffective*. It is therefore *unsound*. Based on evidence, it is suggested that a 15% flexibility allowance is used.
- An adequate supply of specific, deliverable sites for five years following the adoption of the Local Plan will not be demonstrable. Consequently, the Plan conflicts with the requirements of para. 69 of the NPPF. It is therefore *unsound*. There is, therefore, a need to increase the supply of homes in years 1 to 5.
- There remains an ongoing and important role for small to medium sized sites to provide a continuity in housing land supply, particularly in the first half of the plan period. In this regard, attention is drawn to the deliverable housing opportunity at Lilypond Lane, Whimple.

THE SECOND NEW COMMUNITY

8.4 We note that Appendix 4 of document HOU-001 indicates that delivery from the new community will occur from 2029/30. However, as set out in the same document, there are long lead in times associated with strategic developments, such as New Towns.

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

- 8.6 As the largest allocation proposed within the emerging Local Plan, the delivery assumptions for the second new community should be carefully considered. Indeed, para. 74(d) of the 2023 version of the NPPF confirms that when planning for largescale development, such as a new community, Local Planning Authorities should, amongst other things, make a realistic assessment of the likely rates of delivery, given their lead-in times, and identify opportunities for supporting their rapid implementation.
- 8.7 Reflecting on the delays in the delivery of the Cranbrook Expansion Areas (see para. 6.2 of the latest Housing Monitoring Report), it appears that the Local Planning Authority is, in order to speed up the rate of delivery from the second new community, advocating a conventional approach, with planning applications being submitted pursuant to Policy WS01, rather than, as was the case with the Cranbrook Expansion Areas, proposing a second geographically specific development plan document.
- 8.8 Even with the accelerated option, it is likely that it will take a number of years to achieve first completions, with ordinarily, the following stages being required:
- the pre-application advice process;
 - the submission and determination of an outline planning application (resolution to grant);
 - the completion of the Section 106 Legal Agreement;
 - site acquisition;
 - preparation of pre-reserved matters applications, such as a design code;
 - preparation of a reserved matters application;
 - submission and determination of a reserved matters application;
 - submission and discharge of any pre-commencement and pre-occupation planning conditions and obligations;
 - site clearance/infrastructure servicing; and
 - first legal completions.
- 8.9 Research undertaken by Lichfields¹⁶ indicates that the median timeframe for an application of over 2,000 homes to be validated to the first detailed permission (which could be either an outline and a reserved matters application, or hybrid/full application) is 5.1 years. Whilst it is acknowledged that the new community is likely, given land ownerships, to be brought forward via multiple applications, which could seek permission for a smaller quantum of development on an individual basis, it provides a conservative, yet realistic timeframe for a development of the comprehensive scale being proposed. Lichfields then conclude that sites of over 2,000 dwellings will take between 1.4 and 1.7 years to move from the first planning permission to first completions. Consequently, they predict that for a site of the scale of the proposed new community, the overall lead-in time to first completions is between six and seven years.
- 8.10 At a local level, the most obvious comparisons are the Expansion Areas at the Cranbrook New Community. An application on the Treasbeare Expansion Area was submitted at the end of July 2022. East Devon District Council resolved to grant approval on the Expansion Area in February 2023 and outline planning permission was approved in June 2024. Consequently, planning permission was achieved in just under two years. The Council's latest housing Monitoring Report confirms that first completions from the Expansion Area are forecast in monitoring year 2026/27. This analysis suggests that it will take five monitoring years from submission of the outline planning application

¹⁶ Lichfields, 'Start to Finish', March 2024.

to first completions at the Treasbeare Expansion Area. Consequently, there exists the potential to accelerate delivery from the new community beyond that advocated by Lichfields.

- 8.11 However, assuming that planning applications are submitted at the new community in monitoring year 2025/26, at the earliest, it would appear that first completions would not occur until 2030/31. Whilst this will not necessarily inhibit the delivery of the full 3,300 homes envisaged from the new community in the period up to 2042, it will have an impact on supply within the first five years after the adoption of the Local Plan. The more realistic timeframe for first completions would suggest that 216 homes would be removed from the supply during the first five year period after adoption of the Local Plan.
- 8.12 Whilst the implication of the likely delay in first completions is discussed in relation to the five-year housing land supply position below, it will mean that there will be a shorter period with which to deliver the 3,300 homes envisaged from the new community in the period up to 31st March 2042.
- 8.13 Assuming first completions occur in 2030/31, the planned requirement from the new community would need to be delivered within a 12 year period, at a rate of 275 homes per annum. If first completions occurred in 2032, then the planned requirement from the new community would need to be completed in 10 years, at a rate of 330 dwellings per annum.
- 8.14 These are rates of delivery that have been achieved in the West End for 10 out of the previous 11 monitoring years, at an average annual delivery rate of 448 homes per annum. This was, however, a rate of delivery that was achieved off multiple sites, with multiple delivery outlets.
- 8.15 Looking solely at Cranbrook, which is the most relevant comparison, it would appear that a total of 2,879 homes were constructed over the period 2012/13 to 2023/24, at an average annual completion rate of 240 net new homes. The rates of delivery from the second new community would therefore be higher than the rates of delivery achieved at Cranbrook (they would require, as a minimum, a 15% improvement).
- 8.16 To ensure that the required rates of delivery are *aspirational, but deliverable* and therefore *effective*, there will be the need for multiple outlets within the second new community. Based on the Local Planning Authority's HELAA methodology for calculating build-out rates, there would be a need for six outlets at the new community all constructing from 2030/31, in order for the housing requirement for the new community over the plan period to be *deliverable* and therefore *effective* and *consistent with national planning policy*.
- 8.17 At present, however, the analysis above would suggest that potentially, without looking to enhance delivery rates from those set out in Appendix 4 of Document HOU-001, that the likely delay in first completions from the new community from 2029/30 as forecast by the Local Planning Authority, to 2030/31, will mean that 360 forecast completions that should occur within the plan period, will fall outside of it.

THE NEED FOR A STEPPED TRAJECTORY

- 8.18 Strategic Policy SP02 of the emerging Local Plan proposes to employ a stepped trajectory, where, for the first 12 years of the Plan, the housing requirement will be just 850 homes per annum. This equates to just 74% of the annual objectively assessed need for housing.
- 8.19 The justification for the use of the stepped trajectory is provided at para. 3.12 of the Plan, where it is stated that it is proposed due to the inherent complexities with delivering major development sites, "*particularly the proposed new community.*"

- 8.20 The PPG¹⁷ indicates that there are certain circumstances where the use of a stepped trajectory is appropriate. This includes:
- a significant change in the level of housing between the emerging and previous policies; and/or
 - where strategic sites have phased delivery or are likely to be delivered later in the plan period.
- 8.21 Moreover, in circumstances where a stepped trajectory is proposed, decision makers will need to set out evidence to support the approach and not seek to unnecessarily delay meeting identified development needs.
- 8.22 In the case of East Devon, no change between the housing requirement is proposed between the 2016 Plan and the emerging Local Plan. As an annualised average, both plans adopt a housing requirement of 950 dwellings per annum. Consequently, the first test is not a relevant consideration.
- 8.23 Whilst DWH acknowledge that the new community is a strategic site, Appendix 4 of Document HOU-001 indicates that first completions from the site will occur in 2029/30, which will be under four years after the proposed adoption of the emerging Plan, as described by the Local Development Scheme, or three years from the envisaged adoption date set out in Document HOU-001. Even if first completions are, as suggested by DWH, delayed until 2030/31, the second new community will still make a contribution to meeting the Plan's housing requirement in its first five years. From that point onwards, the forecast indicates that the new community will be delivering consistently until the end of the Plan period and beyond. Consequently, it cannot be the case that it is subject of a phasing programme that would constrain delivery, or that it is to be delivered later in the plan period.
- 8.24 Moreover, the proposed new community is only to provide 3,300 homes over the plan period, against a total supply of 22,614. This equates to just 14.6% of the proposed total supply. Over the period 2032/33 to 2041/42, when the higher 'step' in the trajectory is to be proposed, the Local Planning Authority forecast that the new community will deliver 2,808 homes¹⁸, against a requirement over the same period of 10,700 homes (26%). Consequently, the majority of delivery up to 2041/42 is forecast to come forward from sites other than the new community.
- 8.25 It would therefore appear that the new community would not provide the evidence required by the PPG to warrant the use of a stepped trajectory within the emerging Local Plan. Instead, it would appear that the issue is more related to the wider site selection process, which has resulted in the proposed allocation of too many sites that are forecast to deliver after 2031/32. Indeed, analysis suggests that at adoption of the Plan, a significant shortfall in delivery will already exist.
- 8.26 Consequently, it is not a *justified* proposition for the Plan to adopt a stepped housing trajectory.

Changes required to address soundness issues

- 8.27 As, on the basis of the emerging Plan, there is, as currently drafted, no justification for the use of a stepped trajectory, it should be removed from future iterations of the Plan. Instead, there will be a need for further allocations to be brought forward on deliverable housing sites and sites that can come forward in the period up to 2031/32.
- 8.28 In this regard we draw attention to land to the west of Lilypond Lane, Whimple.

¹⁷ MHCLG, *Planning Practice Guidance, Housing Supply and Delivery Paragraph: 012* Reference ID: 68-021-20190722

¹⁸ Appendix 5 of Document HOU-001

FLEXIBILITY ALLOWANCE

- 8.29 DWH consider that the Local Planning Authority has rightfully identified the need for a flexibility allowance to be included within the emerging Local Plan, but consider that the allowance in the emerging Plan is too low.

Purpose of the flexibility allowance

- 8.30 The use of a flexibility allowance is a well-established tool in plan-making. They have historically been used to reflect the fact that not all sites identified for housing will be developed, will only be developed in part, may achieve planning permission for an alternative use or could, as has recently been experienced in East Devon, take longer to come forward than anticipated. As outlined in para. 6.5 of the 2016 Local Plan, a flexibility allowance has historically been used by East Devon District Council.
- 8.31 The use of such an allowance provides a suitable response to the Government objective of significantly boosting the supply of homes¹⁹ and helps to ensure that, in line with national planning policy, objectively assessed needs for housing are met²⁰. In doing so, they help ensure that a Local Plan is *positively prepared, effective and consistent with national planning policy*.

The most appropriate flexibility allowance

- 8.32 Para. 3.11 of the emerging Local Plan confirms that a flexibility allowance of 9.8% will be employed. Importantly, this flexibility allowance has been calculated on the basis of comparing the net housing need and the net housing requirement, after completions over the period 1st April 2020 and 31st March 2024 have been deducted. Whilst being a reasonable basis to calculate the flexibility allowance, DWH continue to believe that it is too low.
- 8.33 Research suggests that between 10 to 20% of planning permissions do not materialise²¹. In the case of East Devon, para. 6.2 of the latest Housing Monitoring Update highlights just two allocations made within the current Local Plan that have been the subject of delay. At the present time, it would appear that delays in bringing both sites forward will have meant that approximately 3,380 homes that were anticipated to come forward in the plan period will come forward outside of it. The delays from these two sites alone will mean that 18.5% of the planned housing supply will not come forward within the plan period.
- 8.34 Consequently, as currently drafted, the flexibility allowance provided is insufficient and as such, the identified supply cannot be considered to be either *justified* or *effective*.

Changes required to address soundness issues

- 8.35 To ensure that the plan is both *justified* and *effective*, a 15% non-implementation allowance should be applied. On the basis of the Council's housing requirement (20,909 dwellings) and having regard to completions to date, there would be a need to identify a supply of 20,004 dwellings over the period 1st April 2025 to 31st March 2042, or across the plan period (i.e. including completions up to 31st March 2024) 23,518 homes.
- 8.36 However, as stated in Section 6 above, DWH considers that there is a need to increase the emerging Plan's housing requirement. They have suggested that the requirement over the period 2022 to 2042 should be either increased by approximately 3,500 homes to account for the shortfall against the 2016 Local Plan's housing requirement, or 4,303 homes to meet local housing needs in full,

¹⁹ Para. 60 of the NPPF.

²⁰ Para. 11(b) of the NPPF.

²¹ Page 22, "Taking Stock", Lichfields, 2021

depending on the approach adopted. This would necessitate the need to identify a supply of homes of between 27,543 dwellings (based on the shortfall approach) and 28,467 homes (based on meeting local housing need) over the period 2020 to 2042.

THE HOUSING LAND SUPPLY IN THE FIRST FIVE YEARS AFTER ADOPTION

8.37 Para. 68 of the 2023 version of the NPPF confirms that planning policies should ensure that a supply of specific, deliverable sites for years one to five of the plan is identified. The Local Development Scheme confirms that the emerging Local Plan is envisaged to be adopted in late 2026 and therefore within monitoring year 2026/27. However, it is noted that Appendix 5 of Document HOU-001 indicates that adoption is likely to occur in monitoring year 2027/28.

8.38 Assuming that adoption occurs in monitoring year 2027/28 as indicated in Appendix 5 of Document HOU-001, then the Local Planning Authority's housing calculation indicates that with no buffer, a 6.22 year supply could be identified on adoption of the Plan. *Prima facie*, it would therefore appear that a land supply that satisfies the requirement of para. 72 of the NPPF can be demonstrated. However, the calculation is undertaken on the basis of:

- the Council's housing requirement of 950 dwellings per annum; and
- the adoption of the stepped trajectory housing requirement for the first 12 years of the Plan (850 dwellings per annum).

8.39 For the reasons set out in Section 6 of this representation, DWH considers that there is a need to either:

- increase the housing requirement to the local housing need figure (or more); or
- to increase the housing requirement to include the shortfall in delivery from the 2016 Local Plan, which is approximately 3,500 dwellings.

8.40 On the basis of adopting the lower of these two options (the emerging Local Plan requirement, plus the backlog in the 2016 Local Plan), there would be a need, over the period 2020 to 2042, for the housing requirement to be set at 24,409 homes (1,110 dwellings per annum).

8.41 In addition, and as set out above, DWH consider it more realistic that first completions from the second new community will occur in 2030/31 (i.e. one year later than the Local Planning Authority). Accordingly, the following revised delivery rates for the new community have been adopted:

TABLE 5: REVISED DELIVERY RATES FOR THE SECOND NEW COMMUNITY

MONITORING YEAR	COUNCIL'S DELIVERY ASSUMPTION	DWH DELIVERY ASSUMPTION	DIFFERENCE
2027/28	0	0	0
2028/29	0	0	0
2029/30	144	0	144
2030/31	144	144	0
2031/32	216	144	72
2032/33	216	216	0

2033/34	216	216	0
2034/35	216	216	0
2035/36	288	216	72
TOTAL	1,440	1,152	288

8.42 In addition, a scenario is also provided which accounts for shortfall. However, to avoid double counting (as shortfall up to 2026/27 will have been included within the requirement), shortfall is only added from monitoring year 2027/28 onwards. Within this scenario, the shortfall has been apportioned on the basis of the Sedgfield approach, as advocated by Government guidance²².

TABLE 6: REVISED ROLLING HOUSING LAND SUPPLY

	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36
Projected permission completions	526	413	711	589	438	503	420	409	405
Allocated sites	0	0	496	719	664	871	736	679	721
Windfall sites	119	35	120	120	120	120	120	120	120
Total projected dwelling completions	645	448	1,327	1,428	1,222	1,494	1,276	1,208	1,246
Housing target	1,110	1,110	1,110	1,110	1,110	1,110	1,110	1,110	1,110
Shortfall / surplus to date	465	1,127	910	592	480	96	+70	+168	+304
	Adoption	Year 2	Year 3	Year 4	Year 5				
Rolling supply by year – no shortfall	4.57	5.33	6.08	5.97	5.8				
Rolling supply by year – shortfall added	4.21	4.43	5.222	5.40	5.34				

²² MHCLG, Planning Practice Guidance, Housing Supply and Delivery Paragraph: 022 Reference ID: 68-031-20190722

- 8.43 The above analysis demonstrates that even when no shortfall is applied to the housing land supply calculation (as set out in the 2023 version of the NPPF), a five year supply of deliverable housing sites would not be identifiable on adoption of the Plan.
- 8.44 Once shortfall is apportioned via the Sedgefield approach, a five year housing land supply cannot be identified for the first two years of the Plan.
- 8.45 Consequently, as currently drafted, the emerging Local Plan would fail to meet the requirements of para. 69 of the 2023 version of the NPPF. It is therefore *not consistent with national planning policy* and is therefore unsound.

Changes required to address soundness issues

- 8.46 In order to increase the supply of housing land in the Plan's first five years after adoption, there is a need to identify more deliverable housing sites. DWH continues to draw attention to land to the west of Lilypond Lane, Whimble, which for the reasons set out in this representation, is capable of accommodating residential development in a sustainable manner and in broad conformity with the Plan's spatial strategy.

THE ROLE OF SMALL AND MEDIUM SIZED SITES

- 8.47 As set out above, in DWH view, there is a need for further allocations to be identified in the Plan that are capable of being delivered in the period up to 2031/32. In that regard, they consider that there is a clear role for non-strategic sites to ensure a continuity in housing supply.
- 8.48 Indeed, where non-strategic sites are relatively environmentally unconstrained, are in a sustainable and an accessible location and their development generally accords with the spatial strategy, they can represent a valuable source of housing land.
- 8.49 Such sites generally have additional merits. As well as ensuring a continuous supply of housing land over the plan period, they will often be more straightforward to implement and they can contribute to the mix and range of housing opportunities, consistent with Government policy. They will therefore add flexibility to the Council's housing land supply.
- 8.50 In this context, DWH continues to draw the Local Planning Authority's attention to land to the west of Lilypond Lane, Whimble. The site, which is sustainably located, is in the control of a national housebuilder, who have a proven track record of delivery. The trajectory provided at Table 2 demonstrates that the entire development would be completed in the first five years of the Local Plan.
- 8.51 DWH do not agree with the Local Planning Authority's assertion at para. 5.8 of Document HOU-001 that opportunities from small sites were maximised. Certainly, in the case of land to the west of Lilypond Lane, Whimble, which is not proposed for allocation, it is a suitable site that both aligns with the development strategy and is free from significant constraint. Despite the Local Planning Authority being provided with evidence to the contrary on three separate occasions, they did not review the flawed and now outdated conclusions made in the 2022 HELAA.

