

Filtered Data Export

Policies Map

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr & Mrs S. Anthony of Southtown

Proposal:

1. Introduction

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

Figure/Image

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

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

Yes

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

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.: An arbitrary, illogical and unjustified change has been effected in the southern settlement boundary of Lympstone in the interim between the Reg.18 and the Reg.19 versions of the proposals map. This has the effect of removing a site to the south of Underhill close from the settlement and affecting the Policy relevance of SP05 and SP06 despite the site having planning permission for redevelopment granted on appeal twice. The site is designated Lymp_16 on the Reg.18 map.

It lies to the west of Housing allocation site Lymp_01 between that site and the railway embankment. In the previous Reg.18 Local Plan Consultation map it was shown as Lymp_16 and shaded in blue (referred to in the key as 'Planning Permission Granted') and within the settlement boundary of Lympstone. Over 50% of the land is hard surfaced tarmac which was laid out as a car park during local works by a statutory undertaker.

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

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

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

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

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

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.: Restore the settlement boundary to include site Lymp_16 so that future development will lie within the logical and previously consulted boundary which has been acknowledged in two recent appeal decisions.

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.: The Local authority must be held to account and

provide a justification and explanation for the decision making process with regard to the settlement boundary change.

Table 1

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr & Mrs S. Anthony of Southtown

Proposal:

2. The Vision

1. To which part of the vision chapter does your representation relate?: Figure/Image

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

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

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

3(b). If no, please give details of why you consider this part of the vision chapter is not sound. Please be as precise as possible.: Lacks positive commitment to achieving BNG

3(c). Please set out the modification(s) you consider necessary to make this part of the vision 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.: 'Support' an increase in Biodiversity should read 'Achieve' an increase...

4. Do you consider that this part of the vision 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)

SP01

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr & Mrs S. Anthony of Southtown

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

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.: An additional Policy acknowledging and committing to meeting the LPAs statutory responsibility to register and promote the development of brownfield land in preference to open agricultural land or other open land. This should support the objectives of preserving the natural environment, enhancing nature conservation and biodiversity, and achieving early delivery and implementation of housing schemes to meet identified need. Available brownfield sites should be factored into the proposed housing delivery figures.

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)?: No, I do not wish to participate in hearing session(s)

SP02

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr & Mrs S. Anthony of Southtown

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.: The housing figures fall below those of the NPPF which increased the housing requirement for East Devon 28% from 893 to 1,146 equating to an increase of 5,060 over 20 years (an additional 253 per year).

2(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Spatial Strategy chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Revise the housing figures to reflect those in the NPPF (22,520 over 20 years) 1146 per annum.

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.:

1. There is a shortfall in the housing numbers

2. The 'Stepped trajectory' is unsound and will fail to deliver housing to meet identified need within a satisfactory timescale, rather it is a postponement and abrogation of the LPA's responsibility - potentially and cynically pushing meaningful change through housing delivery beyond the current Government's term of office.

3. The strategy is silent on the subject of delivery of housing on brownfield sites notwithstanding the statutory obligation to keep and update a register of them and to promote their development.

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.:

1. Revise the housing figures to reflect those in the NPPF (22,520 over 20 years) 1146 per annum.

2. Remove the 'stepped trajectory' and do not effectively export the problem to another decade.

3. Make a policy commitment pursuant to Regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 to annual registration and updating of the brownfield land register. Promote and include the potential delivery of housing on brownfield land as a sustainable alternative to consumption of open land and the natural environment. The register on the EDDC website currently states it was 'recently' updated in December 2021. It is therefore more than three years out of date

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)?: No, I do not wish to participate in hearing session(s)

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr & Mrs S. Anthony of Southtown

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.: "...provision will be made for at least 20,909 dwellings (net) to be delivered in the plan area between 1 April 2020 to 31 March 2042.." represents a shortfall of more than 2000 dwellings over the plan period against the NPPF figure under the Updated NPPF in which the housing requirement for East Devon increased by 28% from 893 to 1,146 equating to an increase of 5,060 over 20 years (an additional 253 per year).

