

Filtered Data Export

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 1. Introduction

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 1.3

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

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 15

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).

3(c). Please set out the modification(s) you consider necessary to make this part of the Introduction chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant

policy or paragraph. Please be as precise as possible.: 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

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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).

4. Do you consider that this part of the Introduction chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR04

2. Do you consider that this part of the Sustainable Transport and Communications chapter is legally compliant?: Yes

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Sustainable Transport and Communications chapter is not sound. Please be as precise as possible.: PO LIC Y TR04 – P AR KI NG ST AND ARD S

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.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 53

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

national planning policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Sustainable Transport and Communications chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Sustainable Transport and Communications chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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.”

4. Do you consider that this part of the Sustainable Transport and Communications chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

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Proposal: 11. Sustainable Transport and Communications

1. To which part of the Sustainable Transport and Communications chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: TR06

2. Do you consider that this part of the Sustainable Transport and Communications chapter is legally compliant?: Yes

3. Do you consider that this part of the Sustainable Transport and Communications chapter is sound?: No

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

3(c). Please set out the modification(s) you consider necessary to make this part of the Sustainable Transport and Communications chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Sustainable Transport and Communications chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Suggested changes

9.53 The Policy should be deleted.

4. Do you consider that this part of the Sustainable Transport and Communications chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB03

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: 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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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 42020:201396 (or superseding standard)."

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

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB04

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: STRATEGIC POLICY PB04 – 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

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 54

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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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."

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

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Other party name (if relevant): David Wilson Homes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB08

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: 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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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.”

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Our Outstanding Biodiversity and Geodiversity chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB09

2. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter is legally compliant?: Yes

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

3(a). If yes, and you wish to support the soundness of this part of the Our Outstanding Biodiversity and Geodiversity chapter, please use this box to set out your comments.: -

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: 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.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 59

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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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.”

4. Do you consider that this part of the Our Outstanding Biodiversity and Geodiversity chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 14. Open Space and Sports and Recreation

1. To which part of the Open Space and Sports and Recreation chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: OS02

2. Do you consider that this part of the Open Space and Sports and Recreation chapter is legally compliant?: Yes

3. Do you consider that this part of the Open Space and Sports and Recreation chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Open Space and Sports and Recreation chapter is not sound. Please be as precise as possible.: POLICY OS02 – SPORT, RECREATION AND OPEN SPACE PROVISION IN

ASSOCIATION WITH DEVELOPMENT

9.93 DWH acknowledges 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

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 60

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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Open Space and Sports and Recreation chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Open Space and Sports and Recreation chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be

as precise as possible.: POLICY OS02 – SPORT, RECREATION AND OPEN SPACE PROVISION

ASSOCIATION WITH DEVELOPMENT

9.93 DWH acknowledges 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.

4. Do you consider that this part of the Open Space and Sports and Recreation chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 3. The Spatial Strategy

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 3.11

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: Yes

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

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

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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.

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. : Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 3. The Spatial Strategy

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP01

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: 7 The spatial strategy and the distribution of development

INT RODU C TIO N

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.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 28

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 Infrastruct

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: C H A N G E S R E Q U I R E D T O A D D R E S S S O U N D N E S S I S S U E S

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 redesignated

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.

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. : Due to the significant policy issues concerned.

Full name: Owen Jones

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Other party name (if relevant): David Wilson Homes

Proposal: 3. The Spatial Strategy

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

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

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: No

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

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 22

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

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(DPA)

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(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.

[Table for this section is available in the attached PDF]

Unmet need from neighbouring authorities

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EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 22

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7 Para. 4.3.

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EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 22

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the standard method indicates is necessary, which could be used to meet unmet needs from neighbouring a

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

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

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 Whimple (February 2025), para. 1.6.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 64

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.

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.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 18

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 HIGH HER 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 hous

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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.

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 Whimple (February 2025), para. 1.6.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 64

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.

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.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 18

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 hous

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: No

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

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.

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

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 65

“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).

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. : Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 3. The Spatial Strategy

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

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

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: Yes

2(a). If yes, and you wish to support the legal compliance of this part of the Spatial Strategy chapter, please use this box to set out your comments.: As they relate to housing supply. We have indicated that the Plan is not legally compliant in relation to housing need.