RESERVE SITES

- 8.52 As demonstrated above, in the recent past, allocated sites have not come forward as quickly as envisaged. So as to not rely on speculative applications to remedy any shortfall, the Local Planning Authority should consider allocating reserved housing sites, that could be brought forward when components of housing supply stall.

9 Development management policies

9.1 The following section of this representation sets out DWH's comments on the proposed development management policies contained within the emerging Local Plan. In the main, DWH are supportive of the proposed policy context, which if applied effectively, will ensure development comes forward in a sustainable manner. That said, they have a number of soundness concerns with some of the emerging policies, which are summarised in the table below.

TABLE 7: A SUMMARY OF DWH'S SOUNDNESS CONCERNS WITH THE EMERGING DEVELOPMENT MANAGEMENT POLICIES

POLICY REFERENCE	CONCERN	TEST OF SOUNDNESS	PROPOSED SOLUTION
SP03	The operation of Strategic Policies SP01 and 03 could create ambiguity, as they apply to differing geographic areas.	Conflicts with national planning policy (para. 16(d) of the NPPF).	Remove housing associated with Cranbrook from the Whimple designated area requirement and refer to it in the Policy or the supporting text.
WS09	No definition is provided as to what " <i>adjacent</i> " means. The Policy is therefore ambiguous and not clearly written.	Conflicts with national planning policy (para. 16(d) of the NPPF).	The Policy should apply to the Clyst Valley Regional Park only.
CC01	The supporting text should be clear that the policy objectives sit within Building Regulation standards. The requirement to maximise low carbon and renewable energy conflicts with Government guidance.	Conflicts with national planning guidance.	The Policy should be amended to reflect Government guidance.
CC02	There is no model available to assess the Future Homes Standards prior to their implementation. Their early implementation would also conflict with national planning policy and guidance.	The Policy is both ineffective and contrary to national planning policy.	For new homes, the Policy should be redrafted to refer to current Building Regulation standards, or successor standards.
CC05	The requirement to connect to third generation heat networks might result in an increase in emissions in comparison to an onsite	The Policy is therefore not justified or effective.	The first part of the Policy should be deleted.

	solution. It could therefore conflict with Policy CC02 and make it harder to achieve Part L of the Building Regulations. The cost of connecting to an existing heat network has been found to be considerably higher than an onsite solution. They can also result in transitional losses, which can impact performance.		
CC06	Suggestions are made to make the Policy more effective	-	-
AR01	Guidance issued by the Lead Local Flood Authority has not been correctly reflected in the Policy. The requirement to provide clear span bridges in all scenarios is impractical.	The Policy is therefore not justified.	The policy needs to be reworded to correctly reflect guidance issued by the Lead Local Flood Authority. Clear span bridges should be provided where practicable.
AR02	The Water Cycle Study has not been published and therefore there is no evidential basis for the Policy at present.	The Policy is therefore not justified.	This could be resolved if the evidence suggests the standards are required.
HN04	The requirements would result in a higher level of M4(2) and (3) properties than is justified by evidence.	The Policy is therefore not justified.	Provide a better policy response to the evidence.
HN05	It may not be feasible to provide the self-build plots with access early within the development.	The Policy is therefore not justified.	The requirement should be to provide a suitable road access for the self-build plots at an early stage of the phase of the development that they are located within.
TR04	The Policy duplicates Building Regulations.	Conflicts with national planning policy (para. 16(f) of the NPPF).	The requirement for electric vehicle charging points should be removed from Policy.

TR06	The Policy duplicates Building Regulations.	Conflicts with national planning policy (para. 16(f) of the NPPF).	The Policy should be deleted.
PB03	The Policy inadvertently gives development plan effect to guidance documents.	-	Remove reference to the guidance documents within the Policy.
PB04	The Policy lacks the necessary clarity about the SANG requirement for relevant developments.	Conflicts with national planning policy (para. 16(d) of the NPPF).	The required occupancy rate should be included within the Policy.
PB05	The tests for including a higher requirement have not been met; there is no locally specific reason for the higher 20% requirement, and there are presently no local opportunities to accommodate it.	The Policy therefore conflicts with national planning policy, is unjustified and is ineffective.	The Policy should require only a 10% biodiversity net gain.
PB08	The Policy inadvertently gives development plan effect to guidance documents.	-	Remove reference to the guidance documents within the Policy.
PB09	There is little, if any, evidential basis for requiring a bond. No information is provided as to the mechanism for returning the bond.	The Policy is therefore not justified or consistent with national planning policy.	There should be no requirement for a bond.
OS02	Depending on the occupancy rate to be used in Policy PB04, there could be differing occupancy rates used for conventional public open space and SANG. This could create ambiguity.	Conflicts with national planning policy (para. 16(d) of the NPPF).	The Local Planning Authority should consider the practicality of operating two differing occupancy rates, depending on what is used for Policy PB04.

9.2 DWH detailed concerns for each policy listed above are set out in turn below. Suggestions of the alterations required to each policy to ensure that they are sound have also been provided.

STRATEGIC POLICY SP03 – HOUSING REQUIREMENT BY DESIGNATED NEIGHBOURHOOD AREA

- 9.3 DWH supports the principle of Strategic Policy SP03. They also understand the rationale for the minimum housing requirement for each designated area as set out within the Policy. However, because the approach taken uses designated neighbourhood plan areas, it has the potential to suggest that greater levels of housing are being provided at a settlement level than is the case. Whimble for instance, has a total minimum housing requirement of 611 dwellings. However, as shown in Appendix 2 of the emerging Local Plan, 500 dwellings of this requirement are associated with the Cobdens Expansion Area, which is physically divorced from the urban extent of Whimble.
- 9.4 In operation with Strategic Policy SP01, it has the potential for confusion, as whilst Strategic Policy SP01 recognises the West End, Strategic Policy SP03 does not. So, under Strategic Policy SP01, the 500 homes associated with the Cobdens development would be focused at the West End (under limb A of the Policy), whilst in Strategic Policy SP03 it would be attributable to the Whimble designated neighbourhood plan area. This has the potential to, in the terms of para. 16 of the NPPF, create *ambiguity*, which would *conflict with national planning policy*.
- 9.5 It would be more effective for the table contained within Strategic Policy SP03 to exclude housing commitments associated with the Cranbrook development from any designated neighbourhood plan area and either provide an explanation in the Policy, or its supporting text.

Suggested changes

TABLE 8 – SUGGESTED CHANGES TO POLICY SP03

DESIGNATED NEIGHBOURHOOD AREA (AS OF DECEMBER 2024, IN ALPHABETICAL ORDER)	TOTAL (MINIMUM) HOUSING REQUIREMENT (01/04/20 TO ~~01/04/42~~ 31/03/42) - ALL SUPPLY SOURCES (COMPLETIONS, COMMITMENTS, DPD ALLOCATIONS (CRANBROOK, LOCAL PLAN (EXCLUDING SECOND NEW COMMUNITY), AND NEIGHBOURHOOD PLANS)	MINIMUM CONTRIBUTION FROM EMERGING/FUTURE NEIGHBOURHOOD PLANS (NOT MADE OR RECOMMENDED TO REFERENDUM AT DECEMBER 2024)
Whimble	111*	0

*An additional 500 homes are allocated in the Cranbrook Plan within the Whimble Neighbourhood Area, but it is development that is more associated with Cranbrook/the West End

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

STRATEGIC POLICY WS09 – CLYST VALLEY REGIONAL PARK

- 9.7 Amongst other things, Policy WS09 of the emerging Plan requires all major development within or on land adjacent to the Clyst Valley Regional Park, either directly or through mitigation, to: (1) meet the Local Plan requirements for green and blue infrastructure; (2) provide connected cycling/walking infrastructure, including extensions or links to the Clyst Valley Regional Park; (3) restore and enhance the landscape character of the Clyst Valley; (4) reduce pressure on environmentally sensitive locations, including via SANG; (5) contribute to the excellent ecological status of the River Clyst and its tributaries; and (6) to contribute to, or make proportionate contributions to various Clyst Valley Regional Park targets.

- 9.8 Whilst DWH are supportive of the existing strategically important Clyst Valley Regional Park and its proposals to enlarge it, they are concerned that as currently drafted, the emerging Policy is not, as required by para. 16 of the NPPF, *clearly written* and *unambiguous*. It is not *consistent with national planning policy* and is therefore *unsound*. Whilst it is clear that the Policy applies to all land that is proposed within the Park designation as defined on the Policies Map, it is not clear as to what is meant by “adjacent” in the context of the emerging Policy.
- 9.9 In order to provide the necessary clarity, the Policy should only be applicable to land allocated as forming the Clyst Valley Regional Park on the Policies Map.

Suggested changes

“Development proposals within ~~and adjacent to~~ the CVRP will integrate Green Infrastructure and support the achievement of the objectives in the CVRP Management Plan. Any schemes that do not contribute to these objectives, or which would frustrate their implementation, will be refused planning permission.”

And

“All major development proposals within ~~or on land adjacent to~~ the Clyst Valley Regional Park will need, directly or through mitigation, to:”

And

“Where major development occurs outside of but close to the allocated park, ~~we would wish to see all the above policy tests addressed and also~~ green space provision associated with or required for the development should, where possible, be linked to and provide pedestrian and cycle access into the CVRP.”

STRATEGIC POLICY CC01 – CLIMATE CHANGE

- 9.10 DWH acknowledges the climate crisis and supports East Devon’s target of becoming carbon neutral by 2040. They also support the policy framework which seeks new development to contribute to that target. However, this policy requirement needs to be read in the context of Government guidance and Building Regulations.

Net-zero carbon

- 9.11 The Written Ministerial Statement entitled ‘Planning: Local Energy Efficiency Standards’ confirms that:

“In 2015, in reference to an un-commenced provision in the Deregulation Act 2015 which amended the Planning and Energy Act 2008, a written ministerial statement—HC Deb, 25 March 2015, vol 584, cols 131-138WS—stated that until that amendment was commenced, local plan policies exceeding minimum energy efficiency standards should not go beyond level 4 of the Code for Sustainable Homes. Since then, the introduction of the 2021 Part L uplift to the Building Regulations set national minimum energy efficiency standards that are higher than those referenced in the 2015 WMS rendering it effectively moot. A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continues to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes.”

- 9.12 Moreover, it was also stated that:

“the Government do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale.”

9.13 This is also reiterated in the PPG,²³ which states:

*“The **National Planning Policy Framework** expects local planning authorities when setting any local requirement for a building’s sustainability to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a **Local Plan** following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to **viability**.”*

9.14 The Written Ministerial Statement confirms that if planning policies propose local efficiency standards for buildings that go beyond current or planned Building Regulations, they should:

- ensure that development remains viable; and
- the impact is expressed as a percentage uplift of a dwelling’s target emissions rate, using a specified version of the standard assessment procedure.

9.15 Consequently, if it is the intent for developments to achieve net-zero carbon, then the tests above will need to be satisfied. At present, the viability work only provides a cost that reflects the Future Homes Standards and the Local Plan does not contain any policies that refer to target emission rates.

9.16 It is therefore concluded that the Policy, as currently drafted and evidenced, can only, in the terms of the movement towards net-zero, be set within the context of existing and emerging Building Regulation standards. This should be confirmed in the Policy’s supporting text. To adopt a differing and more onerous policy framework *would conflict with national planning policy* and be an unsound proposition.

Low carbon and renewable energy

9.17 DWH notes that the Policy seeks to maximise opportunities for the delivery of low carbon and renewable energy, district heat networks and energy storage facilities. Again, whilst a commendable approach, the requirement, as it relates to housing, needs to be framed within Government policy and guidance.

9.18 We are aware in discussions with East Devon, that they are, in certain circumstances, seeking new developments coming forward as allocations within the Local Plan, to provide, via low carbon and renewable energy, an energy balance. This, however, would move beyond the requirements of Building Regulations. This would, as has been demonstrated above, require clear and compelling evidence. Without such evidence, the Policy would *not be consistent with national planning policy* and would be unsound. We also draw attention to the PPG²⁴, which states that:

*“Provisions in the **Planning and Energy Act 2008** also allow development plan policies to impose reasonable requirements for a proportion of energy used in development in their area to be energy from renewable sources and/or to be low carbon energy from sources in the locality of the development.”*

²³ MCLG, Planning Practice Guidance, Climate Change, Paragraph: 009 Reference ID: 6-009-20150327

²⁴ MCLG, Planning Practice Guidance, Climate Change, Paragraph: 012 Reference ID: 6-012-20190315

- 9.19 Any requirement to maximise low carbon and renewable energy, or particularly to create an energy balance, would appear to be at odds with national guidance which suggests that only a proportion of energy should be used.
- 9.20 Consequently, the Policy is considered to be *unjustified and inconsistent with national planning policy*.

STRATEGIC POLICY CC02 – NET-ZERO CARBON DEVELOPMENT

- 9.21 Amongst other requirements, Policy CC02 of the emerging Local Plan requires all new homes to meet the energy efficiency requirements set out within the Future Homes Standards.
- 9.22 As set out above, the Future Homes Standards will ensure that a new home designed to meet these standards is zero-carbon ready and will rely on the decarbonisation of the grid to ensure that a home becomes zero-carbon.
- 9.23 From their implementation date, their application will be unobjectionable. The implementation date is, at present, proposed to be in 2025. On the implementation of the standards, a new method of assessment will be introduced, which is currently proposed to be the Home Energy Model (HEM).
- 9.24 However, in the period until the implementation of the new standards, the HEM will not be available. As part of the Future Buildings Standard consultation, a beta version of the HEM was made available for use by consultants. However, as the consultation is now closed, the tool is no longer available for use. Therefore, if the expectation is for homes to be assessed against the Future Homes Standard prior to its implementation, then there is currently no tool or platform available for this to be undertaken. Consequently, the policy requirement is *ineffective*.
- 9.25 In any event, prior to their implementation, the application of the enhanced standards would, as established in our response to Policy CC01, be *contrary to national planning policy and guidance*.
- 9.26 Moreover, it is noted that there is a requirement for major non-residential development to achieve at least BREEAM excellent standards, unless it is demonstrated that they cannot technically be complied with, or render a proposal unviable. However, and noting that the Policy is set within a title of 'net zero carbon development,' it is instructive to note that the BREEAM standards do not measure net zero carbon development, as carbon emissions are only considered within two credits; Ene 01 (Reduction of energy use and carbon emissions) and Mat 01 (Environmental Impacts from Construction Products – Building Life Cycle Assessment (LCA)).

Suggested change

"All new homes (including conversions) will be required:

*A. To meet energy efficiency requirements set out in **Building Regulations Part L 2021** the building regulation Future Homes Standard (FHS) 2025 or successor standards. If the FHS 2025 is not incorporated into Building Regulations by the date of Local Plan adoption, the draft standards as set out in – The Future Homes and Buildings Standards: 2023 consultation [n23](#) will be required in developments;"*

STRATEGIC POLICY CC05 – HEAT NETWORKS

- 9.27 DWH objects to Strategic Policy CC05. Their concerns are as follows:
- The major heat network within East Devon is the Cranbrook district heat network, which will, in the future, switch from a gas system, to using residual heat from an energy to waste site, which is, for a number of proposed allocations, including the new community, located within 1km. As such, the Policy would expect them, unless it is not technically achievable or undermines

commercial viability, to connect into the system. However, the Energy Assessment Guidance (2022) published by the GLA²⁵ indicates that a connection to existing heat networks should only be encouraged where the energy source can be considered low carbon (e.g. heat pumps), or where a decarbonisation plan is in place and a programme for implementation is confirmed. Connections to a third generation heat network that utilises plant such as combined heat and power has demonstrated to result in increased emissions in comparison to onsite heat pump strategies under current Part L 2021 assessments. Therefore, the requirement to connect to such a network would conflict with Policy CC02, which seeks to minimise the carbon footprint of a development. The existing Cranbrook network, which utilises combined heat and power for a portion of the heat generation, would therefore have higher associated carbon emissions than those used within the Part L notional building, which could cause a risk of non-compliance with Part L.

- As can, at the present time, be demonstrated with reference to the Cranbrook Expansion Areas, the connection charge to an existing district heat network is considerably higher (double), that of an onsite heat pump solution. Viability will undoubtedly be a key consideration for strategic allocations, including the new community as the Plan evolves, noting that for the Plan to be *deliverable* and therefore *effective*, it will need to be a viable proposition.
- Heat networks can result in transitional losses across the extended pipework in comparison to onsite/building level solutions, which can impact performance.

9.28 Given the analysis presented above, the emerging Policy is not *justified* or *effective*.

Suggested changes

9.29 The Policy should be reworded as follows:

~~"For all major developments proposed within 1km of an existing heat network connection to the existing heat network should be provided.~~

~~When the connection is deemed undeliverable, evidence should be submitted to the planning authority's satisfaction to demonstrate why connections cannot be reasonably achieved. If the connection from the point of occupation cannot be provided, the development will be expected to incorporate, where feasible, infrastructure for future connection to the Heat Networks.~~

9.30 ~~In addition,~~ Proposals above 1,200 homes or 10 ha of commercial floor space, if not connecting into an existing heat network will be required to provide their own network, unless it is demonstrated to be technically not achievable or significantly undermines..."

STRATEGIC POLICY CC06 – EMBODIED CARBON

9.31 Policy CC06 requires proposals to demonstrate actions taken to minimise embodied carbon emissions. Major development is required to undertake an embodied carbon assessment as part of a sustainability statement, using a nationally recognised whole life cycle carbon assessment procedure.

9.32 Whilst the principle of the Policy is understood and supported, the Local Planning Authority will need to consider how practical the implementation of the Policy will be, particularly as many of the emissions associated with development are outside the control of a developer (i.e. material extraction and transportation, demolition and disposal). The Local Planning Authority will also need to consider how they will monitor the implementation of the Policy. They should also be mindful of the implications that the Policy should have on issues such as housing delivery.

