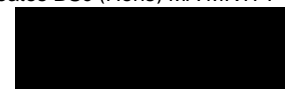


28 March 2025



East Devon District Council  
Blackdown House  
Border Road  
Honiton  
EX14 1EJ

Dan Yeates BSc (Hons) MA MRTPI



T:

savills.com

Dear Planning Policy Team

### **Representations to the East Devon Local Plan Regulation 19 Publication Draft**

This Representation is made in response to the consultation on the East Devon Local Plan Regulation 19 Publication Draft, and is submitted by Savills on behalf of Summerfield Homes Ltd who have an interest in the Land adjacent to Markers Park, Payhembury (Payh\_03a).

Site specific information has been prepared to support these representations, including an indicative layout plan to confirm that whilst we are fully supportive of the allocation of the site we consider amendments should be made to the allocation boundary to ensure the best possible scheme can be delivered in the future.

Our comments on this consultation and supporting evidence base are set out below and are made in accordance with paragraph 36 of the revised NPPF (e.g. that they are positively prepared, justified, effective and consistent with national policy), to assist in ensuring that the Local Plan is found sound when examined in the future. However, in its current form, we do not consider that the Local Plan is sound, and should not therefore progress to submission without amendment.

### **Response to Draft Policies**

The following section sets out our responses to the draft policies within the Draft Plan.

#### **Strategic Policy SP02: Levels of Future Housing Development**

Draft Policy SP02 sets out the proposed housing requirement for the plan period. It states that at least 20,909 dwellings will be delivered between 1 April 2020 and 31 March 2042. However, this is proposed to be split into two phases with 850 dwellings per annum in the first phase from 2020/21 to 2031/32 and 1,070 dwellings per annum in the second phase from 2032/33 to 2041/42.

We have concerns over the approach taken in draft Policy SP02 for the following reasons:

- Uncertainty over whether the Local Plan can proceed under the transitional arrangements
- The proposed stepped trajectory

We address each of the two matters in turn below.



### *Uncertainty over whether the Local Plan can proceed under the transitional arrangements*

From our reading of the Forward to the Plan and the Justification for Policy SP02, it is clear that the Council has commenced consultation on the Plan before it is ready, with the intention to try and take advantage of the transitional arrangements contained in Annex 1 of the NPPF, and proceed with a housing requirement that falls below the Government's revised Standard Method output.

This intention is very clear when reading how the proposed housing requirement has been described in paragraph 3.11 of the Plan. This justification for the policy in this paragraph explains that the requirement has been set at a level which just, by less than one dwelling per annum, exceeds the 80% threshold in paragraph 234(a) of the NPPF.

In our view this approach is not in accordance with the purpose of the transitional arrangements. These provisions are intended to enable Local Plans to progress where an emerging local plan has advanced but not yet reached the Regulation 19 stage, not to set a minimum threshold for Local Plans for plans which are at Regulation 18 stage. This is unfortunately how the Regulation 19 plan reads.

However, more fundamentally, we are concerned over whether the Local Plan consultation is even able to proceed on the basis of the transitional arrangements. The relevant extract from Paragraph 234(a) of the Framework is copied below:

*"234. For the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply:*

*a. the plan has reached Regulation 19 82 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need 83."*

This is supported by two related footnotes. The first of these – Footnote 82 – is as follows:

*"Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In this context "reached Regulation 19" refers to when Regulation 19 has been complied with (i.e. when the planning authority has made a copy of each of the proposed submission documents and a statement of the representations procedure available, and the statements required in Regulation 19(b) have been sent to consultation bodies)." (emphasis added)*

The reference to "each of the proposed submission documents" is very important. In order to be considered to have reached Regulation 19, the whole of the Plan, i.e. each component part of a Regulation 19 local plan, must have been made available. This is a very deliberate piece of drafting by Government intended to preclude circumstances where a local planning authority could progress under the transitional arrangement contrary to their spirit and purpose.

On the basis of the above we consider there is significant risk that the Local Plan may not be able to proceed under the transitional arrangements and that none of the exceptions contained within paragraph 234 of the Framework apply.

In these circumstances, it is our view that the housing requirement must reflect paragraph 62 of the Framework:

*“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”.*

The Standard Method output for East Devon from the revised methodology of the PPG is 1,188 dwellings per annum (dpa) as acknowledged in paragraph 3.11 of the draft Local Plan. For the reasons set out above, it is this figure which the Plan must put in place in order to satisfy the ‘Positively Prepared’ test of soundness in paragraph 36(a) of the NPPF. As it stands, our view is the draft Local Plan is unsound and may require significant Main Modifications to allocate a minimum of an additional 5,227 dwellings during the plan period to redress this shortcoming.

### *Stepped Housing Trajectory*

In very simple terms, we consider that there is absolutely no justification for adopting a stepped trajectory in the draft plan for that reduces the housing requirement for the five years (approx.) post-adoption and pushes the resultant backlog that this creates to the later years of the plan period.

The Planning Practice Guidance helpfully attends directly to the question of ‘When is a stepped housing requirement appropriate for plan-making?’. In so doing it provide the following guidance:

*“A stepped housing requirement may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies and / or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period. Strategic policy-makers will need to identify the stepped requirement in strategic housing policy, and to set out evidence to support this approach, and not seek to unnecessarily delay meeting identified development needs. Stepped requirements will need to ensure that planned housing requirements are met fully within the plan period. In reviewing and revising policies, strategic policy-makers should ensure there is not continued delay in meeting identified development needs.”*

The guidance also advises that evidence must be provided to support a stepped approach if one is proposed. There is no such evidence in the draft plan or the evidence base.