2(c). Please set out the modification(s) you consider necessary to make this part of the Spatial Strategy chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Spatial Strategy chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: provision should be amended to 1,146 per annum over 20 years (22,520)

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.:

1. The proposed housing numbers are insufficient.

2. The delivery schedule will not meet need and is potentially pushing delivery further and further away - almost in hope of political chance beyond the term of the current Government. The chapter in paragraph 3.12 states: "In recognition of the complexities inherent in delivering major development sites, particularly the proposed new community provision of new homes will come forward under a stepped trajectory that will provide an annual average of 850 dwellings per year from 2020/21 to 2031/32 and 1,070 per year from 2032/33 to plan end at 2023/24..." Notwithstanding the fact that we

are now four years into the plan period, the draft plan proposes site allocations which, for the first ten years of the plan period, fall short annually by 296 dwellings. The 'stepped trajectory' involves effectively 'kicking the can down the road' for another seven years until 2032 before the shortage can be addressed. The approach of the Reg.19 consultation version of the EDDC plan is ineffectual and insufficiently sound to contribute to meeting need and addressing the housing crisis, which is current, rather than seven years or more in the future. This is unconvincing and unrealistic, and lacks a robust evidence base demonstrating that the allocated sites and the numbers suggested can indeed be delivered in time to address need.

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.:

1. Correct the annual housing figures to meet the NPPF requirement.
2. Abandon the 'stepped trajectory' and emphasise support for1. delivering housing annually to meet need.
3. Introduce an additional policy making a commitment to meeting the legal obligation to identify and promote the delivery of housing on brownfield land within the district.

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)?: No, I do not wish to participate in hearing session(s)

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr & Mrs S. Anthony of Southtown

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

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

Housing Delivery Since Consultation under Reg.18, under the Updated NPPF, the housing requirement for East Devon increased by 28% from 893 to 1,146 equating to an increase of 5,060 over 20 years (an additional 253 per year). Faced with a significant level of increase over the same period, nearby Bath and North-East Somerset Council has announced a new call for sites as part of a 'resetting' of the local plan. In the EDDC Regulation 19. Draft, Strategic Policy SP02 states that: "Housing provision will be made for at least 20,909 dwellings (net) to be delivered in the plan area between 1 April 2020 to 31 March 2042. The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1070 homes per year from 2032/33 to 2041/42." First, this represents a shortfall of more than 2000 dwellings over the plan period against the NPPF figure. Secondly, the subsequent paragraph 3.12 states: "In recognition of the complexities inherent in delivering major development sites, particularly the proposed new community provision of new homes will come forward under a stepped trajectory that will provide an annual average of 850 dwellings per year from 2020/21 to 2031/32 and 1,070 per year from 2032/33 to plan end at 2023/24..." Notwithstanding the fact that we are now four years into the plan period, the draft plan proposes site allocations which, for the first ten years of the plan period, fall short annually by 296 dwellings. The 'stepped trajectory' involves effectively 'kicking the can down the road' for another seven years until 2032 before the shortage can begin to be addressed. The approach of the Reg.19 consultation version of the EDDC plan is ineffectual and insufficiently robust to

contribute to meeting need and addressing the housing crisis, which is current, rather than seven years or more in the future. This is unconvincing and unrealistic, and furthermore lacks a robust evidence base demonstrating that the allocated sites and the numbers suggested can indeed be delivered in time to address need. The new Government's forward-looking approach and methodology has been informed by many years of failure by the Planning system and previous Governments to address the growing housing crisis by achieving and facilitating sufficient housing to meet existing and proposed demand. Habitual allocation of sites where delivery is problematic because of ownership and infrastructure and citing them as evidence of a five-year housing land supply is an out of date and nebulous approach geared more towards developing a strategy for defending appeals against refusals of planning permission for residential development elsewhere, than to the actual delivery of housing. This approach needs to change. In particular a more pragmatic and supportive approach is needed to maximising and realising the potential for smaller sites to contribute to the delivery of housing, including a more rigorous examination of the potential for sustainable delivery on Brownfield land. The now statutory requirement for the achievement of BNG in relation to new residential developments has potential implications for the housing numbers and densities of residential development within planned allocated sites. BNG must be achieved within these sites or by way of purchasable BNG credits elsewhere. Unless each allocation is preceded by an audit in this respect and supported by evidence that the required uplift can be achieved and delivered, the Plan will not enable the LPA to demonstrate adequate provision of land where housing can genuinely be delivered in sufficient numbers. Pursuant to Regulation 4 of the Town and Country Planning (Brownfield Land Register) Regulations 2017, the LPA is under a statutory obligation to identify and publish annually a register of brownfield land and to update it at least once a year. The register on the EDDC website states it was 'recently' updated in December 2021. It is therefore more than three years out of date.