²⁵ <https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/pre-planning-application-meeting-service/energy-planning-guidance>

9.33 In addition, the Policy and its supporting text is not clear on what stage of the development process that the embodied carbon assessment is required. Many of the considerations will not be known on submission and determination of an outline application and therefore it may be more effective, in that circumstance, for the outline applicant to establish targets at the outline stage, which could be controlled by condition for a later stage of the planning process.

STRATEGIC POLICY AR01 – FLOODING

9.34 DWH objects to Policy AR01, as they consider that it is not a *justified* proposition. Specifically, their concerns are:

- As drafted, the Policy seeks to ensure that space is provided on all developments for the inclusion of SuDS that are designed to reduce the volume and run off rate to less than greenfield run off rates. The Devon County Council Guidance is highlighted as providing the justification for this requirement. However, it appears that the guidance has been misunderstood. Instead, the guidance states that development “*runoff rates post development should never exceed greenfield runoff rates for the same return period event,²⁶*” (our emphasis) rather than ensuring rates are less than the greenfield runoff rate.
- In addition, other than in circumstances where infiltration and soakaways are provided, it will not be practicable to reduce the volume of runoff to below that of a greenfield site. This is reflected in guidance provided by Devon County Council, which states that “*for developments on greenfield sites, the volume of surface water runoff discharged off-site in the 1 in 100 year, 6 hour rainfall event, must never exceed the greenfield runoff volume for the same event²⁷*.” Such an approach relies upon ‘long term storage,’ which is a very different calculation to the proposed policy wording.
- As drafted, the Policy opposes the use of culverting in any situation, regardless of how minor the watercourse may be. Whilst the intent is understood and on the whole supported, its strict application might require clear span bridges over shallow and narrow field ditches, which ordinarily, might require a small 225mm pipe culvert to enable footway/cycleway/road crossings.

Suggested changes

9.35 To remedy these soundness concerns, the Policy should be reworded as follows:

*“C. Ensuring that space is provided on all development sites for the inclusion of SuDS designed to **ensure rates of runoff do not exceed greenfield rates and that runoff volumes are managed in accordance with the latest guidance issued by the Lead Local Flood Authority.**” ~~reduce the volume and rate of runoff to less than greenfield rates, as informed by the ‘Sustainable Drainage System—Guidance for Devon’³¹. Surface water run-off should be managed as close to the source as possible. Preference will be given to systems that reduce pollution risks and contribute to the conservation and enhancement of biodiversity and green infrastructure where practicable. Within Critical Drainage Areas, SuDS should result in a reduction of existing runoff rates.~~*

And

*“F. Where appropriate, the opportunity for Natural Flood Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised. **Wherever practicable**, culverting should be opposed, and day-lighting existing culverts promoted through new developments.”*

²⁶ Section 5.4

²⁷ Section 5.5

STRATEGIC POLICY AR02 – WATER EFFICIENCY

9.36 Policy AR02 proposes to require all new dwellings to meet the Optional Technical Housing Standard of 110 litres of water, per person, per day. The PPG²⁸ confirms that when applying the optional requirement, local planning authorities should establish a clear need based on:

- existing sources of evidence;
- consultation with local water and sewerage companies, the Environment Agency and catchment partnerships; and
- the potential impact on viability and housing supply of adopting the requirement.

9.37 Para. 7.5 of the emerging Local Plan confirms that the water cycle study provides the necessary evidence for adopting the optional standard. However, DWH note that at present, the water cycle study has not been published. Accordingly, the proportionate evidence has not been provided to demonstrate that the proposed policy is either *justified or consistent with national policy*.

Suggested changes

9.38 The suggested changes will depend upon the conclusions of the water study.

POLICY HN04 – ACCESSIBLE AND ADAPTABLE HOUSING

9.39 The PPG states²⁹ that local planning authorities should set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and/or M4(3) (wheelchair user dwellings). It suggests a range of factors which should be taken into account, and which include:

- the likely future need for housing for older and disabled people (including wheelchair user dwellings);
- the size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes);
- the accessibility and adaptability of existing housing stock;
- how needs vary across different housing tenures; and
- the overall impact on viability.

9.40 The evidence base supporting the Plan³⁰ suggests that the minimum combined need for both Category M4(2) and M4(3) housing, having regard to the accessibility and adaptability of the existing housing stock, would be:

- affordable housing – 1,047 dwellings; and
- market housing – 4,072 dwellings.
- Total = 5,119 dwellings.

9.41 The maximum need was identified as being 12,959 dwellings.

²⁸ MHCLG, *Planning Practice Guidance, Housing: optional technical standards*, Paragraph: 015 Reference ID: 56-015-20150327

²⁹ MHCLG, *Planning Practice Guidance, Housing: optional technical standards*, Paragraph: 007 Reference ID: 56-007-20150327

³⁰ ORS, *Local Housing Needs Assessment (2022)*, para. 8.5.

- 9.42 On the basis of these conclusions, the Local Housing Needs Assessment confirms that “*East Devon should plan for a minimum of 30% of the LHN to be both M4(2) Category 2 or M4(3) Category 3 housing*”³¹.”
- 9.43 However, as drafted, the emerging Local Plan seeks all new dwellings to meet Category M4(2) Building Regulation standards, with additional M4(3) (a) and/or (b) requirements for specialist accommodation for older people, affordable housing for rent and affordable housing for homeownership.
- 9.44 Assuming that the housing requirement was met in full, then over the plan period, a total of 20,909 homes would be delivered as either M4(2) or (3) dwellings. This is a significantly higher quantum of accessible and adaptable dwellings and wheelchair user dwellings than the evidence suggests is necessary.
- 9.45 Consequently, the Plan is seeking the provision of a significantly greater proportion of accessible and adaptable homes and wheelchair adaptable and wheelchair user dwellings than the evidence suggests is necessary. This is not a *justified* proposition.

POLICY HN05 – SELF-BUILD AND CUSTOM BUILD HOUSING

- 9.46 DWH are supportive of Policy HN05 which will be a key component of how the needs of those wishing to build or commission their own home will be met over the plan period.
- 9.47 Notwithstanding their general support for the emerging Policy, DWH are concerned with the proposed requirement for self-build plots to have a suitable road access delivered at an early stage of the development. For strategic sites, which are often subject of phasing, it could be impractical to provide a suitable road access at an early stage of the development. A more practical approach would be to require a developer to provide a suitable road access for the self-build plots at an early stage of the phase of the development that they are located within. This modest amendment would help to improve the *effectiveness* of emerging Policy HN05.

Suggested changes

“B. Have suitable road access delivered at an early stage *of the phase of development that they are located within* ~~in the development;~~”

POLICY TR04 – PARKING STANDARDS

- 9.48 DWH is broadly supportive of emerging Policy TR04, which utilises the same residential car parking requirements contained within Policy 20 of the Cranbrook Plan, which were independently examined and found to be appropriate.
- 9.49 They do however note that garages will not count as parking provision. This again follows the parking standards set within Policy CB20 of the Cranbrook Plan. However, DWH note that despite this policy position, the Local Planning Authority insisted that Condition 39 was placed on planning permission 22/1532/MOUT, which requires any domestic garages provided within the Treasbeare Expansion Area to be kept free for the parking of motor vehicles and/or bicycles only. Consequently, there was a deliberate decision not to rigidly implement Policy CB20 of the Cranbrook Plan.
- 9.50 DWH also note that Policy TR04 seeks to ensure that all developments are provided with electric vehicle charging points. As set out in para. 11.22 of the emerging Plan, this is a matter that is covered by Building Regulations and therefore it is arguable that this element of the Policy does not serve a

³¹ Para. 7.43.

clear purpose as it duplicates the Building Regulations process. It is therefore *not consistent with national planning policy*.

Suggested changes

"In addition to the requirements of Part S of the Building Regulations, all new parking provision must provide provision of charging points to charge ~~electric vehicles and~~ electric bikes."

POLICY TR06 – DIGITAL CONNECTIVITY

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

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

Suggested changes

9.53 The Policy should be deleted.

POLICY PB03 – PROTECTION OF IRREPLACEABLE HABITATS AND IMPORTANT FEATURES

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

Suggested changes

"Hedgerow management should be in accordance with, ~~Hedgelink guidance and the Tree, Hedge, and Woodland Strategy for East Devon~~ appropriate local guidance. Any new hedges must be distinctive to the local area."

And

"EclAs should be informed by recent survey information undertaken at suitable time of year following best practice guidelines ~~and BS 42020:2013~~ (or superseding standard)."

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

STRATEGIC POLICY PB04 – HABITATS REGULATION ASSESSMENT

9.56 It is noted that the Policy establishes that schemes that are located within a 10km straight line of any part of the Pebblebed Heaths SPA/SAC and the Exe Estuary SPA, will be required to provide mitigation to offset the increased recreational pressure associated with new development. Whilst DWH are supportive of this now well established principle, they note that the specific mitigation requirements are not embedded in the emerging Policy, but are set out in the Plan's supporting text. Moreover, in relation to SANG, the occupancy rate to be used for calculating the requirement is

not set out in either the Policy or its supporting text. This is a differing approach to that utilised within the Cranbrook Plan. DWH consider that it would provide a greater level of *clarity* for the Plan to refer specifically to the mitigation requirements, including the occupancy rates to be applied.

- 9.57 The emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB04 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.
- 9.58 It would also be useful and therefore *effective* for the Policy's supporting text to confirm at what scale of development it would be anticipated that SANG should be provided on site.

Suggested changes

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

- ~~South East Devon European Sites Mitigation Strategy (existing and undergoing review);~~
- ~~Beer Quarry Caves SAC Guidance Document (existing);~~
- ~~Exmouth Imperial Recreation Ground Events Protocol (existing);~~
- ~~River Axe SAC Mitigation Strategy (proposed);~~
- ~~Pebblebed Heaths Vehicle emission impacting on designated site (proposed)."~~

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

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

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

STRATEGIC POLICY PB05 – BIODIVERSITY NET GAIN

- 9.61 Strategic Policy PB05 requires, unless there is a demonstrable viability concern, major development proposals to deliver a net gain of biodiversity of at least 20%, calculated using the most up-to-date statutory metric.
- 9.62 DWH have a number of concerns regarding emerging Strategic Policy PB05, including:
- consistency with national planning policy and guidance; and
 - other concerns.
- 9.63 Each is addressed in turn below.

Consistency with national planning policy and guidance

- 9.64 DWH consider that the requirement for a minimum 20% net gain for biodiversity to not be based on proportionate or credible evidence. The PPG³² confirms that:

“Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development.”

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

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

Local need

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

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

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

- 9.70 DWH also note that para. 13.24 of the Policy's supporting text states that:

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

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

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

- 9.73 Certainly, DWH can find no evidence to suggest that the increase is necessary for ecological benefits. Ordinarily, it would be expected that to justify a higher requirement, there would be a need

³² MHCLG, Planning Practice Guidance, Biodiversity Net Gain, Paragraph: 006 Reference ID: 74-006-20240214

to demonstrate that species/habitat loss and fragmentation is higher in East Devon compared to the national position, but no such evidence has been provided.

Local opportunities for a higher percentage

- 9.74 No evidence has been provided to suggest that a 20% net gain is feasible in East Devon. In other areas of the Country (e.g. Tower Hamlets), where previously developed land has been used to meet the majority of identified need, achieving a higher net gain than the statutory minimum is relatively easy, as the baseline is either extremely low, or zero.
- 9.75 However, in East Devon's case, as confirmed in the Plan's Sustainability Appraisal³³, previously developed land that has been assessed as being potentially suitable for redevelopment is a *"relatively small proportion of overall potential land supply,"* meaning that most development will be proposed on previously undeveloped land, including agricultural land. Whilst this may be considered to be of a relatively low ecological value, in many cases, this does not necessarily equate to a low biodiversity net gain baseline, particularly in comparison to previously developed land. Consequently, the achievement of a 20% net gain will be harder to demonstrate.
- 9.76 In East Devon's case, no analysis has been provided to suggest that there is sufficient land available to demonstrate that the proposed 20% requirement is feasible.
- 9.77 It is the experience of DWH's ecologist, GE Consulting, that achieving a 10% net gain on site is difficult to achieve. The higher requirement of 20% is likely to lead to an increased requirement for the use of off-site credits. This will place additional demand on habitat banks, but at present, there are no registered habitat banks within East Devon on the National Register and only one potential bank is identified on the Devon Off-Site Biodiversity Net Gain Survey Map, which is listed as being under discussion with the Local Planning Authority.
- 9.78 Suitable habitat banks will be even harder to establish, due to:
- emerging Policy PB06 limiting offsetting to only be within, adjacent to or contributing to the Nature Recovery Network; and
 - restrictions on habitat creation are placed on sites within a 13km zone around Exeter Airport, reducing the opportunity for meaningful habitat creation in this location, which is, in any event, an area where strategic development is proposed.
- 9.79 Given the lengthy process for establishing a habitat bank, it is likely that there will be a deficit in locally available habitat banks at the point that the emerging Policy would come into effect (late 2026).
- 9.80 This analysis certainly conflicts with the claim made in the emerging Local Plan at para. 13.25 that *"habitat bank proposals in East Devon indicate the potential to deliver substantial biodiversity units."*
- 9.81 Whilst, as is confirmed at paras. 13.25 and 13.26 of the emerging Plan that *"BNG can be integrated with Suitable Alternative Natural Greenspace (SANG) and other mitigation measures"* and *"BNG delivery opportunities also exist through nutrient neutrality and Landscape Recovery schemes,"* such locations are subject of the additionality rules, whereby this can only be used up to no net loss and not the full requirement.

³³ Page 97

Viability

- 9.82 A net gain requirement of 20% will have an impact on development viability.
- 9.83 Work undertaken by DEFRA has demonstrated that a 20% net gain requirement would add c.19% to the net gain costs, to the minimum requirement of 10%³⁴. It is instructive to note that this cost input appears to have been used within the emerging Local Plan's viability work. However, rather than concluding that 20% was the most appropriate level, the DEFRA impact assessment concluded that:

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

- 9.84 A higher net gain requirement may also, for the reasons set out above, require off-setting. With limited opportunities available within East Devon, the price of off-site credits may mean that costs increase to a higher level than is assumed in DEFRA's work, which has been taken forward into the Council's own evidence base.
- 9.85 Given the conclusions above, it is considered that a more *justified* and *effective* conclusion would be, for the same reasons as set out within DEFRA's work, to reflect the national position.

Other concerns

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

Summary

- 9.87 The assessment work provided above clearly demonstrates that there is, against the tests provided by the PPG, no evidential basis for applying a policy requirement for a 20% biodiversity net gain. No locally specific circumstances have been identified that demonstrate a need for a higher requirement (any higher requirement than 10%, including 20%), that there are opportunities locally to meet the higher requirement and that it would not impact on development viability.
- 9.88 Consequently, DWH consider that Policy PB05 is, as currently drafted, *ineffective, unjustified and not consistent with national planning policy*. It is therefore unsound. The national minimum biodiversity net gain level (10%) should be taken forward in future versions of the Plan.

Suggested changes

*"~~Major~~All development proposals will need to deliver biodiversity net gain (BNG) of at least 20% **10%** to be calculated using the most up-to-date statutory metric. ~~Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full. Non-major developments will be required to secure at least 10% BNG.~~"*

³⁴ Para. 6.11.2 of the Biodiversity net gain and local nature recovery strategies: impact assessment.

And

"Where offsite habitats are created or enhanced to deliver BNG, in full or in part, ~~the delivery should be provided within the locality of the impact and~~ they should contribute to ecological networks and published strategies in accordance with BNG principles."

POLICY PB08 – TREES, HEDGES AND WOODLAND ON DEVELOPMENT SITES

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

Suggested changes

"Where trees are present on a development site proposals will need to be designed, and schemes implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows. This is to specifically include protection of: ancient woodland; ancient and veteran trees; those with visual amenity value; those that support wildlife ~~(such as some appropriate U category trees as part current BS 5837...~~"

And

*"All development proposals where trees over 75mm diameter at 1.5m and native hedges are present, or where trees outside of the boundary are within the root protection area or the crowns of which overhang the development boundary will need to be informed by relevant British **Standards for trees BS 5837 Trees** in relation to design, demolition and construction (or the most up to date version), the recommendations of which will be taken fully into account in the scheme design."*

And

*"No building, hard surfacing, drainage or underground works will be permitted that does not accord with **relevant national guidelines** ~~the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees—Issue 2 (or the current revision or any replacement)~~ unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed."*

And

*"The provision of new trees and hedges shall be based on the principles outlined in the ~~Devon Tree Strategy, the Tree, Hedge, and Woodland Strategy for East Devon, Devon County Right Tree Right Place Guidance, and New Devon Hedges and~~ relevant guidance provided by **Trees and Design Action Group (TDAG): latest local guidance for trees, hedgerow and woodland and other relevant national guidance.**"*

POLICY PB09 – MONITORING REQUIREMENTS FOR NEW PLANTING SCHEMES

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

- 9.91 Moreover, the Policy does not appear to be *clearly written* and therefore *contrary to national planning policy*, for no information is provided about when and how the bond will be returned to the developer (i.e. does the Local Planning Authority need to visit the site after five years and what happens at the end of the monitoring period if there is a disagreement over whether the works are satisfactory).
- 9.92 Consequently, the emerging Policy, as currently drafted, is *unjustified* and *not consistent with national planning policy*. The Policy is capable of being sound if the requirement for a bond is removed.

