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East Devon Local Plan 2020 to 2040**Regulation 19 Publication draft****Representations on behalf of DABB Partnership****28 March 2025**

Introduction

CarneySweeney acts for DABB Partnership in connection with various land parcels in Whimble which are being promoted for residential development. CarneySweeney submits the following representations to East Devon District Council's (EDDC) current consultation on the Local Plan Regulation 19 which closes at 9am on Monday 31st March 2025.

Our Client:

1. Supports the allocation of Whim_11 for 33 homes.
2. Supports the allocation for Whim_08a for 50 homes.
3. Considers that land off Broadyclst Road, Whimble should be allocated for residential development and included within the BUAB.
4. Considers that Policy CC06 (Embodied Carbon) should be deleted or if found sound should be amended to provide greater clarity.
5. Considers that Policy AR02 (Water Efficiency) should be deleted.
6. Considers that Policy HN04 (Accessible and Adaptable Housing) should be amended to include a reduced percentage requirement for M4 (2) dwellings.
7. Considers that Policy HN05 (Self-Build and Custom Build Housing) should be deleted.
8. Considers that Policy PB05 (Biodiversity Net Gain) should be deleted.

Policy Context for Plan Making

Provisions for plan making are set out within the NPPF and NPPG. Plan makers are required to take account of the following points when preparing their Local Plan:

Under the transitional arrangements of the December 2024 NPPF, the new Local Plan will be considered under the provisions of the December 2023 NPPF.

National Planning Policy Framework (December 2023)

- Paragraph 31 states that “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be ...focussed tightly on supporting and justifying the policies concerned and take account of relevant market signals.”

- Paragraph 35 identifies the tests of soundness as being:
 - a) Positively prepared: As a minimum, seeking to meet the area’s objectively assessed needs and informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with sustainable development.
 - b) Justified: An appropriate strategy based on taking account of reasonable alternatives and proportionate evidence.
 - c) Effective: Deliverable, based on effective joint working on cross-boundary strategic matters, evidenced in a Statement of Common Ground.
 - d) Consistent with national policy.

Site Allocations

As drafted, Strategic Policy SD29 (Development allocations at Whimble) allocates land at Station Road (ref. Whim_11) for 33 new homes and land to the west of Bramley Gardens (ref. Whim_08a) for 50 homes and a community orchard. Both allocations are shaded brown on the draft policy map below.