SD01

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr & Mrs S. Anthony of Southtown

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.: The site within the respondent's ownership is shown on the Exmouth Inset Map forming part of the Reg. 19 Consultation. It lies to the west and north of Housing allocation site Lymp_07 between that site and the north-south section of Cortlands Lane. On the extract below it is immediately to the west of the letter 'L' of Lymp_07

In the previous Reg.18 version the Lymp_07 site and nearby Exmo_23 sites formed a larger Lymp_07 which was identified as a 'Second Choice' Housing Site.

The site is previously developed land, and the land edged red on the map above benefits from a Certificate of lawful Existing Use (March 2021) for the servicing and sale of motor vehicles. The land edged red comprises some 0.8ha of wider 1.75ha land parcel. The site was the subject of an unsuccessful appeal against refusal of PiP (APP/U1105/W/21/3285255) in April 2022. In making that decision the Inspector concluded, in the following terms, that potentially development would not have an adverse on the Green Wedge designation: " If, for argument's sake, dwellings were to be delivered in the approximate location and of the approximate scale of the existing garage structures, the scheme would likely have no additional impact upon the purposes of the Green Wedge designation." The determinative factors were the Inspector's judgement as to whether the site was problematic in respect of accessibility and whether it would give rise to 'Isolated' development in the countryside. He commented: "In this case, the site is a not inconsiderable walk to the range of services within Lympstone. The connecting roads undulate, turn sharply and are largely bereft of dedicated pedestrian space and street lighting. The route to the nearest bus stops and the small shop at the adjacent petrol station is shorter but similar. On this basis, whilst

walking or cycling may be an option for some in some instances, I do not consider that the locational tests set out within Policy 2 of the LNP and Policy TC2 of the EDLP would be met." and: " Whether a proposal is or is not isolated is a matter of planning judgment. The site is clearly well away from Lympstone in an area explicitly identified to provide visual separation between the two distinct settlements of Lympstone and Exmouth. The properties around the site read as a sporadic smattering of houses within the Green Wedge. As such, they do not appear to form a village or even a smaller settlement. For these reasons, in my judgment the site is also isolated in the Framework's terms." The draft plan includes planned material changes in circumstances which justify reconsideration of these issues. The adjacent 10 Hectares of land to the north of Courtlands Lane between the site and Exmouth Road was identified in the HELAA and the consultation drafts of the EDDC Local Plan 2020-2042 as 'Second Choice' Residential Site Lymp_07 with a capacity of 150 units in the regulation 18. Version. It has since become 'Housing and Employment' site Lymp_07 expected to provide 100 residential units, employment floorspace and sports pitches in the regulation 19. Version, demonstrating that the LPA is committed to ending its 'Isolation'. The Highway authority also suggest the same land is safeguarded in connection with the extension of Dinan Way. The Consultation drafts also designate land on the south side of Courtlands Lane, falling within first Lymp_07 (Reg 18) and subsequently as stand alone residential site Exmo_23 (Reg 19) suitable for 12 dwellings. That site is currently the subject of an application for planning permission. The connectivity of the site will therefore be significantly improved and its isolation ended by the planned connections set out in draft Policy SD01 in relation to the designation of sites Lymp_07 and Exmo_23 including the use of the area immediately to the south as sports pitches and recreation grounds as stated in Policy SD01 - "There should also be safe off-street pedestrian and cycle access that provides for east-west movement through the area for existing and future users linking into adjacent areas such as Lympstone Manor and allocated site Exmo_23." The 2022 Inspector's findings with regard to isolation and unsafe access can no longer carry the same weight. The Nursery Garage site subject to the Certificate of Lawful Existing Use can, as acknowledged by the Inspector, be developed with low density housing without adversely affecting the Green Wedge. Furthermore the owner has the benefit of an additional parcel of open land to the east on which improvements to Biodiversity can be effected in order to achieve on-site BNG, and frontage land on Courtlands Lane between the entrance driveway and the southern boundary, falling outside the CLEUD red line. These areas together provide further potential by way of CIL or S.106 contributions for the landowner to assist in achieving the improved connectivity sought to enable development of site Lymp_07. This could, for example include part of a pedestrian route from Lymp_07 to Courtlands Lane and a footway and vehicle passing place on the western boundary.