Suggested changes

~~"For major developments this will also require the placement of a financial bond by the developer prior to the commencement of construction, equal to 25% of the calculated planting cost for the scheme, or agreed phase, to be released on fulfilment of the following to the satisfaction of the planning authority:~~

~~A. Within 1 month of the completion of planting works, the issue of a signed certificate by the developer's landscape architect or other appropriately qualified/ experienced professional consultant confirming that the planting works have been overseen by them and completed in accordance with the approved details.~~

~~B. For years 1-5 thereafter, the issue of an annual inspection report by the developer's landscape architect confirming that maintenance of the scheme has been carried out in accordance with the approved details and identifying any plant failures or other defects that require rectification together with a program for their implementation at the earliest opportunity. The annual certificate shall also confirm the satisfactory rectification of any defects identified during the previous year's inspection."~~

POLICY OS02 – SPORT, RECREATION AND OPEN SPACE PROVISION IN ASSOCIATION WITH DEVELOPMENT

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

Occupancy rate

- 9.94 DWH is concerned about how emerging Policies OS02 and PB04 could interact with each other. For instance, and using the Cranbrook Plan Area as an example, Policy OS02 outlines that the open space requirements should be calculated on the basis of an occupancy rate of 2.26 residents per home. However, at Cranbrook, the Cranbrook Plan establishes an occupancy rate of 2.35 persons, per home.
- 9.95 Accordingly, in the case of a non-allocated site within the Cranbrook Plan Area, the application of differing occupancy rates in the Cranbrook Plan and the emerging Local Plan, could, in the terms of para. 16 of the NPPF, create *ambiguity* about how a decision maker should react to development proposals. It therefore conflicts with *national planning policy* and is unsound.
- 9.96 More worryingly, in the event of such a conflict, planning law suggests that the conflict should be resolved in favour of the policy which is contained within the last document to be adopted, approved or published, which in this case would be the emerging Local Plan. However, the

occupancy rate within the emerging Local Plan is significantly lower than the Cranbrook Plan, which amongst other things, was set at a rate to ensure that suitable mitigation was provided to mitigate the impact of development on internationally designated sites. The application of a lower occupancy rate might therefore accord with Development Plan policy, but not provide sufficient mitigation to enable the Local Planning Authority to conclude within an Appropriate Assessment that there will not be a likely significant effect as a result of the development alone or in combination with other plans and projects on internationally designated sites.

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

10 The evidence base

- 10.1 Throughout this representation, DWH has raised a number of concerns with the evidence base underpinning the emerging Local Plan. Their principal concerns relate to:
- the HELAA;
 - the process adopted by the Strategic Planning Committee when selecting sites in Autumn 2024;
 - the Sustainability Appraisal;
 - the Duty to Cooperate paper; and
 - the Role and Function of Settlements Background Paper.
- 10.2 These concerns are outlined below.
- 10.3 If unresolved, they could result in a Plan that is *not positively prepared*, is *unjustified and inconsistent with national planning policy* and is therefore unsound.

HELAA – DOCUMENT HOU-003

- 10.4 Land to the west of Lilypond Lane was assessed in the HELAA at Site Whim_12.
- 10.5 The assessment identified the following benefits associated with the development of the site:
- it avoids the majority of major biodiversity designations;
 - other than the site being located in the 10km buffer zone to the Pebblebed Heaths, no other biodiversity constraints to development were identified;
 - no landscape constraints to the development of the site were identified;
 - no overhead power lines cross the site and neither do high-pressure gas mains;
 - Whimple Primary School is capable of supporting further development;
 - it is outside the Airport Vector; and
 - it is located in close proximity to a range of local facilities and public transport opportunities, including a railway station.
- 10.6 DWH agrees with these conclusions. They also draw attention to the other benefits associated with the development of the site, which are outlined in Section 2 of these representations.
- 10.7 Notwithstanding the above, they strongly disagree with Devon County Council's Highway comments made in respect of the site, which resulted in the site being incorrectly considered as 'probably unachievable.'
- 10.8 The County Council raised concerns that access off Grove Road and Lilypond Lane was challenging and it was not readily apparent about how it could be achieved. This incorrect conclusion was taken forward by the Panel, who also raised concerns about the need to improve the road network and bridge over the railway. Consequently, despite being considered as being suitable and available, the overall conclusion for the site was that it was probably unachievable.
- 10.9 Even without having regard to the evidence presented by the Local Planning Authority and DWH, it would seem to be unjustifiable to rule out the site at such an early stage, when the use of the word 'probably' suggests that there was some doubt as to whether the constraints could be overcome, or not.

- 10.10 Moreover, work undertaken on behalf of DWH has demonstrated that these conclusions are incorrect and are an *unjustified* conclusion. DWH's technical work (see Appendix 2) confirms that having regard to existing vehicular flows, likely two-way vehicle movements resulting from the proposed development and the site's accessibility to a strategic sustainable transport connection, Lilypond Lane could easily accommodate the traffic generated from the proposals and therefore provides a sensible location for a vehicular access. Moreover, improvements could be made to enhance the route and reinforce pedestrian safety and improve vehicular passing, particularly at the railway bridge. The work also notes that there is a growing shift in transport policy to a vehicle capacity last approach, with a preference given to locations that can maximise sustainable travel and local living. Whilst any increase in movements on Lilypond Lane and other local routes could increase the likelihood of driver inconvenience, there are no contemporary policies that support driver convenience. Indeed, a modest increase in driver inconvenience could create a positive 'nudge' towards shifts to active and sustainable travel modes.
- 10.11 Consequently, they conclude that:
- "...there are no technical highways reasons not to support the development, and the residual traffic impacts can largely be offset by wider changes in mobility patterns in the village, which can be accelerated with investment offered by the development."*
- 10.12 Given the above, the conclusion that land to the west of Lilypond Lane is probably unachievable for housing is incorrect. This should be amended in future versions of the HELAA, which in turn should be fed into other evidence base work underpinning the emerging Local Plan (i.e. the Sustainability Appraisal).
- 10.13 This will be particularly important in the context set out in Sections 6 and 8 of these representations, where the Local Planning Authority will need to find additional housing land.
- 10.14 The opportunity presented could help focus a greater proportion of development at a settlement, which, having regard to its services and facilities, could accommodate a greater proportion of the District's needs. Moreover, it would also result in a greater focus of development along the West of England Mainline strategic transport corridor, which provides sustainable transport connections to and from Whimple to a range of services, facilities and employment opportunities to both the east and west. It would help to maximise opportunities to encourage use of the railway line at Whimple.
- 10.15 These are points which have been made to the Local Planning Authority during both Regulation 18 consultations, as well as separately in writing to Officers and Members of the Strategic Planning Committee in Autumn 2024. Despite this compelling evidence, the Local Planning Authority have chosen not to reconsider the deliverability and developability of the site through their now dated HELAA.
- 10.16 The treatment of the site through the HELAA process is even more *unjustified*, when noting that site Whim_04 was considered as being a potential site to accommodate housing, despite it likely requiring pedestrian, cycle and vehicular access onto Lilypond Lane. The treatment site Whim_12 by the Local Planning Authority is therefore clearly unequivocal.

THE PROCESS ADOPTED BY THE STRATEGIC PLANNING COMMITTEE WHEN SELECTING SITES IN AUTUMN 2024

- 10.17 Based upon the HELAA conclusion that the site was 'probably undeliverable' and therefore the Local Planning Authority considered that it was far from certain that the site was undeliverable, site

WHIM_12 was not included within the potential options for accommodating residential development within Whimble³⁵.

- 10.18 However, as set out above, in the period between the publication of the HELAA and the publication of the Site Selection Report for Whimble, highways and access technical work, the latest of which is provided at Appendix 2, was prepared on behalf of DWH. This work was provided to the Local Planning Authority as part of DWH response to the last Regulation 18 consultation.
- 10.19 Despite this work highlighting the obvious technical flaws in the HELAA regarding the treatment of site WHIM_12, the conclusions of the HELAA were not revisited and they were rolled into the 2025 site selection work, which excluded site WHIM_12 from consideration.
- 10.20 DWH set out their concerns to the approach being adopted and the opportunity provided by WHIM_12 in correspondence to Officers on 17th September 2024, and then in detail to each Member of the Strategic Planning Committee on 20th September 2024. Despite the obvious flaws in the HELAA evidence base which were not revisited, DWH were prevented from presenting the opportunity provided by WHIM_12 at Strategic Planning Committee meetings in September and October 2024. Many other developers of sites that were considered to be developable opportunities were allowed to speak at the series of Strategic Planning Committee meetings held in Autumn 2024, including the two allocations at Whimble.
- 10.21 DWH considers that the approach taken to site selection by the Local Planning Authority and then again in 2025 via the Strategic Planning Committee has created inequity between how differing sites have been considered during the formation of the Local Plan. By not revisiting the conclusions of the 2022 HELAA despite clear and up-to-date evidence and then rolling the HELAA conclusions into the Site Selection Report, the approach has been unfairly prejudicial to the promotion of site WHIM_12.

SUSTAINABILITY APPRAISAL – CSD-003A

10.22 DWH have a number of concerns relating to the Sustainability Appraisal. These concerns relate to:

- the approach taken in the Sustainability Appraisal regarding assessing options for the housing requirement to be set closer to the local housing need; and
- the failure to assess land to the west of Lilypond Lane as a reasonable alternative.

10.23 Their concerns are set out in turn below.

Assessment of alternative levels of housing provision

10.24 As set out in Section 6 above, three options were tested for the most appropriate housing requirement, as follows:

- **Option A** – 950 dwellings per annum (20,909 dwellings over the plan period);
- **Option B** – 1,045 dwellings per annum (22,990 dwellings over the plan period); and
- **Option C** – 1,188 dwellings per annum (26,136 dwellings over the plan period).

10.25 Option A represents the housing requirement contained within the emerging Local Plan, whilst Option C represents the local housing need figure at the time the Regulation 19 Plan was published.

10.26 Having undertaken an assessment of the options against the SA Objectives, the Sustainability Appraisal concludes that Option A is the preferred option. However, DWH note that there are a

³⁵ East Devon District Council, Site Selection Report Whimble (February 2025), para. 1.6.

number of technical deficiencies with this approach. These concerns are set out in detail in Section 6 of this representation and for brevity, are not repeated here.

- 10.27 A re-assessment of Options A to C, which is provided at Appendix 5 of these representations, would suggest that Option C is preferable.
- 10.28 This revised analysis would suggest that by failing to plan for Option C, which is the preferred outcome, the emerging Local Plan is *ineffective*. To ensure that the Plan is *effective* and *sound*, there is a need for the Local Plan to incorporate a housing requirement that, as a minimum, meets local housing needs.

Land to the west of Lilypond Lane

- 10.29 The Sustainability Appraisal does not consider the development potential of land to the west of Lilypond Lane. It is assumed that this is because of the conclusions presented within the HELAA; that the site is probably unachievable.
- 10.30 For the reasons set out above, this is an incorrect conclusion. The reasonable alternative presented by the site has not therefore been considered, which means that the Plan is *unjustified*. Accordingly, the site should be subject of assessment in future versions of the Sustainability Appraisal.

THE DUTY TO COOPERATE STATEMENT – KSD-002

- 10.31 The Duty to Cooperate Statement sets out that, in East Devon's view, the Local Planning Authority can meet its housing need³⁶. It also confirms that no requirements have been made by neighbouring local planning authorities for East Devon to meet any of their requirements at the present time.
- 10.32 However, with regard to East Devon's housing need, Document KSD-002 cites Key Document 017 as evidence that East Devon's housing need can be met. However, KSD-002 was published in November 2022. Given the age of the document, the methodology employed for calculating housing need has altered, as has the local housing need figure, which has materially changed from 946 dwellings per annum, to 1,146 homes per annum (an increase of over 20%).
- 10.33 As is demonstrated in Sections 6 and 8 of this representation, rather than planning to meet their local housing need figure, a significant shortfall will result. No discussion has been undertaken with any neighbouring authority to determine whether this shortfall can be met elsewhere.
- 10.34 As set out above, Document KSD-002 also confirms that no requests have been made by neighbouring authorities for East Devon to accommodate any of their unmet need. However, we are aware that, as resolved by the Strategic Planning Committee on 4th February 2025, that East Devon District Council objected to Chapter 7 of the emerging Exeter City Local Plan, on the basis that:
- the emerging Local Plan will not meet the employment needs of the City;
 - the lack of provision will undermine the economic growth potential of the city and the wider area; and
 - the failure to make sufficient provision will increase the pressure on neighbouring authorities to meet needs.
- 10.35 Additionally, it was highlighted that:

³⁶ Para. 4.3

“The City Council’s approach appears to rely on employment land provision outside of the city boundary but within the wider Functional Economic Market Area in order to meet the economic needs of the area. However, no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land needs identified by the EDNA. The land identified in the emerging East Devon Local Plan 2020 – 2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.”

- 10.36 Whilst it could be argued that the concerns are more of an issue associated with the emerging Exeter City Plan, it does demonstrate the failure to meet the requirements of the Duty to Cooperate. If ongoing and meaningful engagement had been undertaken across the Housing Market Area over the course of the preparation of both emerging Plans, matters like those being objected to by East Devon District Council would have been resolved beforehand. Additionally, there would have been a wider and more meaningful discussion about unmet housing needs across neighbouring authorities when compared to more up-to-date assessments of local housing need (see Table 3 above).

THE ROLE AND FUNCTION OF SETTLEMENTS

- 10.37 Disappointingly, para. 3.17 of the ‘Role and Function of Settlements’ background paper describes Whimble as being a dormitory settlement and a *“relatively unsustainable”* place to live. This conclusion is made after an assessment of the jobs to homes balance, wherein it is identified that the settlement has nearly three times as many residents available to work than the number of jobs available in the settlement.
- 10.38 This conclusion, as indicated at para. 3.34 of the same document, has influenced the Local Planning Authority’s views on the levels of residential development that Whimble could accommodate, as it was considered that *“residential development in isolation is likely to perpetuate unsustainable travel to work patterns.”*
- 10.39 However, such analysis ignores the significant existing active and sustainable transport opportunities provided at Whimble and the potential for them to be enhanced. Indeed, Whimble is located within a reasonable cycling journey time of Cranbrook and the employment opportunities clustered at that settlement and the surrounding areas. Other than one other road, Cranbrook is linked to Whimble by London Road. The Cranbrook Plan has secured significant funding for environmental enhancements to London Road. Those improvements, which are to be delivered by Devon County Council, will have a design speed of 20mph and are likely to include segregated pedestrian and cycle links. Cycling could therefore become even more of a realistic mode to travel to work for Whimble’s residents.
- 10.40 Moreover, as outlined elsewhere in these representations, Whimble has a railway station, which is described in the Role and Function of Settlements background paper as being a strategic facility. The station is located on the West of England Railway Line and therefore services are provided to a range of destinations including Cranbrook and Exeter to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. Generally, services are provided at a twice hourly frequency.
- 10.41 The railway station is relatively well-used and proportionally more residents travel to work by the railway than in other areas of the District. Further growth around Whimble has the potential to encourage further patronage.
- 10.42 As well as reducing congestion on the highways network, the promotion of such sustainable modes of travel would reduce greenhouse gas emissions associated with the private vehicle, whilst health benefits would also result.
- 10.43 The conclusion presented in the assessment work also ignores more modern methods of working, especially since the Covid-19 pandemic. In this regard we note that superfast broadband is available in Whimble.

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

11 Summary and conclusions

- 11.1 These representations are submitted on behalf of DWH, who control land to the west of Lilypond Lane, Whimble.
- 11.2 DWH are pleased to see further progress is being made on the emerging Local Plan and are generally supportive of its content. However, in their consultation responses to the 2023 and 2024 Regulation 18 consultations, and in correspondence to the Strategic Planning Committee in Autumn 2024, they outlined a number of areas where they believed further consideration was necessary. In the main, these concerns remain unaddressed. Their concerns are:

LAND TO THE WEST OF LILYPOND LANE, WHIMBLE

- Land to the west of Lilypond Lane is suitable and available for residential development. It is also a deliverable proposition. It is well located in close proximity to a range of existing services and facilities, including Whimble Railway Station, which is described as a strategic facility in the Local Plan's evidence base, providing services to a range of destinations, including the West End and Exeter.
- The development of land to the west of Lilypond Lane would deliver a number of benefits, including potential improvements to the local highway network and a drainage strategy that could assist reduce downstream flood risk.

PLAN PERIOD

- They consider, with the plan-making stages left, that the Local Plan will unlikely be Adopted in 2026. If work on the preparation of the Local Plan extends beyond 2026, there will be an insufficient period after the adoption of the Plan and the proposed end of the Plan period. Consequently, it is likely that the Plan period will need to be extended by at least one year to 2043. This will require the identification of additional land for housing.

POLICY SP02

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

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

SPATIAL STRATEGY AND THE DISTRIBUTION OF DEVELOPMENT

- Whilst DWH is generally supportive of the Plan's proposed spatial strategy, which focuses growth in the West End, they consider that Whimble should be afforded a greater role in the Plan's spatial strategy. The settlement has a similar level of services and facilities as Tier 3 settlements and demonstrably more than larger Tier 4 settlements. It also benefits from strong active and sustainable transport connections with the West End (which is located only 1km to the west). These active and sustainable transport connections are also to improve over the plan period. Therefore, it is an unjustified proposition to identify Whimble as a Tier 4 settlement. It would be more justified to uplift its status to a Tier 3 settlement.
- With an increase in its status, Whimble should be afforded a greater role in meeting the District's unmet housing needs. A greater focus of development at Whimble would also accord with the Plan's wider spatial strategy, which seeks to focus development in the West End, which is only 1km to the west.

HOUSING SUPPLY

- Having regard to evidence published by Lichfields and forecast delivery from the Cranbrook Expansion Areas, DWH consider that first completions will occur at the second new community later than the Local Planning Authority considers. This will have implications for demonstrating a five year supply on adoption of the Plan and forecast completions over the plan period.
- Having regard to the tests provided within the PPG, there appears to be no evidential basis for the need for a stepped trajectory. Rather than delivery being an issue associated with the second new community, it appears to be a more general issue; too many sites have been selected for allocation that will deliver in the second half of the Plan. There is therefore a need to remove the stepped trajectory and identify more housing sites that can come forward before 2031/32. In this regard we draw attention to land to the west of Lilypond Lane, Whimble.
- Having regard to the delays in the delivery of allocations within the 2016 Local Plan, a greater flexibility allowance (15%) should be provided.
- When removing the stepped trajectory, planning for a higher requirement and accounting for the delays in the delivery of the second new community, a five year supply would not be demonstrable on adoption of the Plan. When backlog is factored in, a five year supply would not be demonstrable for the first two years of the Plan.
- DWH consider that there is, acknowledging the shortfall in forecast completions against the requirement, a need to identify more non-strategic small and medium sized sites, to help to ensure a continuity in housing supply in the period up to 2032 in particular. It has been

demonstrated that land to the west of Lilypond Lane, Whimble, could be completed in that timeframe and make a meaningful contribution to addressing the shortfall.