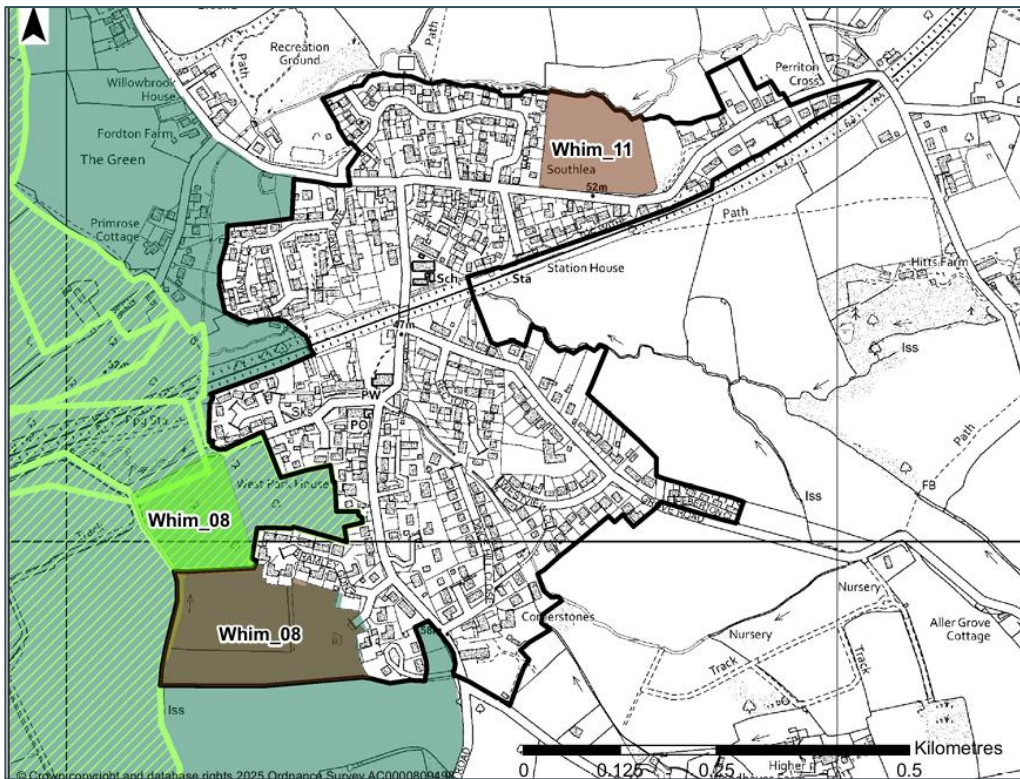


Figure 1 – Draft Policy Map for Whimble

Land off Station Road (Ref: Whim_11)

Our client fully endorses the allocation of land at Station Road for residential development.

Representations were also made to the Local Plan Reg 18 Further Consultation in June 2024, which also advised of our client’s full support to the residential allocation. These have been attached at **APPENDIX 1**.

Our client is willing to work closely with EDDC to achieve the objectives of the policy in relation to this site.

Land to the west of Bramley Gardens, Whimble (Ref: Whim_08a)

The above site had been identified on the Reg 18 Emerging Local Plan Policy Maps as a ‘second choice site’ referenced as LP_Whim_08. Representations were made to the Local Plan Reg 18 Further Consultation in June 2024, which strongly encouraged the second-choice allocation ref: Whim_08 to be upgraded to a Preferred Allocation for residential development for Whimble. As above, the previous representations have been attached at Appendix 1.

The Draft Strategic Policy SD29 now includes this site as a residential allocation for Whimble. Our client's fully support the allocation of land to the west of Bramley Gardens for residential development and are prepared to work with stakeholders to achieve the objectives of Policy SD29.

Land off Broadclyst Road (Ref: Whim_07)

The above site had been identified on the Emerging Local Plan Policy Maps during the Reg 18 Consultation of the Local Plan as a 'second choice site' as referenced LP_Whim-07 and coloured orange on Figure 2 below.

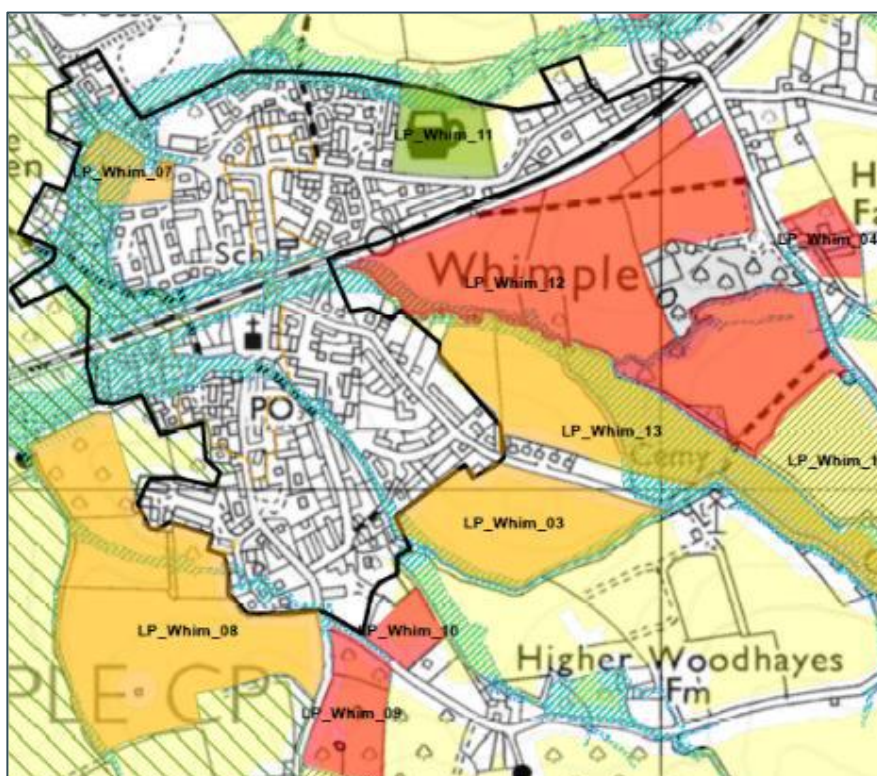


Figure 2 – Draft Reg 18 Policy Map for Whimble

On the 1st November 2024, EDDC's Strategic Planning Committee (SPC) met to consider a range of further allocations for sites within the District of East Devon.