Given these circumstances the site has been submitted for inclusion on the Council's register of Brownfield Land. It should therefore be regarded as a developable site, capable of providing five or more dwellings in the context of the development plan.

Conclusion

- The respondents object to the general approach to housing allocation in the Regulation 19. Consultation which does not meaningfully address the requirements of emerging Government Policy and approach to the delivery of housing.
- The Respondents object to the failure of the Regulation 19. version of the plan to give full and proper consideration to the deliverability of the projected housing land allocations therein in the context of the statutory requirement to provide BNG uplift in the context of development proposals.
- The respondents consider the LPAs approach should support and identify housing delivery on smaller brownfield sites including Nursery Garage which are demonstrably deliverable, sustainable, accessible and ready for development, as part of their Housing Land Identification.

SD10

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr & Mrs S. Anthony of Southtown

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD10

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

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

Land South of Underhill Close The site within the respondents' ownership is shown on the Lymptone Inset Map forming part of the Reg. 19 Consultation. It lies to the west of Housing allocation site Lympt_01 between that site and the railway embankment. In the previous Reg.18 Local Plan Consultation map it was shown as Lympt_16 and shaded in blue (referred to in the key as 'Planning Permission Granted') and within the settlement boundary of Lymptstone. (See below). Over 50% of the land is hard surfaced tarmac which was laid out as a car park during local works by a statutory undertaker.

In a site selection report to the Council's Strategic Planning Committee of September 3rd 2024 it was stated that the respondents' site LYMP_16 (0.3ha) was not identified as a potential housing site in the Housing and Economic Land Availability Assessment (HELAA) on the grounds that it fell below the size threshold. However the introduction to the HELAA states that the criteria for inclusion is a minimum size of 0.15ha with capacity for 5 dwellings. The respondents' site should therefore be properly considered as a housing site with potential for delivery of 5 dwellings. The adjacent Lympt_01 site was described in the same report as follows: "Fairly level garden and field adjacent to Lymptstone. Site adjacent to Coastal Preservation Area and features multiple small parcels of land with some garden areas. Mature trees across site, mature hedgerows throughout. Nevertheless, small scale site with existing dwellings around provide a built context, and overall, low landscape sensitivity to new development." The aerial photograph from that report is reproduced below. The respondents' site containing the car park is in the bottom left hand corner.

The previous owners of the respondents' site made representations to the Regulation 18. consultation in January 1993 (Copy attached) supporting the designation and settlement boundary and making the case for the suitability of Lymp_16 for housing development in the same manner and density as Lymp_1. This latter point was not given adequate consideration or weight. On the regulation 19. Consultation inset to the Policies map, without any prior consultation, justification or explanation, a new and illogical rectangular inset has been drawn around the respondents' site, excluding it from the settlement boundary. On this plan it has been colour coded green as part of the 'Green Wedge' between Lymptstone and Exmouth but is otherwise unmarked. The previous colour coding acknowledging it as land with 'planning permission granted' does not appear. The circumstances of the site are that it benefits from planning permission for redevelopment (Granted on appeal on two occasions) and has been acknowledged by successive Planning Inspectors as capable of development with a negligible impact on the Green Wedge and Landscape Quality, to be in a sustainable location, and to read as infill which would relate very well to surrounding housing. In the decision on the first appeal (1st March 2022) APP/U1105/W/21/3282445 The Inspector wrote: "The development would read as infill and would relate very well to surrounding housing, falling inside a notional building line across this southern extent of the village." " .. the scheme performs well against the sustainability objectives set out within the Framework." "...the site would be suitable for the proposal, having regard to the development plan's approach to the location of housing."