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

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: 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;
? Whimble 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.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 62

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 Whimble 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 Whimble.

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 unequitable.

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

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 63

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 Whimple.

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 co

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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.

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Spatial Strategy chapter's compliance with the duty to co-operate, please use this box to set out your comments.: As they relate to housing supply. We have indicated that the Plan is not compliant with the Duty to Cooperate in relation to housing need.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. : Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 3. The Spatial Strategy

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SP03

2. Do you consider that this part of the Spatial Strategy chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: 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. Whimple 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 Whimple.

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 Whimple 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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Introduction chapter sound. It will be helpful if you are able to put forward your suggested revised wording for

the relevant policy or paragraph. Please be as precise as possible.: 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. Whimple 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 Whimple.

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 Whimple 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.

[Change suggested in table in attached PDF]

4. Do you consider that this part of the Spatial Strategy chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary. : Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 4. Development at the West End

1. To which part of the Development at the West End chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: WS09

2. Do you consider that this part of the Development at the West End chapter is legally compliant?: Yes

3. Do you consider that this part of the Development at the West End chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Development at the West End chapter is not sound. Please be as precise as possible.: ST RA TE GIC POLI C Y WS09 – CL YST V AL L EY RE GIO N AL P AR K

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.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 46

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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development at the West End chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development at the West End chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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.”

4. Do you consider that this part of the Development at the West End chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?:
Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC01

2. Do you consider that this part of the Mitigating Climate Change chapter is legally compliant?: Yes

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

3(a). If yes, and you wish to support the soundness of this part of the Mitigating Climate Change chapter, please use this box to set out your comments.: -

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: 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:

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 47

“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

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 48

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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Mitigating Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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:

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 47

“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

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 48

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.

4. Do you consider that this part of the Mitigating Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?:
Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC02

2. Do you consider that this part of the Mitigating Climate Change chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: ST RA TE GIC POLI C Y C C02 – NET -ZE RO C AR BO N D EVEL O PMEN T

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)).

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Mitigating Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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 consultation²³) will be required in developments;"

4. Do you consider that this part of the Mitigating Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?:
Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC05

2. Do you consider that this part of the Mitigating Climate Change chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: 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 EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 49

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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Mitigating Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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

4. Do you consider that this part of the Mitigating Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 6. Mitigating Climate Change

1. To which part of the Mitigating Climate Change chapter does your representation relate?:
Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: CC06

2. Do you consider that this part of the Mitigating Climate Change chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: ST RATE GIC POLI C Y C C06 – E MB OD IED C AR BO N

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>

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 50

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

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Mitigating Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: ST RA TE GIC POLI C Y C C0 6 – E MB OD IED C AR BO N

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>

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 50

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

4. Do you consider that this part of the Mitigating Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

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

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

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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.”

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: ST RA TE GIC POLI C Y AR0 2
– WA TER E F F I C I E N C Y

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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Suggested changes

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

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 8. Meeting Housing Needs

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN04

2. Do you consider that this part of the Meeting Housing Needs chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.: 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.

EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 52

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
housing³¹.”

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.

**3(c). Please set out the modification(s) you consider necessary to make this part of the
Meeting Housing Needs chapter sound, in respect of any matters you have identified
above. You will need to say why each modification will make this part of the Meeting
Housing Needs chapter sound. It will be helpful if you are able to put forward your
suggested revised wording for the relevant policy or paragraph. Please be as precise as
possible.:** PO LIC Y HN0 4 – A CC ES SIB LE A ND AD AP TA BLE HOU SI NG

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
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EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 52

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 housing³¹.”

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.

4. Do you consider that this part of the Meeting Housing Needs chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: 8. Meeting Housing Needs

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN05

2. Do you consider that this part of the Meeting Housing Needs chapter is legally compliant?: Yes

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

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.: 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.

3(c). Please set out the modification(s) you consider necessary to make this part of the Meeting Housing Needs chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Meeting Housing Needs chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 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;”

4. Do you consider that this part of the Meeting Housing Needs chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.