With regard to site ref: Whim_07, SPC was advised that further work looking at the critical drainage matters for Whimble which had not been completed due to the high cost of the technical work. It was proposed by SPC not to include this site as a further allocation for development due to the flood risk covering half of the site. SPC did however consider that the inclusion of half of the site, situated outside of the floodplain could be included within the BUAB to allow windfall development to come forward in the future.

On the 22nd November 2024 SPC considered a report on amended settlement boundaries and draft allocation plans for the emerging Local Plan. For Whimble, the built-up area boundary (BUAB) had been amended to include further land, as shown in Figure 3 below. The revised BUAB included within it, land off Broadclyst Road, highlighted for completeness, by the red circle.

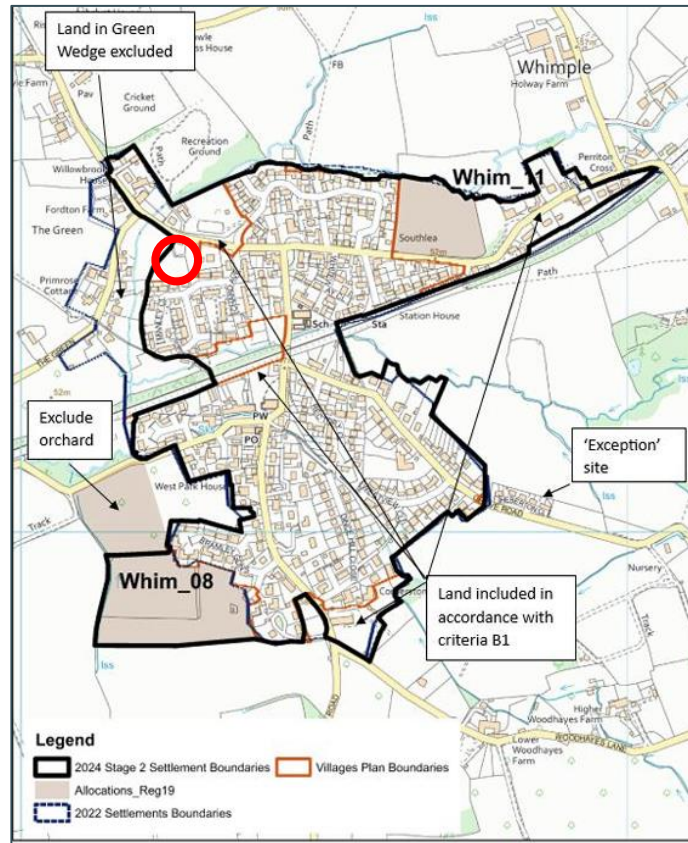


Figure 3 – Map of Proposed and Existing Settlement Boundary Together with Proposed 2022 Boundary

The Settlement Boundaries Evidence Paper¹ supported the report taken to SPC and set out how the boundaries have been drawn for individual settlements and why any changes have been made. The report states *“The strategy of the emerging local plan differs from the adopted plan in wanting to promote some opportunities for housing within the settlement boundaries so that they guide but do not stifle the outward growth of settlements in line with the plan strategy.”*

The report references the inclusion of land off Broadclyst Road and states *“Most of the areas to the northwest of the village that were included in the 2022 consultation plan have now been excluded*

¹ ED LP Settlement Boundaries Evidence Paper 222 Nov 2024 SPC Version 2

due to their retention in the Green Wedge. The exception is a house and part of a field north of Manley Close, as agreed at the Strategic Planning Committee meeting on 1st November 2024.”

The Local Plan Regulation 19 version, of which is being consulted on, shows the BUAB to have been pulled back to not include Whim_07.

Given the previous history of the site being included within the settlement boundary for Whimple, our clients wish to propose their land as suitable for development and deliverable within the plan period. It is considered that the land is centrally located with easy pedestrian/cycle access to Whimple's services, facilities and railway station and that it can be brought forward at an early stage within the plan period to meet the objectives of Whimple to support development that meets local needs.