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

In the Interim the LPA has also, in advance of any formal acceptance of the Lymp_1 allocation, already granted planning permission for two detached dwellings on the westernmost part of that site. In a report of October 2024 in making that decision the Council considered a report containing the following statement: (Officer's report to the planning committee of 23rd October 2024 recommending that permission for two detached dwellings be granted on part of the LYMP_01 site.) "Overall, whilst there is some conflict with the adopted local plan, it is considered that due to the sustainable location of the site, the need for new housing, and the resolution to promote the site as a preferred allocation in the emerging local plan, the principle of development of this site is acceptable. The proposed dwellings are considered to be acceptable in terms of layout, scale and appearance and would not result in any significant harm to the character and appearance of the area or the Green Wedge designation to justify refusal

of the application. The proposal is accompanied by detailed landscaping proposals which include maintaining the southern hedgerow at an appropriate height along with additional planting which would help to soften the impact of the development in localised and wider views." The report contained no comment from the Council's Landscape Officer and went on to suggest that the previous grant of planning permission at appeal on the respondents' site (Lymp_16) demonstrates that development can be accommodated within the green wedge and outside the settlement boundary without harm. It should be further noted that the means of access to the two house development in question uses Underhill Close, rather than that from Underhill Crescent envisaged in the Lymp_1 allocation.

The respondents object to the unsound approach to housing allocation in the Regulation 19. Consultation which does not meaningfully address the requirements of the NPPF and emerging Government Policy, or take an appropriate approach to the sustainable delivery of housing.

- The Respondents object to the failure of the Regulation 19. version of the plan to give full and proper consideration to the deliverability of the projected housing land allocations therein in the context of the statutory requirement to provide BNG uplift in the context of development proposals.
- The respondents object to the over-reliance on agricultural and other open land to provide future housing sites whilst demonstrably failing to identify and promote the development of more sustainable brownfield land. In particular there has been a failure by the LPA meet its statutory duty to maintain and publish annually a register of Brownfield land. (This has not been done since 2021).
- The respondents consider the LPAs approach should show greater to support housing delivery on smaller brownfield sites, including Lymp_16 which, are demonstrably deliverable, sustainable, accessible and ready for development, as part of their Housing Land Identification.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The respondents object in the strongest possible terms to the illogical, unjustified and arbitrary change to the settlement boundary line resulting in the exclusion of site Lymp_16 from the Lympstone boundary. This line should revert to the position on the regulation 18 map.

5th March

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr Warren Spokes

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

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.: General Points The draft plan has progressed to consultation under Reg.19 against the backdrop of a change of Government with the incoming administration making a clear declaration of intent to reform the Planning System and prioritise delivery of housing; and the introduction of a statutory requirement to achieve an uplift of 10% in Biodiversity in relation to development proposals. Housing Delivery Since Consultation under Reg.18, under the Updated NPPF, the housing requirement for East Devon increased by 28% from 893 to 1,146 equating to an increase of 5,060 over 20 years (an additional 253 per year). Faced with a significant level of increase over the same period, nearby Bath and North-East Somerset Council has announced a new call for sites as part of a 'resetting' of the local plan.

In the EDDC Regulation 19. Draft, Strategic Policy SP02 states that: "Housing provision will be made for at least 20,909 dwellings (net) to be delivered in the plan area between 1 April 2020 to 31 March 2042. The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1070 homes per year from 2032/33 to 2041/42." First, this represents a shortfall of more than 2000 dwellings over the plan period against the NPPF figure. Secondly, the subsequent paragraph 3.12 states: "In recognition of the complexities inherent in delivering major development sites, particularly the proposed new community provision of new homes will come forward under a stepped trajectory that will provide an annual average of 850 dwellings per year from 2020/21 to 2031/32 and 1,070 per year from 2032/33 to plan end at 2023/24..." Notwithstanding the fact that we are now four years into the plan period, the draft plan proposes site allocations which, for the first ten years of the plan period, fall short annually by 296 dwellings. The 'stepped trajectory' involves effectively 'kicking the can down the road' for another seven years until 2032 before the shortage can begin to be addressed. The approach of the Reg.19 consultation version of the EDDC plan is ineffectual and insufficiently robust

to contribute to meeting need and addressing the housing crisis, which is current, rather than seven years or more in the future. This is unconvincing and unrealistic, and furthermore lacks a robust evidence base demonstrating that the allocated sites and the numbers suggested can indeed be delivered in time to address need.