- Consideration should also, given the historic issues with the delivery of allocated sites, be given to identifying reserve sites.
- Given the above, DWH do not consider that the components of supply are justified, effective or consistent with national planning policy.

DEVELOPMENT MANAGEMENT POLICIES

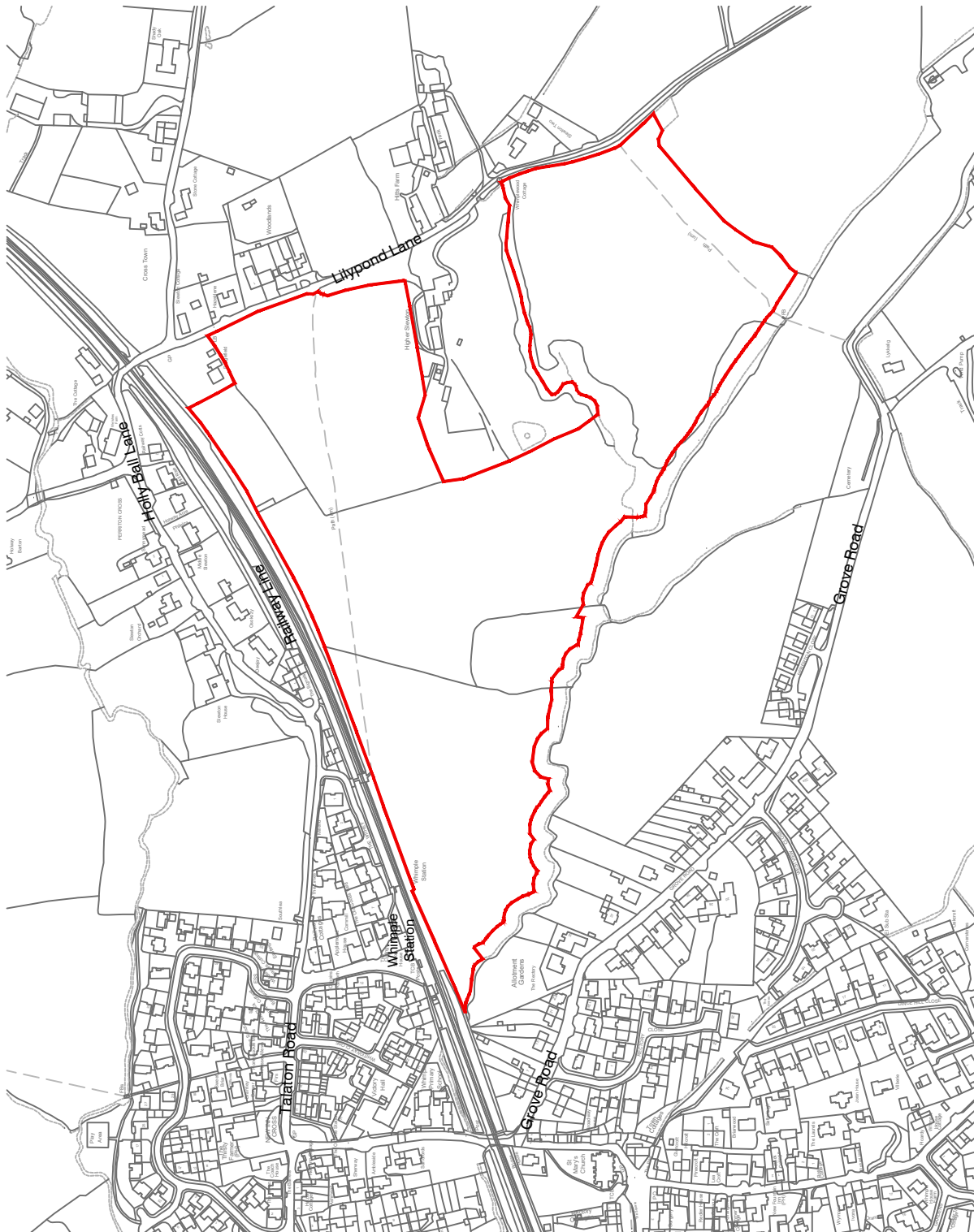
- A number of concerns are raised in relation to some of the proposed development plan policies, including: (1) Strategic Policy SP03; (2) Strategic Policy WS09; (3) Strategic Policy CC01; (4) Strategic Policy CC02; (5) Strategic Policy CC05; (6) Strategic Policy CC06; (7) Strategic Policy AR01; (8) Strategic Policy AR02; (9) Policy HN04; (10) Policy HN05; (11) Policy TR04; (12) Policy TR06; (13) Policy PB03; (14) Strategic Policy PB04; (15) Strategic Policy PB05; (16) Policy PB08; (17) Policy PB09; and (18) Policy OS02.

EVIDENCE BASE

- The HELAA assessment of land to the west of Lilypond Lane incorrectly concludes that the site is 'probably undeliverable.' The technical work prepared on behalf of DWH demonstrates that it is suitable, available and achievable for residential development.
- Moreover, by not re-considering the HELAA assessment of site WHIM_12, despite evidence being provided on at least three occasions, the process adopted by the Strategic Planning Committee when selecting sites in Autumn 2024 was unfairly prejudicial, particularly when relying on an obviously outdated and flawed assessment.
- The assessment of alternative levels of housing provision within the Sustainability Appraisal is flawed. A re-assessment of Options A to C, which is provided at Appendix 5 of these representations, would suggest that Option C is preferable. Revised analysis would suggest that by failing to plan for Option C, which is the preferred outcome, the emerging Local Plan is ineffective. To ensure that the Plan is effective and sound, there is a need for the Local Plan to incorporate a housing requirement that, as a minimum, meets local housing needs.
- The Sustainability Appraisal does not consider the development potential of land to the west of Lilypond Lane. It is assumed that this is because of the conclusions presented within the HELAA. For the reasons set out above, this is an incorrect conclusion. The reasonable alternative presented by the site has not therefore been considered, which means that the Plan is unjustified.
- The Duty to Cooperate Statement sets out that, in East Devon's view, the Local Planning Authority can meet its housing need. However, it is planning for a requirement that is significantly lower than identified needs (196 dwellings per annum). The conclusion is therefore unjustified. No discussion has been undertaken with any neighbouring authority to determine whether this shortfall can be met elsewhere. As demonstrated through East Devon's consultation response to the Exeter Local Plan, discussion with neighbouring authorities under the Duty to Cooperate arrangements does not seem to have meaningfully occurred.
- The Role and Function of Settlements background paper describes Whimble as being a dormitory settlement and a "*relatively unsustainable*" place to live. This analysis is overly simplistic and is unjustified. It ignores, relative to its size, the services and facilities in the settlement and the significant existing active and sustainable transport opportunities provided at Whimble and the potential for them to be enhanced.

LRM Planning
March 2025

Appendix 1. Site location plan

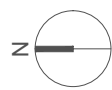


— Site Location Boundary

proj: 21-010 dwg: 200 date: 26/03/25 rev: A



23 Westfield Park,
Redland, Bristol,
BS6 6LT



1:5000 @ A4

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Sketch proposals are for illustrative purposes only & as such are subject to detailed site investigation including ground conditions/contaminants, drainage, design & planning/density negotiations. Sketch proposals may be based upon enlargements of OS sheets & visual estimations of existing site features, accuracy will therefore need to be verified by survey.

Land off Lilypond Lane, Whimple

Site Location Plan

Barratt David Wilson Homes

Appendix 2. SLR highways work

Barratt David Wilson Homes

Lilypond Lane, Whimble

SLR Project No.: 237414

31 January 2024

Revision: V1

RE: HIGHWAYS AND TRANSPORT PRE-APPLICATION NOTE

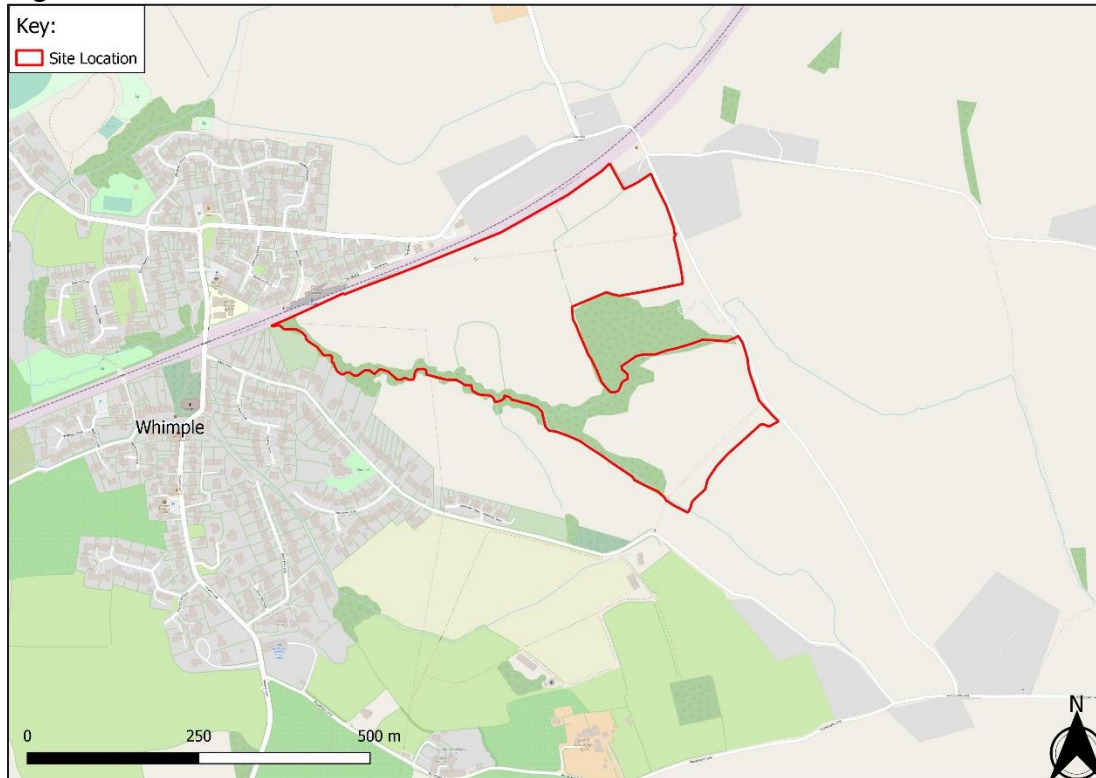
1.0 Introduction

- 1.1 SLR Consulting has been instructed by Barratt David Wilson Homes to provide a pre-application transport appraisal for land at Lilypond Lane, Whimble. The development capacity of the site is understood to be in the region of 150 dwellings.
- 1.2 This review has considered the key transport tests within paragraph 114 of the NPPF, namely access to sustainable transport, safe and suitable access, and whether any impacts can be mitigated to an acceptable degree.
- 1.3 The site was included within the East Devon HELAA as Whim 12, but it has not been taken forward as a preferred site. In terms of highway considerations, the following comments were issued by Devon County Council (DCC) Highways as the local highway authority:
- “Access off the Grove is only possible for a small amount of infill development. It is narrow, no footways and on street parking. Access of the road to the east is equally challenging - No acceptable access is apparent. But very close to the railway station”.*
- 1.4 The commentary within the HELAA however, notes that the site is not unacceptable regarding access to local services, facilities and employment, with the railway station being of particular benefit.
- 1.5 On the basis of the above, this note provides a strategy for how access to the site can be achieved, for both pedestrians and vehicles.

2.0 Site Location

- 2.1 The site is located to the east of the village of Whimble, east of the Cranbrook expansion and around 13km from the centre of Exeter. The location of the site is presented at **Figure 1**.

Figure 1: Site Location



- 2.2 To the north, the site is bounded by the West of England Mainline railway. Lilypond Lane is a rural single-track lane abutting the site to the east. Undeveloped farmland borders the site to the south, and existing residential properties are situated directly to the west.

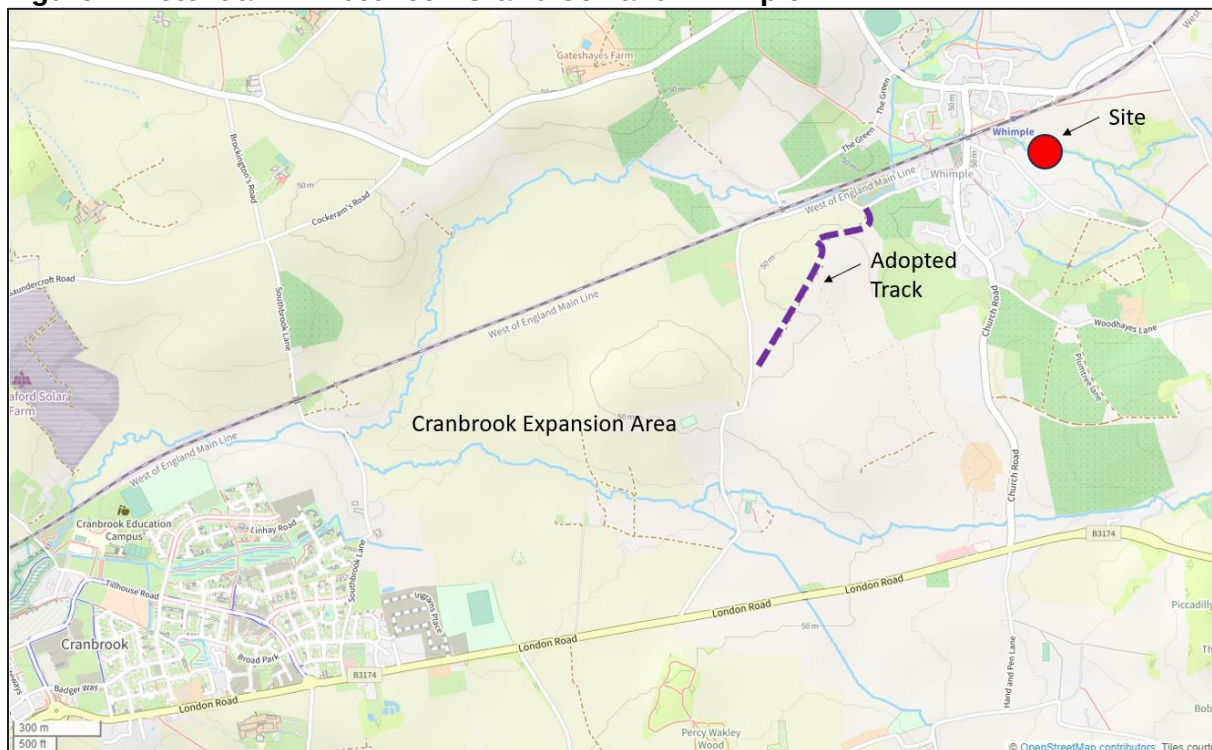
3.0 Sustainable Travel Opportunities

- 3.1 The site benefits from being in close proximity to Whimble Railway Station, which provides hourly services into Exeter and other local destinations which are attractive for day-to-day travel. The railway station provides an attractive alternative to the private car, which would be further enhanced by the Devon Metro vision, which aims to provide half hourly services, and the aspirations of Network Rail to provide a new loop between Whimble and Cranbrook.
- 3.2 To this end, Whimble is in the unique position to maximise rail travel to a wide range of destinations. Typically rail travel potential is often linked to commuting to work, particularly during the morning and evening peak hours, and there is significant potential for this, not least to the growing employment around Cranbrook, Skypark, Science Park and destinations across the Greater Exeter area.
- 3.3 Beyond commuting though, with the site being so close to the Devon Metro, rail offers significant potential for access to schools, including Cranbrook Education Campus, St Martin's Primary School, all within Cranbrook, or Exeter College in the centre of Exeter. Alongside this, Cranbrook town centre, Honiton and Exeter city centre are all within a very comfortable rail journey.



- 3.4 The Devon Metro is very much promoted to be a high frequency metropolitan line, and therefore, it should be expected that, over time its use will be similar to metro or tram use, with patronage levels significantly greater than traditional rail and its use by many different people for many different purposes. It is therefore unique that transport system such as this might pass through a village as small as Whimple and offers unparalleled potential for such a settlement.
- 3.5 Local facilities for very local living are already well established. Whimple Primary School is located in the centre of the village, where a local shops and bus stops are also available. This is located within close proximity to the western site boundary, and offers local living opportunities, helping to reduce the need to travel by car, whilst also helping to sustain local services and facilities.
- 3.6 The expansion of Cranbrook to the east will act as a catalyst for sustainable travel within Whimple. This will offer a new neighbourhood centre in Cranbrook, alongside employment and education uses. The Cranbrook expansion area is located approximately 1.0km west of the site, with existing opportunities for cycling via quiet rural lanes. In addition, there is the ability to enhance the pedestrian and cycle connections between Cranbrook and Whimple, with opportunities such as an adopted track routing between the two settlements, which could be reimaged as an active travel corridor, as shown in **Figure 2**.

Figure 2: Potential Link between Cranbrook and Whimple



- 3.7 The impact of improved sustainable transport access to Whimple, of which the development can contribute to, will result in a net modal shift from private vehicles of the existing residents. Therefore, whilst it is recognised that the development proposals would result in a residual uplift in traffic on the local highway network, there is the potential for existing traffic to be displaced, thereby resulting in a near neutral impact on the local road network following



development of the site if the wider Devon Metro and Cranbrook infrastructure commitments are realised.