Overall, the Council needs to play its part in addressing the housing crisis. Rather than trying to do the bare minimum to scrape through under the transitional arrangements, the Council could and should have positively and proactively sought to update the policies and proposals of the Local Plan to reflect the local housing need as defined by the revised Standard Method.

As it stands, the transitional arrangements do not apply to EDDC as not all of the Local Plan has been published for consultation. In accordance with the paragraph 36 of the Framework, the housing requirement and related elements of the Local Plan should therefore be updated to reflect the revised Standard Method. In our view, the housing requirement for the draft Local Plan should therefore be increased in order to reflect the updated Standard Method.

### Strategic Policy SD24: Development allocation at Payhembury

We support Strategic Policy SD24 and specifically the proposed allocation at Payhembury, the Land adjacent to Markers Park (Payh\_03a).

The proposed allocation states:

*Land adjacent to Markers Park (Payh\_03a)*

*This site is allocated for 15 homes.*

*Design and layout of proposals should be appropriate to this village gateway location and sensitively and appropriately take account of the topography of the site and the heritage and any ecological significance of the marl pit (a non-designated heritage asset) which must be retained in the end proposals. Access should be designed to retain existing mature trees and minimise hedgerow removal, whilst ensuring highway safety. No house shall be occupied until a footpath connection is provided with existing pedestrian routes to the centre of the village. Landscaping which responds appropriately to the introduction of built form in this location shall be provided, including the introduction of substantial boundary screening along the southern boundary to maintain the rural character of the lane and the significance of the setting of the Grade II listed Glebe Farm on the southern approach.*

Payhembury is a sustainable location for future development, for the scale of development proposed.

The village hosts the following which provide day-to-day services and facilities:

- Shop / convenience store
- Primary school
- Pub
- Village hall
- Sports playing pitch
- Children's play area

As a result, Payhembury is an entirely appropriate location for future growth, and we support the Council's commitment to direct a proportion of the required growth to the village.

We specifically support the proposed allocation of Land adjacent to Markers Park (Payh\_03a) for the development of 15 residential dwellings.

The development of the site can provide much needed market and affordable housing to help meet local housing needs, as well as helping to sustain the vitality and viability of the existing services and facilities in the village.

In terms of the proposed allocation requirements, we agree that the development of the site should also provide footpath connections to the village. Such improvements can be reviewed further as part of an emerging masterplan for the site.

Notwithstanding our support for the allocation of the site, we do have some concerns over the proposed allocation boundary which we consider could be more sensitively located.

Instead, we have prepared and appended to these representations an indicative layout plan (Appendix 1) which would enable the delivery of the 15 dwellings proposed whilst providing a suitable access and associated open space.

As a result of this work undertaken for the site, we request that the allocation boundary for Payh\_03a be amended to align with the extent of the Indicative Layout Plan attached at Appendix 1. Having said this, we have prepared a layout within the suggested allocation boundary, which we also attach (Appendix 2). We consider that providing housing fronting onto the road provides a lesser visual and landscape impact as housing is avoided on the higher ground, These layouts retain the TPO trees and offer the opportunity to provide strategic landscaping at this entrance to the village on land within the same ownership. The

alternative layout and allocation boundary also provides a buffer towards the marl pit. Foul and surface water drainage connections are nearby and some soakaways are likely to form part of the overall drainage strategy, with some of the land being freely draining with the rest having slightly impeded drainage. Technical work dealing with ecological, heritage, drainage, vehicular/pedestrian/cycle access and other technical impacts will be dealt with as part of the application. Initial work undertaken on these technical matters, both by Summerfield Homes and East Devon District Council, indicate that none of these matters represent an insurmountable bar to delivery of the policy aspirations.

### **Conclusion**

We welcome the Council's decision to progress with the Local Plan given the government's objective to significantly boost housing delivery.

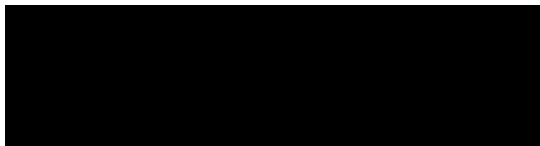
However, we have objections to a number of the draft policies in the plan and our representations have outlined where changes are required to either the draft plan or supporting evidence to ensure the soundness of the plan.

We fully support the inclusion of the Land adjacent to Markers Park (Payh\_03a) in the Regulation 19 plan.

The merits of the site, and the supporting information provided with these representations demonstrate why the site remains a good candidate for allocation. The enclosed Indicative Layout Plan also demonstrates that the site can accommodate the proposed 15 dwellings in line with the requirements of the draft allocation policy, albeit on an alternative boundary which can be designed more sympathetically to the surrounding character and appearance in our opinion

We hope that these comments will be helpful to inform the submission version of the Local Plan, but would be very happy to assist further with any queries relating to Payh\_03a, particularly any discussions relating to the proposed allocation boundary.

Yours faithfully,



**Dan Yeates BSc (Hons) MA MRTPI**  
**Director**  
**Planning**

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## **Appendix 1: Indicative Layout Plan for alternative allocation boundary**

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Payhembury  
Sketch layout - Option

A  
MP/DC

250204 SK250225 02

1:1000 @ A3

Feb 2025

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## **Appendix 2: Indicative Layout Plan for draft allocation boundary**

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Payhembury  
Sketch layout - Allocated site

MP/DC

250204 SK250225 01

1:1000 @ A3

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