The new Government's forward-looking approach and methodology has been informed by many years of failure by the Planning system and previous Governments to address the growing housing crisis by achieving and facilitating sufficient housing to meet existing and proposed demand. Habitual allocation of sites where delivery is problematic because of ownership and infrastructure and citing them as evidence of a five-year housing land supply is an out of date and nebulous approach geared more towards developing a strategy for defending appeals against refusals of planning permission for residential development elsewhere, than to the actual delivery of housing. This approach needs to change. In particular a more pragmatic and supportive approach is needed to maximising and realising the potential for smaller sites to contribute to the delivery of housing, including a more rigorous examination of the potential for sustainable delivery on Brownfield land.

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

PB05

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr Warren Spokes

Proposal:

5. Development in the Towns and Villages

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB05

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: The now statutory requirement for the achievement of BNG in relation to new residential developments has potential implications for the housing numbers and densities of residential development within planned allocated sites. BNG must be achieved within these sites or by way of purchasable BNG credits elsewhere. Unless each allocation is preceded by an audit in this respect and supported by evidence that the required uplift can be achieved and delivered, the Plan will not enable the LPA to demonstrate adequate provision of land where housing can genuinely be delivered in sufficient numbers.

Full name: John Thorne BA DipTP MRTPI(Rtd)

Other party name (if relevant): Mr Warren Spokes

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD01

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

Land at Nursery Garage, Courtlands Lane The site within the respondent's ownership is shown on the Exmouth Inset Map forming part of the Reg. 19 Consultation. It lies to the west and north of Housing allocation site Lymp_07 between that site and the north-south section of Courtlands Lane. On the extract below it is immediately to the west of the letter 'L' of Lymp_07. In the previous Reg.18 version the Lymp_07 site and nearby Exmo_23 sites formed a larger Lymp_07 which was identified as a 'Second Choice' Housing Site. In the Reg.19 consultation draft, Strategic Policy SD01: Exmouth and its development allocations states: "The sites/areas listed below, as identified on the Policies Map, are allocated for development. Land to the South of Courtlands Lane (Exmo_23) This land, south of Courtlands Lane, will form a small-scale development on the northern side of Exmouth to accommodate around 12 new homes. The scheme will need to demonstrate how safe pedestrian access, avoiding on-road walking, will be achieved to surrounding and neighbouring areas. Land at Courtlands Cross (Lymp_07) This site at Courtlands Cross will accommodate around 100 new homes and 0.4 hectares of employment land. The field to the west of the housing allocated land is allocated for delivery of sports pitch uses and associated low key ancillary facilities as part of a viable package of planning obligations. Built development at this site, located on the two south-easterly fields, will need to be particularly sensitively designed to avoid potential for adverse impact on nearby heritage assets and to avoid adverse landscape impacts. Particular importance is attached to retention of the East Devon Way footpath, in a spacious corridor, across the site in a north-south direction. There should also be safe off-street pedestrian and cycle access that provides for east-west movement through the area for existing and future users linking into adjacent areas such as Lympstone Manor and allocated site Exmo_23. The development will need to maximise opportunities for localised improvements/contributions to enhance sustainable travel modes." Nursery Garage Plan showing extent of certificate of lawful existing use. The site is previously developed land, and the land edged red on the map above benefits from a Certificate of lawful Existing Use (March 2021) for the servicing and sale of motor vehicles. The land edged red comprises some 0.8ha of wider 1.75ha