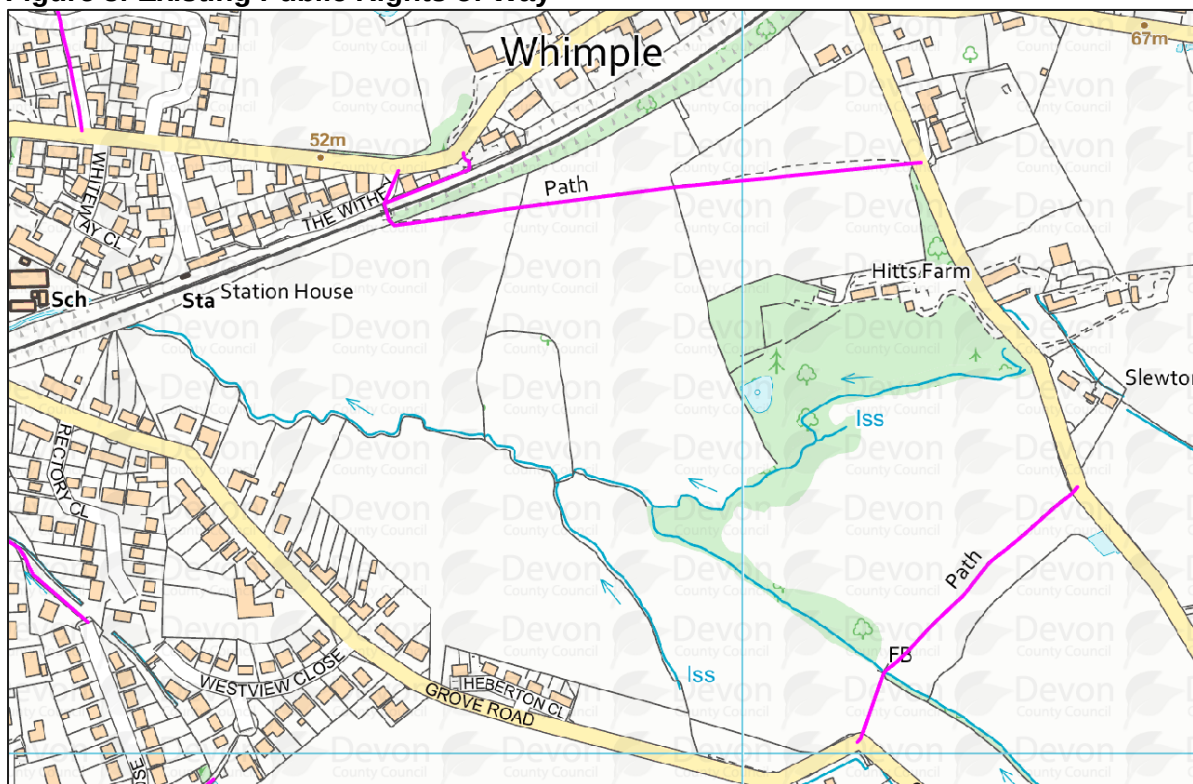
- 3.8 Any future assessment would take into account the travel habits of Whimble residents, and the impact on traffic demand as a result of changes to access to sustainable travel, including the Devon Metro and connections to Cranbrook. This would then be used to determine the net impact of the development on the local highway network, which may see traffic lower than the existing baseline position.

4.0 Active Travel Access

Existing Access

- 4.1 There are two Public Rights of Way (PRoW) footpaths routing through the site. These footpaths are both accessible from Lilypond Lane. An extract taken from DCC mapping shows the approximate routing of the PRoW and is presented within **Figure 3**.

Figure 3: Existing Public Rights of Way



- 4.2 The northern PRoW links the site from Lilypond Lane towards the centre of Whimble via a level crossing of the railway line, which connects into the footway network.
- 4.3 The southern PRoW connects between Lilypond Lane and Grove Road. Whilst there are no pedestrian footways on Grove Road at this point, within 400m a segregated footway is provided along West View Close connecting with the village centre via a footpath.



Pedestrian Access Potential

Access Via Lilypond Lane

- 4.4 Lilypond Lane is lightly trafficked, and surveys indicate that vehicle flows are below accepted thresholds for a shared surface, with pedestrians observed walking in the carriageway (shown in **Figure 4**). This is similar to many links within Whimble. The existing bridge does restrict forward visibility for vehicles to pedestrians, however vehicle speeds are very low, and this pedestrian movement already occurs without a safety record.

Figure 4: Pedestrians on Lilypond Lane (North of Bridge)



- 4.5 As shown in **Figure 5**, there is the potential to enhance the pedestrian safety over the bridge, including simple interventions such as vegetation clearance to improve carriageway widths and/or the potential to introduce more formalised shared surface features or limited formal footways.



Figure 5: Lilypond Lane Bridge



- 4.6 The traffic surveys (shown at **Figure 6**), demonstrates that Lilypond Lane accommodates traffic flows conducive to a shared surface arrangement (under 100 vehicles per hour). There are opportunities to reinforce pedestrian safety along the route, including traffic calming interventions and lighting.

Access via Existing Level Crossing

- 4.7 Whilst there is an existing pedestrian level crossing via the PRow, there is an opportunity to provide an alternative route over the railway line in the form of a new pedestrian overbridge, which would serve as a supplementary route in addition to Lilypond Lane. This would provide a direct connection into the railway station for future residents, alongside a reduced walking distance to the centre of Whimple, including the primary school. Such a route could be incorporated within the development connecting the wider residential areas, creating a direct and attractive and convenient route for many existing residents in the village.
- 4.8 A new pedestrian overbridge would be in line with aspirations of Network Rail to close existing pedestrian level crossings and would be consistent with the Devon Metro and additional loop aspirations.

Access via Grove Road

- 4.9 There are no footways along Grove Road, with the link acting as a traditional shared surface environment within a residential setting. This connects to a section of footway under the bridge on Church Road, where the primary school and an off-road connection to the railway station is located. An additional access point from Grove Road would provide increased permeability to the site and reduce walking distances between the site and the centre of the village. The potential to provide an additional access point from Grove Road will be investigated.



5.0 Vehicular Access

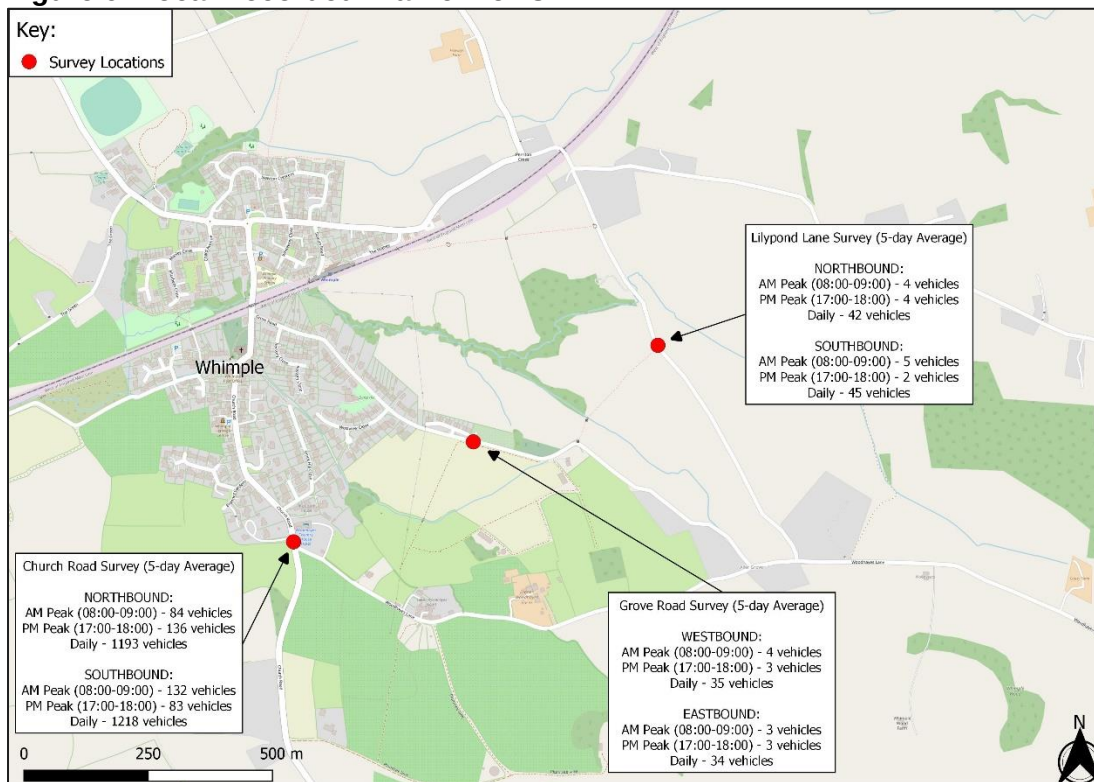
Traffic Surveys

5.1 Three automatic traffic count (ATC) surveys were undertaken within the vicinity of the site in the following locations:

- Lilypond Lane;
- Grove Road; and
- Church Road.

5.2 The surveys were undertaken for 24 hours a day for a period of 7 days between 22nd June 2023 and 28th June 2023. The data obtained from these surveys demonstrate the existing volume (in both directions) and speeds recorded. **Figure 6** demonstrates the peak hour (08:00-09:00 and 17:00-18:00) and daily traffic flows that were observed during the survey. The flows presented are 5-day averages, including weekdays only.

Figure 6: Local Recorded Traffic Flows



5.3 **Figure 6** demonstrates that Lilypond Lane and Grove Road are both very lightly trafficked with fewer than 100 two-way movements recorded on both roads across the day. During the peak hours there is at most 9 two-way movements on either road, which equates to one vehicle every 7 minutes. In terms of traffic movements, this falls far below the recognised threshold of 100 vehicles per hour for shared surfaces.

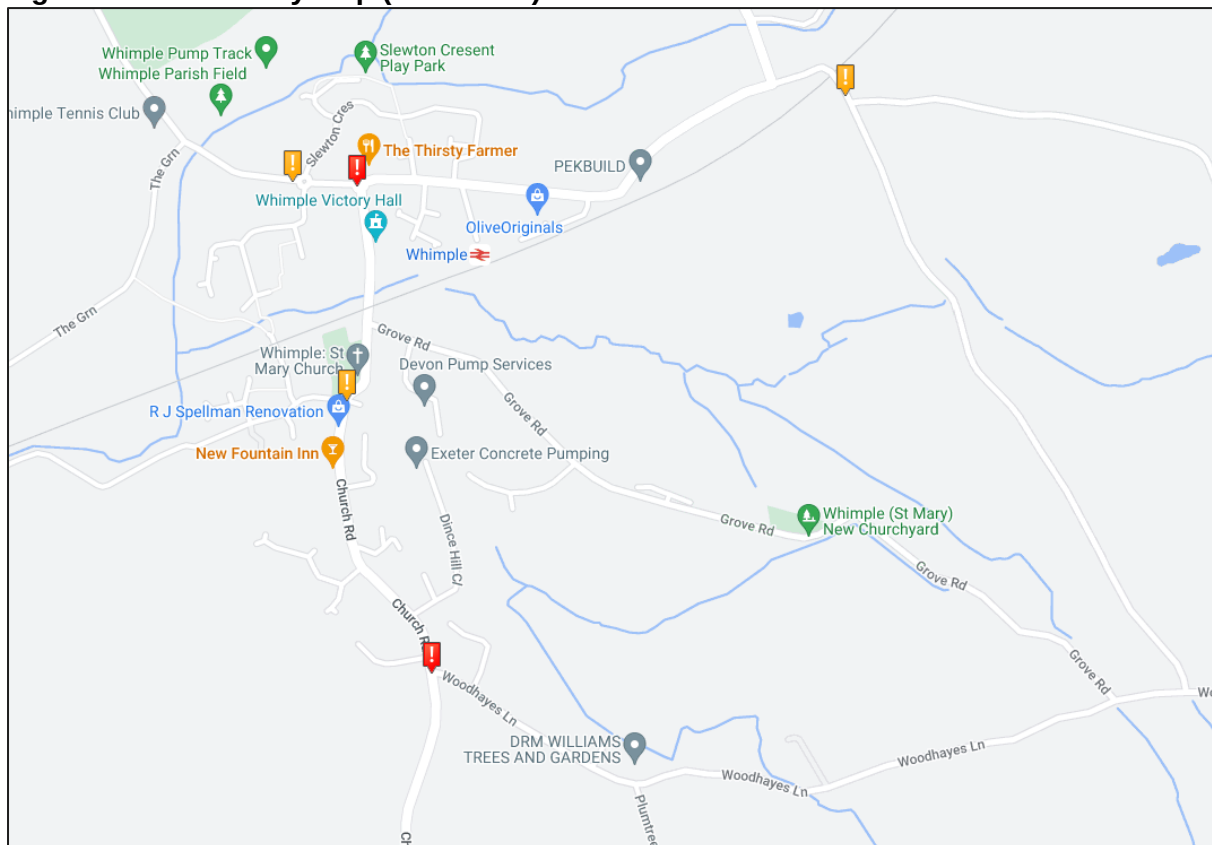


- 5.4 Leaving the village, Church Road is the busiest of the three roads that have been surveyed, however flows are still relatively low during the peak hours with approximately 200 two-way vehicle movements observed in either peak hour.

Highway Safety

- 5.5 An initial review of collision data, obtained from CrashMap.co.uk, has been undertaken. An extract, contained at **Figure 7**, shows the location of collisions that have occurred within the most recent five-year period within the village.

Figure 7: Road Safety Map (2018-2022)



- 5.6 **Figure 7** demonstrates that five collisions have occurred within the most recent five years of data available. There is no correlation between the location in which these have occurred, suggesting there are no inherent safety concerns within the village.
- 5.7 A serious collision occurred in 2019 at the roundabout between Broadclyst Road and Church Road which involved a cyclist. This is a standalone incident, and no other collisions have involved cyclists, suggesting that this does not constitute a safety concern. The remaining serious collision involved vehicles only.
- 5.8 With the exception of the serious collision in 2019, no collisions recorded have involved vulnerable road users.



Vehicular Access Potential

- 5.9 The adjacent road network features typical rural roads with high hedgerows and sections of limited carriageway width and intermittent informal passing places.
- 5.10 Typically, a scheme of 150 dwellings would generate approximately 75 two-way vehicle movements in the peak hour periods, however trip rates agreed at the recently consented Cobdens Development (22/0406/MOUT) were typically just 0.2-0.4 vehicle trips in the peak hour per dwelling. There is no reason, with rail provision on the doorstep, access to primary education, the local shop and easy access to the countryside and parkland that rates closer to the Cobden's development couldn't be achieved.
- 5.11 At present, the obvious opportunity for vehicle access is onto Lilypond Lane. If sole access was provided onto this link, the DfT Traffic Advisory Leaflet 2/04 on rural traffic calming, outlines the considerations when planning a single-track access scheme with passing places. To prevent excessive delays to vehicles, the guidance recommends that maximum two-way flow should not exceed 300 vehicles per hour. A TRICS report in 2012 suggests that there is a consensus that there is a capacity of approximately 100-300 vehicles per hour, depending on the balance of traffic flows in either direction and the availability of passing places.
- 5.12 On site observations suggest that the existing vehicular flow along Lilypond Lane is significantly below 100 vehicles per hour, and based on DfT Traffic Advisory Leaflet 2/04, can easily accommodate the uplift as a result of the proposals. To the south east, there are limited opportunities to pass along Lilypond Lane, and forthcoming proposals would review the ability to provide new passing places in more detail.
- 5.13 To the north along Lilypond Lane, whilst there are narrow sections, there are many more opportunities to pass, and therefore this represents a more attractive vehicular route. Whilst there is a narrowing at the railway bridge to the north east of the site, this is typical of the local highway network, with many areas in the local area with restricted visibilities, such as the centre of Whimble, functioning without issue. There are no existing inherent safety concerns at the bridge, with a singular collision recorded (in 2021) since CrashMap began collecting data in 1999.
- 5.14 Widening of the approaches may be possible, allowing vehicles additional space to pass and would warrant further consideration. Alternatively, a priority working could be introduced to allow one-way movement across the bridge at a time, depending on a more detailed design review.
- 5.15 It is important to note though, that there is a growing shift in transport policy to a vehicle capacity last approach, with preference given to special planning of development in locations that can maximise sustainable travel and local living. Any increase on Lilypond Lane or any other local routes and junctions might increase the likelihood for driver 'inconvenience', however there is no contemporary policy that supports driver convenience, and aspects of special planning based on access to mobility and the opportunity for local living take obvious precedence. Indeed, a modest increase in driver inconvenience has the potential to elicit



positive 'nudge' shifts to sustainable travel opportunities that are already on the doorstep of the development.

- 5.16 This approach is consistent with Government policy, which is demonstrated in the Department for Transport's (DfT) Decarbonising Transport document (2021), which states:

"We need to move away from transport planning based on predicting future demand to provide capacity ('predict and provide') to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes (sometimes referred to as 'vision and validate'). (Pg 158)"

- 5.17 This is also reflected within National Highway's approach, which is set out within their 2022 circular:

"The company will therefore expect strategic policy-making authorities and community groups responsible for preparing local and neighbourhood plans to only promote development at locations that are or can be made sustainable and where opportunities to maximise walking, wheeling, cycling, public transport and shared travel have been identified."

6.0 Access Strategy Overview

- 6.1 The current land holding could deliver a vehicular access onto Lilypond Lane. Whilst the road is rural in character, enhancements to the route can be made to reinforce pedestrian safety and improve vehicular passing, particularly at the railway bridge.
- 6.2 If sufficient land could be obtained to provide an access onto Grove Road, an additional access point could be provided. This would aid in increasing the pedestrian permeability of the site, whilst also dispersing traffic over the local highway network. This would provide a shorter route from the site to the facilities within the centre of Whimble.
- 6.3 Discussions with Network Rail are welcomed to develop a pedestrian overbridge scheme over the railway line, which would benefit both future residents and assist in Network Rail aspirations to close existing pedestrian level crossings. Indeed, the site's immediate access to the railway station offers a unique opportunity to maximise rail travel for a wide range of destinations and purposes. There is an obvious relationship between rail travel and commuting towards higher tier settlements such as Exeter, however rail travel to other destinations, notably Cranbrook, offers attractive sustainable trips for non-work purposes such as to schools and leisure destinations.
- 6.4 The proximity of Cranbrook, and the forthcoming Cobdens expansion, offers significant potential to accelerate shifts to active and shared travel for both existing and future residents of Whimble. In particular, there are opportunities to open up new active travel routes between the two settlements. The emerging shifts to railway use reduce the need for existing residents to travel by car, and therefore any future development at the site will need to be considered in the context of changing shift of baseline travel to sustainable modes, alongside any residual development traffic demand.