Our clients therefore consider that the site should be included within the BUAB for Whimple and allocated for residential development.

Policy Comments

The following section contains general and specific policy comments and follows the order of the draft plan.

Our client fully endorses the new Local Plan seeking to raise standards and promote good design and the need to assess and mitigate the impacts of development.

However, any proposed local policies must be fully justified and the potential impact on viability and deliverability must be assessed. Policies should also not seek to unnecessarily replicate the NPPF or Building Regs (or other regulatory regimes). Finally, the proposed policies, whether alone or in combination, should not be drafted in such a way that they hinder development. Where any standards or thresholds are set out there needs to be flexibility built into the policy to take account of site specific, technical feasibility and viability considerations.

General Policy Comments

Local Plan Vision Statement

It is notable that the Vision does not refer to the allocation and delivery of sufficient land to meet housing needs, reflecting section 5 of the Framework and the Written Ministerial Statements of 30

July 2024 (Angela Rayner MP) and 12 December 2024 (Matthew Pennycook MP), which are material considerations.

This indicates that the draft LP places higher priority on environmental considerations than on addressing the national housing crisis. Indeed, many of the policies and provisions reflect this imbalance.

It is considered that the Vision should be re-balanced to acknowledge the need to address the housing crisis by providing a choice of decent housing for all, and this new balance should then be reflected in the policies and provisions of the plan, in accordance with our representations.

Housing Targets / Delivery

Up to 2031/32, the Council indicate a trajectory to deliver 850 dwellings per year on average, with the remaining plan period from 2032/33 onwards to deliver an annual average of 1,070 dwellings per year. Whilst this averages out to provide for the required housing need, it means that for the first part of the plan-period, the LPA will be under-delivering against their identified housing need and more than likely unable to demonstrate a five-year housing land supply within the early parts of the plan-period, as evidenced by Appendix 1 of the Draft Local Plan. This approach appears to be at odds with the Framework, in particular, the requirement to “meet the area’s objectively assessed needs”.

It is, effectively, a workaround, where the LPA will only be delivering 70% of the housing requirement, which would be averaged out by delivery later in the plan period, for the Plan to continue to be assessed against the previous version of the Framework and therefore requiring 80% of the housing requirement to be planned for.

Elsewhere in the Draft Local Plan, notably in Strategic Policy HN02 (Affordable Housing), it is referenced that 35% affordable housing would be a target for windfall development outside settlement boundaries. This appears at odds with Policy SP06 which restricts development outside settlement boundaries, presenting concerns about the level of contribution that windfall sites will provide to meeting housing need. Paragraph 75 of the Framework is clear that there should be “compelling evidence” that windfall sites will provide a reliable source of supply. The current wording of Policy SP06 does not provide confidence that development on windfall sites will be a reliable source of supply.

In combination, the restrictive nature of Policy SP06, and the reliance of larger sites to deliver the required housing need later in the plan-period cemented by Policy SP02, presents the prospect of a deteriorating housing supply position from the point of adoption within the first half of the plan period. The Framework is clear that planning policies “should identify opportunities for villages to grow and thrive, especially where this will support local services”. The restrictive nature of Policies SP02 and SP06 is at odds with the clear intention of what the Framework is aspiring to achieve. Furthermore, the Framework is clear that strategic policies should provide for objectively assessed needs “as a minimum”.

Viability

The Three Dragons Viability Assessment does not appear to have taken account of the pending Building Safety Levy due to come into effect from Autumn 2026. The rate per sqm in East Devon is currently indicated to be £34.06/sqm so would be £3406 for each 100sqm open market dwelling.

This so would represent a significant additional cost that needs to be taken into account in assessing the viability of the local plan.

Specific Policy Comments

CHAPTER	CHAPTER 5. MITIGATING CLIMATE CHANGE
Policy	Strategic Policy CC06: Embodied Carbon
Comment	<p>The requirement for all major developments to undertake an embodied carbon assessment appears excessive and unjustified. This should only be required where the particular circumstances of the proposal raise significant embodied carbon issues.</p> <p>The financial implications of this additional requirement on development costs is also not assessed in the Three Dragons Viability Assessment.</p> <p>If this requirement is found sound it would also provide greater clarity if the Policy identified which nationally recognised Whole Life Cycle Carbon Assessment procedure the Council would expect to be completed.</p>
Requested Amendments	Policy to be deleted or amended to refer to justified circumstances and confirm which Whole Life Cycle Carbon Assessment should be completed.