land parcel. The site was the subject of an unsuccessful appeal against refusal of PiP (APP/U1105/W/21/3285255) in April 2022. In making that decision the Inspector concluded, in the following terms, that potentially development would not have an adverse on the Green Wedge designation: " If, for argument's sake, dwellings were to be delivered in the approximate location and of the approximate scale of the existing garage structures, the scheme would likely have no additional impact upon the purposes of the Green Wedge designation." The determinative factors were the Inspector's judgement as to whether the site was problematic in respect of accessibility and whether it would give rise to 'Isolated' development in the countryside. He commented: "In this case, the site is a not inconsiderable walk to the range of services within Lympstone. The connecting roads undulate, turn sharply and are largely bereft of dedicated pedestrian space and street lighting. The route to the nearest bus stops and the small shop at the adjacent petrol station is shorter but similar. On this basis, whilst walking or cycling may be an option for some in some instances, I do not consider that the locational tests set out within Policy 2 of the LNP and Policy TC2 of the EDLP would be met." and: " Whether a proposal is or is not isolated is a matter of planning judgment. The site is clearly well away from Lympstone in an area explicitly identified to provide visual separation between the two distinct settlements of Lympstone and Exmouth. The properties around the site read as a sporadic smattering of houses within the Green Wedge. As such, they do not appear to form a village or even a smaller settlement. For these reasons, in my judgment the site is also isolated in the Framework's terms." The draft plan includes planned material changes in circumstances which justify reconsideration of these issues. The adjacent 10 Hectares of land to the north of Courtlands Lane between the site and Exmouth Road was identified in the HELAA and the consultation drafts of the EDDC Local Plan 2020-2042 as 'Second Choice' Residential Site Lymp_07 with a capacity of 150 units in the regulation 18. Version. It has since become 'Housing and Employment' site Lymp_07 expected to provide 100 residential units, employment floorspace and sports pitches in the regulation 19. Version, demonstrating that the LPA is committed to ending its 'Isolation'. The Highway authority also suggest the same land is safeguarded in connection with the extension of Dinan Way. The Consultation drafts also designate land on the south side of Courtlands Lane, falling within first Lymp_07 (Reg 18) and subsequently as stand alone residential site Exmo_23 (Reg 19) suitable for 12 dwellings. That site is currently the subject of an application for planning permission. The connectivity of the site will therefore be significantly improved and its isolation ended by the planned connections set out in draft Policy SD01 in relation to the designation of sites Lymp_07 and Exmo_23 including the use of the area immediately to the south as sports pitches and recreation grounds as stated in Policy SD01 - "There should also be safe off-street pedestrian and cycle access that provides for east-west movement through the area for existing and future users linking into adjacent areas such as Lympstone Manor and allocated site Exmo_23." The 2022 Inspector's findings with regard to isolation and unsafe access can

no longer carry the same weight. The Nursery Garage site subject to the Certificate of Lawful Existing Use can, as acknowledged by the Inspector, be developed with low density housing without adversely affecting the Green Wedge. Furthermore the owner has the benefit of an additional parcel of open land to the east on which improvements to Biodiversity can be effected in order to achieve on-site BNG, and frontage land on Courtlands Lane between the entrance driveway and the southern boundary, falling outside the CLEUD red line. These areas together provide further potential by way of CIL or S.106 contributions for the landowner to assist in achieving the improved connectivity sought to enable development of site Lymp_07. This could, for example include part of a pedestrian route from Lymp_07 to Courtlands Lane and a footway and vehicle passing place on the western boundary. Land within the respondent's ownership Given these circumstances the site has been submitted for inclusion on the Council's register of Brownfield Land. It should therefore be regarded as a developable site, capable of providing five or more dwellings in the context of the development plan.

Conclusion

- The respondents object to the general approach to housing allocation in the Regulation 19. Consultation which does not meaningfully address the requirements of emerging Government Policy and approach to the delivery of housing.
- The Respondents object to the failure of the Regulation 19. version of the plan to give full and proper consideration to the deliverability of the projected housing land allocations therein in the context of the statutory requirement to provide BNG uplift in the context of development proposals.
- The respondents consider the LPAs approach should support and identify housing delivery on smaller brownfield sites including Nursery Garage which are demonstrably deliverable, sustainable, accessible and ready for development, as part of their Housing Land Identification.