- 6.5 It should be noted that any material development within Whimble is constrained by the historic village centre, whereby traffic flows exceed typical thresholds for shared surfaces, and therefore the intensification of traffic or pedestrians through the centre will be a consideration for any forthcoming development. However, this is an existing situation and there is no adverse collision record, and development can facilitate the reinforcement of pedestrian safety in the village centre. Notwithstanding this, any proposals need to be considered against the wider policy and investment backdrop, that has the potential to create wider shifts to rail and cycle in particular, as well as improved walking opportunities to Cranbrook and the neighbouring Cobdens expansion area.
- 6.6 A pedestrian bridge over the railway line would provide an additional pedestrian connection to the site, which would also allow the existing pedestrian level crossing to be closed. This would provide a significant benefit to both the site in terms of immediate access to the centre of Whimble and Railway Station and meet Network Rail's commitment to closing level pedestrian crossings, but also to existing local residents who would have improved access to the station and facilities to the north of the railway line.
- 6.7 So, despite the simplistic reasons given in the East Devon HELAA not to take the site forward as a preferred site, the reasons are now out of sync with current contemporary policies on sustainable development and mobility planning. Notwithstanding this, there are no technical highways reasons not to support the development, and the residual traffic impacts can largely be offset by wider changes in mobility patterns in the village, which can be accelerated with investment offered by the development, including contributions towards improved access to the railway station.





Making Sustainability Happen



Existing and Proposed Walking and Cycling Routes from land to the west of Lilypond Lane to the Centre of Whimble

GP Surgery

Whimble Primary School

Whimble Railway Station

Whimble Centre

Key:

Site Location

Access via Lilypond Lane

Pedestrian Access (16-minute walk)

Cycle Access (5-minute cycle)

Access via the Allotments to the west and Grove Road

Pedestrian/Cycle Access (4-minute walk, 1-minute cycle)

Access via Whimble Footpath 3 and 14

Pedestrian Access (8-minute walk)

Notes:

1. Walk speed from DMRB Vol 11 Section 3 Part 8 Para 3.2
- 1.1 "In the absence of local data the following assumptions should be made about average journey speeds: 5km/hr for people on foot"
2. Cycle speed from Sustrans' 'Cycle Friendly Employers' Information Sheet
- 2.2 Recommends an acceptable cycle speed as being 4.4m/s
3. Walk and cycle distances taken from the centre of the site



Appendix 3. Vision statement



Land off Lilypond Lane Whimble



DAVID WILSON HOMES
WHERE QUALITY LIVES

Vision Statement

February 2025

ORIGIN₃



1. Introduction

Land off Lilypond Lane, Whimble, is available for development and could be considered as part of the future housing delivery strategy for East Devon District Council.

David Wilson Homes has prepared a schematic proposal for the site to demonstrate its capacity and promote its future consideration.



2. Vision

This is an opportunity to create a sustainable, modest scale, addition to the village of Whimble.

The primary aims are to strike the right balance in delivering:

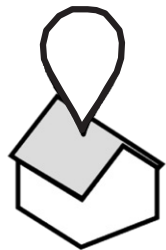
1. A high quality proposal, of the right scale to become part of Whimble village;
2. In a location benefiting from existing access to a regular rail service (to Exeter in particular);
3. With a development layout which sits considerately within its immediate context; and
4. An extensive Green Infrastructure network which could potentially integrate flood management, Biodiversity Net Gains and SANG requirements on-site.

Whimble, as a village, historically expanded either-side of the existing West of England railway line and the development site lies in a position between the railway and existing settlement edge. It therefore represents an opportunity to introduce new housing in an already developed context, where doorstep rail services can be readily reached as an alternative to car travel.

The availability of substantial Green Infrastructure within the site and ready access to rail travel to local employment destinations, services and facilities is also an opportunity which a development can capitalise upon to address climate-change strategies at a local scale.

Development would result in a change of character to the land, but it would not be uncharacteristic or alien to the context. Appropriately scaled residential development, within a robust landscape framework, could therefore be delivered at Whimble.

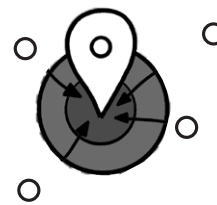
Scope for circa 115 new homes - different sizes, tenures and prices



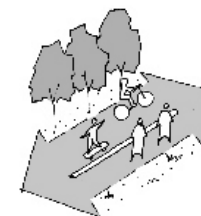
30% of homes would be affordable and 5% would be self/custom build



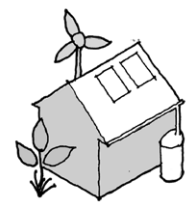
New residents help support the vitality and viability of doorstep amenities in Whimble and rail services



Development creates opportunities for new or improved pedestrian and cycle links to rail station



Development can deliver locally specific responses to sustainable construction and climate change requirements



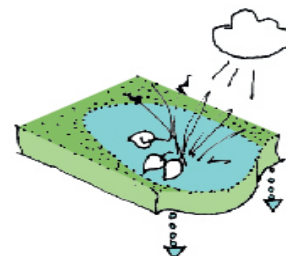
Sizeable GI on site can deliver suitable public open space (including allotments, orchards and children's play spaces)



Sizeable GI on site can retain and enhance existing trees, hedgerows, watercourses and habitats for protected species



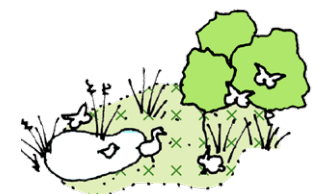
Sizeable GI opportunities allow flood management measures upstream on the Upper Cranny Brook catchment to be explored



Sizeable GI on site is an opportunity to enhance accessibility to existing allotments and provide new allotments too



Sizeable GI creates an opportunity to consider SANG delivery and BNG gains on-site



3. Planning Policy Context

Local Planning Policy

Existing Local Plan

The principal document in the current Development Plan is the East Devon Local Plan 2013-31, which was adopted in January 2016. It establishes the overarching policy framework for East Devon.

Key policies include:

- *Strategy 1 – it confirms that significant development will be focused within the West End, with the Main Towns accommodating development to meet their needs and those of the surrounding rural areas. Development at the Smaller Towns, Villages and Rural Areas will meet local needs.*
-
- *Strategy 27 - confirms that Whimble is a Small Town or a Larger Village. Such locations are considered to offer a range of accessible services and facilities to meet the everyday needs of local residents, whilst also benefitting from reasonable public transport provision.*

Villages Plan

In addition to the above, the Villages Plan was adopted by East Devon District Council in July 2018. Some analysis of the settlement is provided within Section 15 of the Plan, where it is outlined that Whimble is split by a railway line and is characterised by a rural setting. It is noted that congestion and pedestrian safety are specific issues for the Village, as parts of it are accessed via narrow lanes.

Emerging Local Plan

East Devon District Council is currently preparing a new Local Plan. Two Regulation 18 consultations were held in 2022 and in 2024. More recently, a Regulation 19 version of the emerging Local Plan was published for consultation in February 2025. The Plan will cover the period 2020 to 2042.

Key policies in the emerging Plan include:

- *Strategic Policy SP01 (Spatial strategy) - which confirms that Whimble is a Service Village, where limited development is envisaged.*

- *Policy SP02 (Levels of future housing development) - confirms that, as a minimum, housing provision will be made for at least 20,909 dwellings (net). 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 1,070 homes per year from 2032/33 to 2041/42. Against this requirement, a total of 22,614 homes are projected to be delivered over the plan period.*
- *Policy SP03 (Housing requirement by designated neighbourhood area) - confirms that the housing requirement for the Whimble designated neighbourhood area is 611 homes. This requirement has been met through completions, commitments and allocations. However, the vast majority of supply identified for Whimble is associated with the Cobdens Expansion Area at Cranbrook, which is geographically divorced from Whimble (500 dwellings).*

Housing and economic land availability assessment

The site was assessed as part of the Housing and Economic Land Availability Assessment (HELAA). It was afforded reference Whim_12.

Through the assessment process the Local Highways Authority concluded that: *“Access off the Grove is only possible for a small amount of infill development. It is narrow, no footways and on street parking. Access of the road to the east is equally challenging - No acceptable access is apparent. But very close to the railway station.”*

This ultimately led to the HELAA Panel’s conclusion that the site is: *“...probably unachievable given access constraints and need to improve the road network and bridge over the railway. Potentially a small scale development could be achieved.”*

For the reasons set out in this Vision Document, which is informed by significant technical information that has been prepared since the HELAA was published, this conclusion is disputed.

4. About the Site

The Site

The site comprises 13.45 hectares of agricultural land, circa 10 km east of Exeter, at the village of Whimble.

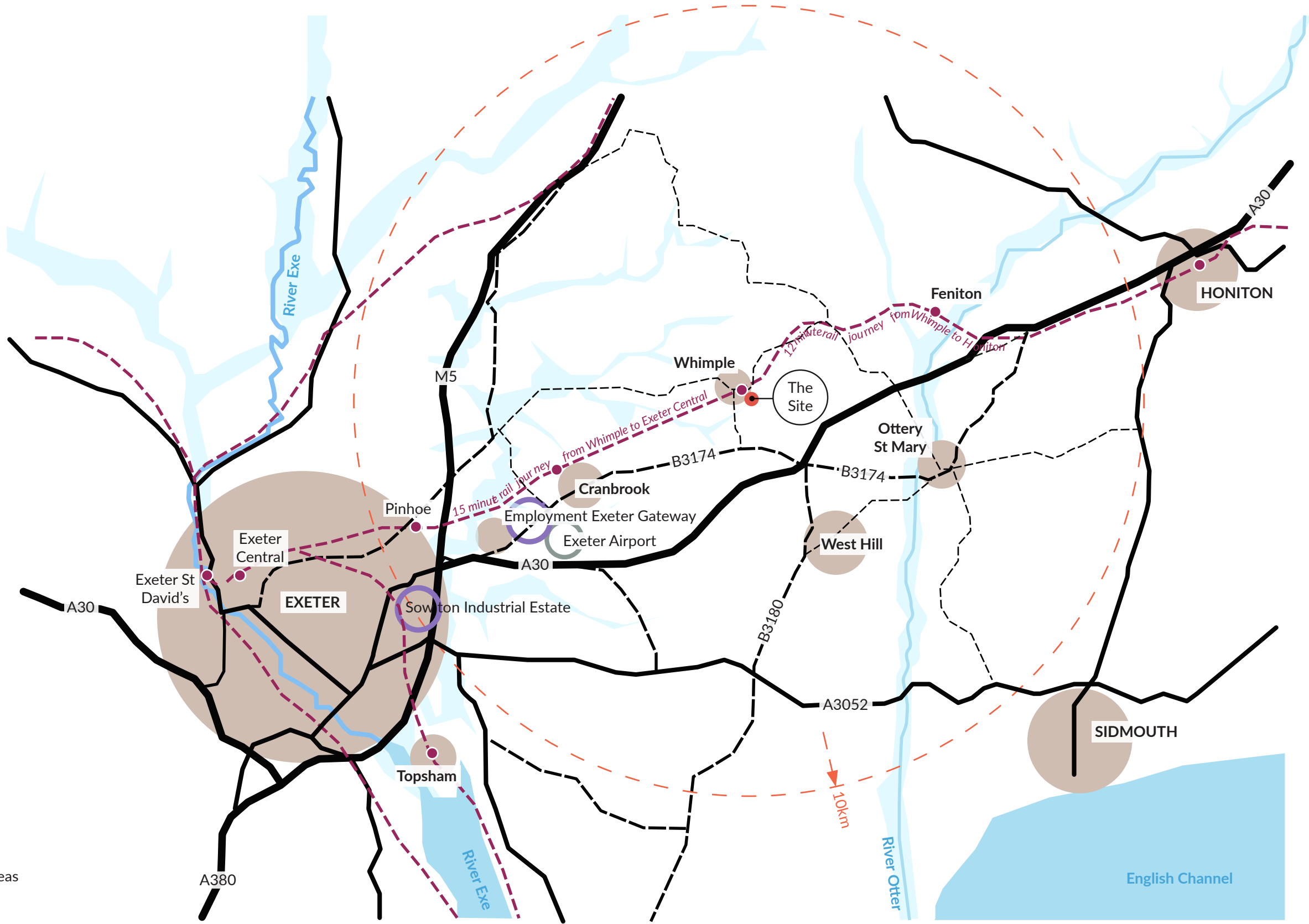
The site itself lies on the southeast side of the village, alongside the existing east/west railway line.

Site constraints have been identified at this stage from available desk-top resources. At this stage, no specific detailed studies are available to share with the Local Authority. However, when these are published, we will be happy to provide copies to Officers for information and reference.



Fig Ref: Wider Location Plan

- Existing highways
- Existing fluvial EA mapped flood risk areas
- Existing railways



4. About the Site

Strategic opportunities at Whimble

The Site has a strong strategic location, close to the heart of an existing community with access to an active railway station

Local Amenities

- Whimble is identified as being a small town or larger village within the 2016 Local Plan and is proposed to be a Service Village within the emerging Local Plan. The Local Plan evidence base considers that Whimble has a similar level of services and facilities to a number of higher order Tier 3 settlements, including Colyton and Woodbury, both of which lack a railway station. The evidence base confirms that the settlement benefits from the following services and facilities:
- A railway station;
- A primary school;
- A convenience store/shop;
- A post office;
- A doctor's surgery;
- A community hall;
- Two public houses;
- Allotments;
- Sports provision; and
- Children's play provision.

Railway Station

- Whimble benefits from having a railway station - one of only nine stations located within East Devon District. It generally offers hourly services to a range of destinations, including Cranbrook and Exeter to the west, and Honiton, and Axminster to the east. Under the Devon Metro improvements, these services are already planned to be enhanced.

Bus Services

- Whimble currently has a rural level of bus service frequency, served by services, every 2 hours, on a route which links to Sidmouth via Ottery St Mary.

Employment Opportunities

- Whimble is located in close proximity to the range of services, facilities and employment opportunities found within East Devon's West End and on the edge of Exeter.

Flood Risk

- Whimble lies within an Environment Agency (EA) Critical Drainage Area. This is caused by culverts, under the railway line, on the Upper Cranny Brook catchments which can become backed up in storm events and cause upstream flooding. The EA states development in this area should deploy SUDs measures and contribute to reducing the existing flood risks.
- The site itself is bound by an eastern tributary into the Upper Cranny Brook which has EA recorded flood and surface water risk areas associated with it.
- Drainage Consultant advice suggests that there is an opportunity therefore to construct drainage basins and wetlands on this tributary to increase flood storage capacity and slow flows for this watercourse. This would aid management of flood risk downstream on the Upper Cranny Brook and would be in addition to any SUDs measures associated with development.

Cycle connections westwards

- The Clyst Valley and New Communities Local Cycling and Walking Infrastructure Plan (Consultation LCWIP) included Whimble within a strategic zone east of Exeter which would benefit from planned-for cycle connectivity to encourage an alternative means to car-travel.
- It identified a strong desire line for a car-free cycle route from Whimble to Cranbrook in particular, with a number of onwards connection options into Exeter. Increased viability for a future route from Whimble to Cranbrook would come from new housing development to expand local patronage.



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A 5x5 grid of 'x' marks. A thick L-shaped line is drawn around the grid, consisting of a vertical line on the left and a horizontal line on the top.

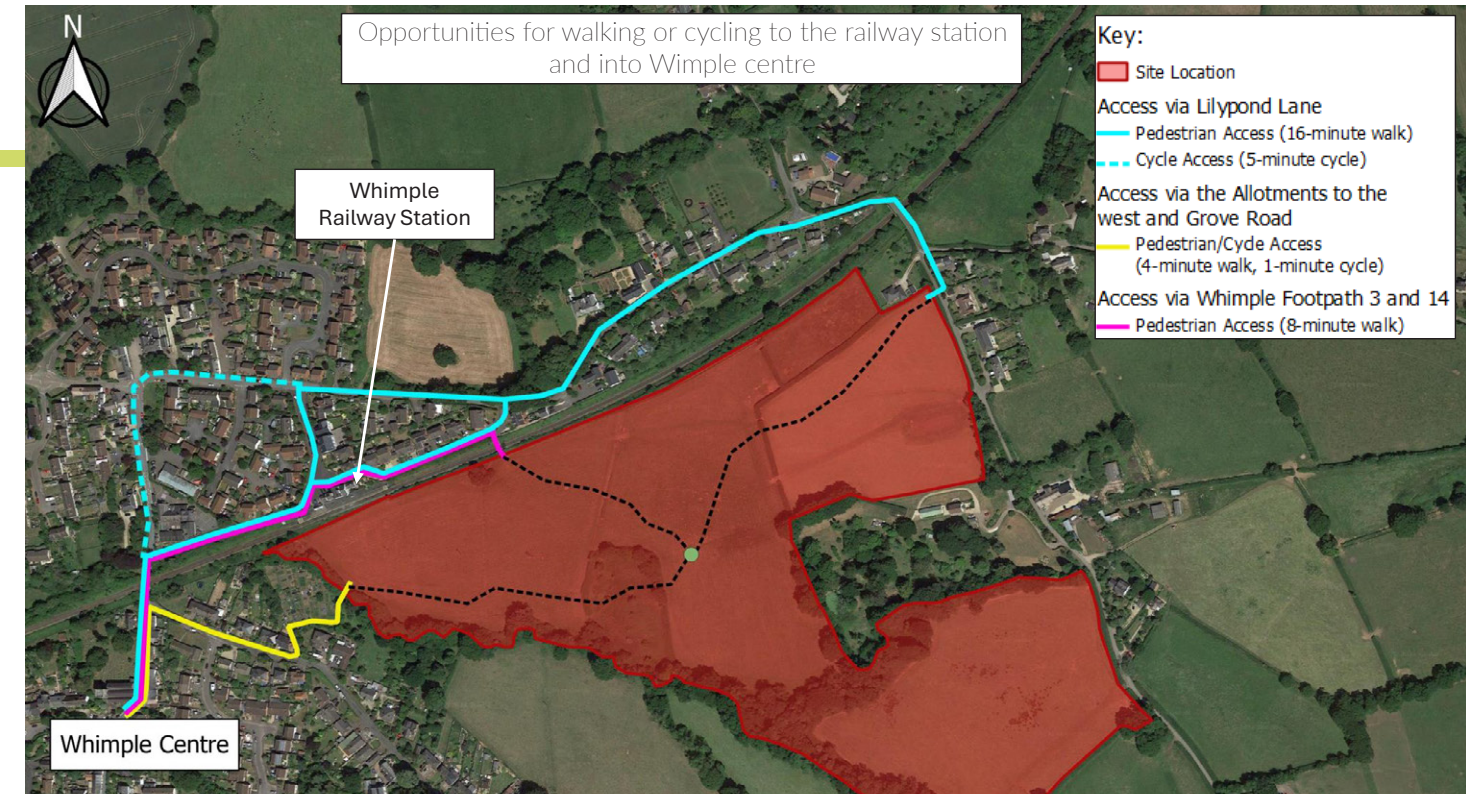


4. About the Site

Site Features

There is little which significantly constrains development upon the site.