CHAPTER	CHAPTER 7. ADAPTING TO CLIMATE CHANGE
Policy	Strategic Policy AR02: Water Efficiency

Comment

Policy AR02 imposes the standard of 110 litres per day per person of water usage. The supporting text refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence.

The Written Ministerial Statement of 25 March 2015 states that "The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the [National Planning Policy Framework and Planning Guidance](#)."

The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans (Paragraph: 002 Reference ID: 56-002-20160519).

Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327).

The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56-014-20150327). The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence:

- existing sources of evidence*.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
- consideration of the impact on viability and housing supply of such a requirement.

*EA's Water stressed Areas 2021 classification, water resource management plans produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327)

There is no hard technical evidence to support the stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).

Requested Amendments	The policy should be deleted.
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CHAPTER	CHAPTER 8. MEETING HOUSING NEEDS
Policy	Policy HN04: Accessible and Adaptive Housing
Comment	<p>The aim of increasing accessible and adaptable housing is supported and the reference to site suitability and site viability is welcomed but the mandated standards set out in the policy raise serious concerns.</p> <p>As a starting point any higher standards needs to be evidence, the implications in terms of scheme deliverability and viability need to be properly tested and understood, and there needs to be flexibility.</p> <p><u>100% delivery of M4 (2)</u></p> <p>This proposal is of significant concern in terms of the implications for site yield, viability, and site suitability:</p> <ul style="list-style-type: none"> • Many sites in the district do not have suitable topography to fully meet the M4(2) standards. • M4 (2) external parking standards, due to the additional space requirements (up to 3.3m wide), has a potentially significant cumulative effect on developable areas affecting site yield and/or street scene quality by increasing hard surfacing and reducing space for street trees/landscaping The additional circulation space required for M4(2) units will, together with the internal room requirements of NDSS (discussed under Strategic Policy DS01), significantly increase the built footprint of each unit thereby reducing development numbers and density. • For flat blocks this will require lifts which for occupiers and in particular RP's would cause additional maintenance costs burdens. <p>Further mandating M4 (2) standards on self and custom build plots (discussed further below) would go against the essence of allowing people to design and build their own bespoke home.</p>

	<p><u>5% affordable rent M4 (3) (a) or homeownership M4 (3) (a) or (b)</u></p> <p>The provision of a smaller percentage to M4(3) is not as much of a concern, although it is considered any such accommodation should be evidenced.</p> <p>If such accommodation is to be provided there is strong preference for M4 (3) (a) wheelchair adaptable which can be suitable for all occupiers giving maximum flexibility whereas the specific internal requirements of M4 (3) (b) wheelchair dwellings (for example internal cabinet and worktop heights) is not really suitable for a non-wheelchair user. Provision of affordable M4 (3) (a) or(b) units should be informed by the needs evidence noting that for some wheelchair users often a more bespoke design can be needed.</p> <p><u>Viability</u></p> <p>Regarding the Three Dragons Viability Assessment is it not clear if the additional costings allowed for M4(2) and M4(3) just address internal costs or if these costs take account of additional levelling/retaining wall works that would be involved in providing level access on uneven sites.</p>
<p>Requested Amendments</p>	<p>A reduced percentage requirement for M4 (2) dwellings would be more acceptable and reasonable.</p> <p>Flats, 1 bed units, and self and custom build plots should be excluded entirely.</p> <p>M4 (3) only where up to date evidence of need.</p>
<p>Policy</p>	<p>Policy HN05: Self-build and Custom Build Housing</p>
<p>Comment</p>	<p>A set out in respect of Strategic Policy HN01: Housing to address need, imposing a mandatory percentage requirement for self and custom build (SCB) plots on larger residential schemes is not considered the right approach:</p> <ul style="list-style-type: none"> • Provision of SCB plots should be based on up to date evidenced need both in terms of numbers and location, rather than imposing a blanket requirement on all sites. The latest Self Build Demand and Supply Monitoring Report from 31/10/23 to 30/10/24 (reported to SPC on 4 February) at para 3.4 identifies that even with a noted decrease in the number of consented plots “the supply meets both the ‘residual’ demand from the 31/10/21-30/10/2022 (3 plots) and covers all the demand from the 31/10/2022-30/10/2023 base period (9 plots), with a surplus of 3 plots.” As the identified need is being met currently without a bespoke SCB policy this does not justify the policy approach now proposed.