- The land gently slopes towards the western edge watercourse and existing overhead electricity cables across the site can be readily integrated / grounded.
- The railway boundary to the north will be a noise generator but does not preclude development, provided new dwellings are designed such that they attain adequate noise exposure levels.
- Existing Public Right of Ways across the site can be incorporated into development proposals. Access to the existing level crossing would be discussed with Network Rail.
- Existing trees and hedgerows can be incorporated into new development proposals, along with measures to enhance and manage the features. This will form a key part of the development providing a net gain to biodiversity that exceeds the national 10% minimum.
- The remnant orchard habitat has scope for re-instatement and managed enhancement.
- The existing watercourses and their flood / surface water risk areas can be integrated as part of a development site, provided they are combined with SUDs measures to manage surface water run-off and only Green Infrastructure (GI) uses are placed within the flood risk areas.
- Lilypond Lane comprises a hedgebound rural lane without footways. Technical consultants have assessed the use of this lane, using automated traffic count data from three locations, and concluded that Lilypond Lane and Grove Lane are lightly trafficked, below the threshold for shared surfaces (being without footways / used by all users).
- The accepted trip generation rates from the Cobden's development have been used as representative of an acceptable vehicle trip benchmark. With that, it is felt that Lilypond Lane could readily accommodate traffic flows from a small housing development (via a T-junction), given the site's proximity to rail services and other local amenities.



there are opportunities to pass and this is typical of the local highway network. Widening of the approaches to the site may be possible, allowing additional space for vehicles to pass. Furthermore, a priority flow arrangement could be introduced to allow alternating one-way movement across the bridge, subject to technical design review.

- Investment from new development could also be used towards mobility enhancements which would benefit the whole village, encouraging changing patterns of travel means, including attracting railway / bus accessibility investment through increased demand and patronage of services.

accommodate a pedestrian and cycle connection from Grove Road. These could also be enhanced with a car park for improved accessibility.

- The site is defined into two broad field areas, either-side of an existing property at Higher Sleuton. The southern field has scope to be used for GI purposes, including potentially contributing towards 'Suitable and Accessible Greenspace' (SANG) delivery on-site.
- The site also has scope to provide upstream flood storage enhancements to its watercourses, which are catchment tributaries of the Upper Cranny Brook (within the Critical Drainage Area).

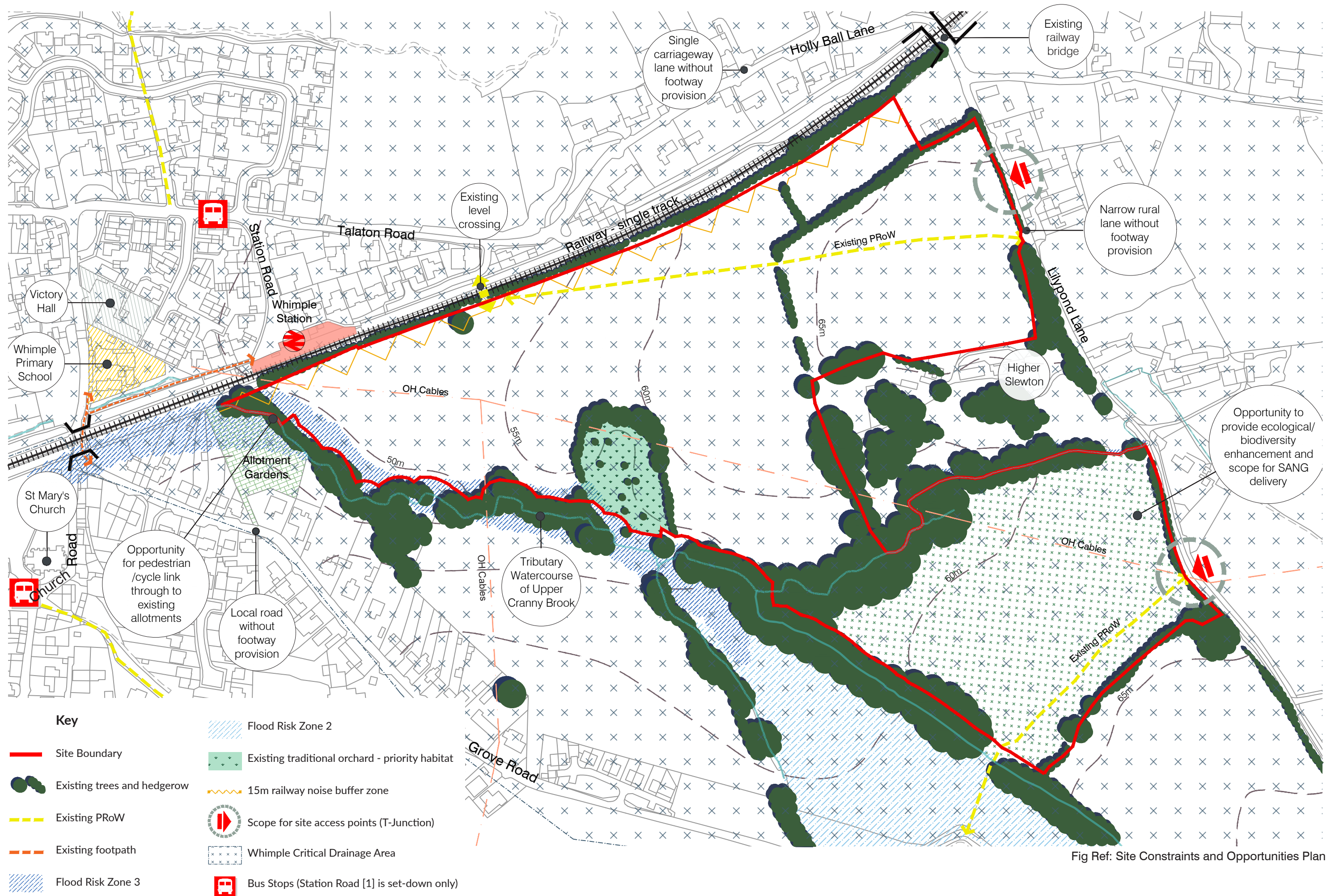


Fig Ref: Site Constraints and Opportunities Plan

5. Landscape Led Masterplan Options - A

Site Features

Two illustrative Masterplan options for the site have been drafted to consider how development could be structured. The two options test residential growth across broadly the same development area, with additional housing parcels shown to expand the site's capacity. Option A = up to 115 homes
Option B = up to 95 homes.

- Both proposals show development across the northern extents of the site, taking an all vehicle T-junction access off Lilypond Lane.
- Scope for a pedestrian and cycle connection via the existing Grove Road allotments.
- Significant green infrastructure on-site is identified. This would have scope to provide for SANG delivery, if required.
- There is scope for new basins and wetlands to be created to provide flood storage and flow management to the tributary watercourse, as part of managing flood risk downstream within the Critical Drainage Area.
- The options incorporate SUDs and Public Open Space (POS) on-site but it is proposed that sport provision could be met through an off-site contribution - for the wider betterment of existing local amenities.



Option A

115 Homes Net density of c. 34/35dph	Circa 65% of the site could be delivered as Green Infrastructure land uses	Public Open Space requirements could be met on-site (excluding Sport) as a minimum
--	--	--



6. Summary of Site Specific Benefits

Benefits that the development will bring to the local area

The development of land at Lilypond Lane, Whimble, would result in a significant number of direct and indirect social, economic and environmental benefits, which together ensure that the proposal constitutes sustainable development. Such benefits include:

Social

- The provision of up to 115 homes, which will provide a strong alignment with identified local needs;
- Of the dwellings proposed, 30% would be affordable homes;
- All homes, as a minimum, would be constructed to Category M4(2) standards. In addition, 5% of the affordable housing provision would be constructed to Category M4(3)(2)(a) standards;
- 5% of the homes are proposed to be delivered as self and custom build plots;
- Green infrastructure provision, including public open space, at a level to significantly exceed emerging requirements. A range of public open space typologies will be proposed, including amenity green space, equipped/designated play areas, parks and gardens, natural and semi natural green space (which can count as SANG land), other outdoor provision and allotments;
- Potential improvements to the existing allotments to the west, which could include a new car park;
- Improvements to Lilypond Lane, which could include localised widening and the introduction of a priority working to allow one-way movements across the bridge to the north east of the site; and



Economic

- Significant direct and indirect construction phase economic benefits, both in terms of person-years of employment and wage generation.
- The resident population of the scheme would help support the vitality and viability of existing services and facilities within Whimble, the rail and bus service and desire for a cyclepath connection towards Cranbrook.

Environmental

- A net gain to biodiversity that would significantly exceed the national minimum requirement of 10%;
- The reinstatement of the orchard on site;
- The implementation of a travel plan which seeks to encourage residents to travel via active and sustainable modes of travel to services, facilities and employment opportunities within Whimble and further afield. This will reduce emissions associated with transport and improve air quality and public health; and
- A drainage strategy, which incorporates sustainable drainage systems, and further measures to reduce flood risk within Whimble, to the benefit of the wider community downstream.

7. About David Wilson Homes

Building for Sustainability

As the country’s largest housebuilder David Wilson Homes has a responsibility to build for the future and we want to be the UK’s leading national sustainable housebuilder.

Our new houses use highly thermally efficient insulation and argon-filled double-glazing as standard, which allows the heat from the sun in whilst minimising heat loss.

To showcase the latest technology and construction methods for building zero carbon homes, we have built the Zed House in Manchester – a blueprint for future housebuilding. All our homes will be zero carbon by 2030



Fig Ref: Our Zed House Concept



DAVID WILSON HOMES

WHERE QUALITY LIVES

ORIGIN₃



Appendix 4. Settlement comparison

SETTLEMENT	POPULATION	DWELLINGS PROPOSED IN LOCAL PLAN*	NUMBER OF ECONOMICALLY ACTIVE RESIDENTS	EMPLOYMENT DENSITY	TRAIN STATION	LESS THAN HOURLY BUS SERVICE	STRATEGIC HOURLY BUS SERVICE	PRIMARY SCHOOL	SHOP	POST OFFICE	GP	COMMUNITY HALL	LIBRARY	PUB	ALLOTMENT	SPORTS PROVISION	CHILDREN'S PLAY
Whimble	1,189	111*	619	0.30	✓	✓	✗	✓	1	✓	1	✓	✗	2	✓	✓	✓
Woodbury	1,739	365	809	0.39	✗	✓	✓	✓	5	✓	1	✓	✗	2	✓	✓	✓
Feniton	1,703	127	854	0.28	✓	✓	✗	✓	1	✗	✗	✓	✗	1	✓	✓	✓
Dunkeswell	1,494	72	571	0.32	✗	✓	✗	✗	2	✓	1	✓	✗	✗	✓	✓	✓
Newton Poppleford	1,784	76	795	0.35	✗	✓	✓	✓	1	✓	✗	✓	✗	2	✓	✓	✓
West Hill	2,015	70	634	0.45	✗	✓	✓	✓	4	✓	✗	✓	✗	✗	✗	✓	✓

*Excludes provision associated with Cranbrook

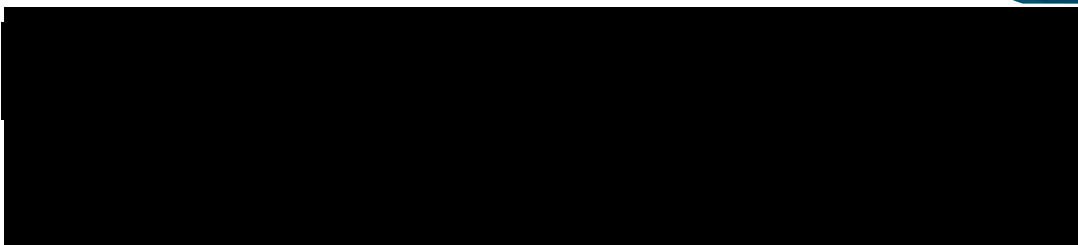
Appendix 5. A re-assessment of the housing requirement options set out in the Sustainability Appraisal

SA OBJECTIVE	OPTION A	OPTION B	OPTION C	COMMENTARY
Biodiversity	Construction phase = +/- ? Operational phase = +?	Construction phase = +/- ? Operational phase = +?	Construction phase = +/- ? Operational phase = +?	All options will deliver significant amounts of new housing, which theoretically could result in species disturbance, habitat loss and severance, particularly during the construction phase. However, over the longer term, any effects should be mitigated or compensated for, via the operation of development management policies. As required by the Environment Act and the emerging Local Plan, a net gain to biodiversity will result. Indeed, the greater the quantum of development, the greater the resulting net gain to biodiversity.
Landscape	-?	--?	--?	The assessment work claims that whilst the precise location of housing required to meet the higher options is unknown, they would result in higher impacts on the East Devon and Blackdown Hills AONB and the undeveloped coasts. However, the analysis suggests that higher options are likely to require the development of a third new settlement (although this is not substantiated), which is likely to be focused within the West End, which would, if sensitively located, result in no direct impact on either national landscape designations and potentially no indirect effects either.
Historic and built environment	-?	-?	-?	Again, without any certainty over where the additional housing required by the higher options is to be located, there can be no certainty that additional impacts would result from Options B and C. Accordingly, all options are proposed to be scored the same.
Climate change and				The assessment suggests that an increase in greenhouse gas emissions would result from higher levels of growth. It also suggests that trip

carbon emissions				internalisation would be less with higher levels of growth, which would require the development of a third new community, which given its smaller scale, would not attract the services, facilities and employment opportunities as the larger, second new town. However, this pre-empts a consideration of the most appropriate strategy for higher levels of development. In the absence of such considerations, it cannot be concluded that higher levels of housing would result in higher carbon emissions and therefore the same score for each option is provided.
Climate change adaption	-?	-?	-?	No change to the Local Planning Authority's assessment is proposed.
Land resources	-?	-?	-?	The assessment work suggests that higher levels of housing could result in the development of best and most versatile agricultural land and potentially development within mineral safeguarding areas. No assessment work has been undertaken to justify this assertion. If the Local Planning Authority had planned for a higher requirement, analysis could have been provided by land promoters. The presence of best and most versatile agricultural land has not prevented East Devon from using such land in the past. Moreover, no information is provided to justify why Option A scores only a minor uncertain effect, but the additional options would lead to a major uncertain effect. It seems as though the analysis simply compares the impacts of the three options against each other, rather than assessing the outcome of each. As the outcome of Options B and C are uncertain, the same scores are provided for all three options.
Water resources	-?	-?	-?	Again, the assessment work provides an overly simplistic conclusion that higher levels of housing will have a greater impact on the environment, particularly the Exe Estuary SPA and the River Axe SAC due to discharge. It does not take into account the operation of any ongoing mitigation scheme or schemes, or the infrastructure proposed within the Local Plan, including the new waste water treatment work proposed at the second new

				community, which will be rainfall responsive. As such it is considered that all options would result in the same score.
Homes	--	-	++	As has been established in these representations, Option A would result in 4,303 homes fewer than the established local housing need figure. It also results in a housing requirement that does not address back-log. Option B results in a requirement that is 2,222 homes fewer than the local housing need and again would not address any backlog. Neither option would begin to address housing affordability. Conversely, Option C would meet the local housing need figure. As such Option A has been assessed as having a major negative effect, Option B a minor negative effect and Option C a major positive effect.
Health and wellbeing	-?	-?	-?	No change to the Local Planning Authority's assessment is proposed.
Access to services	?	?	?	Again, the assessment work continues to pre-empt a consideration of the most appropriate distribution of development for higher levels of housing, which have not been subject of assessment. A distribution in line with the spatial strategy embedded within the emerging Plan is likely to result in similar outcomes. Consequently, the same score is afforded to each option.
Jobs and employment	++	++	++	No change to the Local Planning Authority's assessment is proposed, although if, as the Local Planning Authority contest, that there will be a greater environmental harm resulting from Options B and C, then equally, the higher benefits associated with further job creation through the construction and operational phases should also result in higher scores for Options B and C against the jobs and employment objective.
Town centres	+?	+?	+?	No change to the Local Planning Authority's assessment is proposed.

Connectivity and transport	-?	-?	-?	Again, the assessment work continues to pre-empt a consideration of the most appropriate distribution of development for higher levels of housing, which have not been subject of assessment. A distribution in line with the spatial strategy embedded within the emerging Plan is likely to result in similar outcomes. Consequently, the same score is afforded to each option.
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