- If there is local demand the required plot sizes may not be in keeping with rest of the development accounting for local characteristics and density requirements.
- If there is local demand the required plot sizes may not be in keeping with rest of the development accounting for local characteristics and density requirements.
- Delayed build out of SCB plots by private individuals / separate companies creates considerable logistic and safety issues for developers in terms of construction phasing, safety for plot occupants and established residents, and residential amenity impacts. Leaving plots unfinished for completion for potentially up to 2 years risks considerable disturbance to new residents and ongoing management for developers/management companies.
- Providing SCB plots in this way also means more creative solutions for SCB provision do not need to be pursued. It is envisaged that the majority of people wanting to build their own home will not want to be on a modern housing estate limited by plot passports or design codes (noting the requirement of this and Policy DS02). If the need is met by serviced plots on larger schemes this could stifle community led or individual schemes in other locations and stifle design and creativity which are specifically noted as benefits of SCB housing in the policy justification.

There are also concerns with the following policy requirements:

B – This may lead SCB plots to need be delivered in early phases where road access is provided which in turn will be more visually prominent. As above visually prominent serviced plots left undeveloped for up to 2 years will have a detrimental visual impact on schemes.

C – Specifically requires plot sizes to meet local demand but if there is no local demand this cannot be complied with.

Regarding the provision of affordable SCB plots for schemes over 250 dwellings it is not clear how this would be delivered.

The policy states that schemes over 100 dwellings should use a design code but this conflicts with Policy DS02 which requires design codes on all major schemes or those in environmentally or heritage sensitive locations. There needs to be consistency where Design Codes are required.

	Finally, the policy states that all plots must be completed within 3 years of the plot purchase. This is not reasonable requirement as time limits for development commencing are set in the relevant permission and once implemented there is not requirement to complete a scheme. Further the policy does not set out what would happen if it not completed within 3 years from the plot being purchased.
Requested Amendments	A better and more proactive approach would be for the Council to allocate sites specifically for SCB housing in locations where need and demand is evidenced with reasonable contributions from certain scale developments to be collected towards the delivery of these plots.

CHAPTER	CHAPTER 13. OUR OUTSTANDING BIODIVERSITY AND GEODIVERSITY
Policy	Strategic Policy PB05: Biodiversity Net Gain
Comment	<p>The requirement for at least 20% BNG is double the statutory requirement of 10%. It has not been justified in terms of any local evidence demonstrating a significant biodiversity deficit in East Devon or that the mandatory regime is not adequate. Reference is made in the support text to recent evidence suggesting “that a 10% BNG target without species management provides negligible gains” but this evidence is not cited. Refence is also made to the Nature Recovery Deceleration for East Devon committing to exceeding 10% BNG target but this is not set out in this document. As such, it is unjustified and unsound.</p> <p>Those proposals that cannot achieve 20% BNG will be required to submit viability appraisals. These will be costly and time consuming to produce and audit. They will place heavy resource and financial burdens on both applicants and developers and will at the very least delay housing delivery.</p> <p>The land take implication of increasing the BNG requirement does also not appear to have been assessed. For larger residential sites there is a real push to achieve the BNG mitigation on-site, as per the guidance and hierarchy. More land set aside for BNG mitigation will reduce the number of homes achievable on the allocations. While the cost of delivering the BNG mitigation might decrease proportionally, the reduction in units is a crucial element. Has the Council run any assessments on their allocated sites having for example a 5% reduction in unit numbers to account for the additional BNG land?</p>

	<p>The viability testing for the proposed 20% increase in the Three Dragons Viability Assessment, which estimates a per unit additional cost of £1,188 for greenfield sites and £321 for brownfield sites, is disputed. These figures are based on the MHCLG BNG Impact Assessment from 2019 but on reviewing this document it gives an estimated figure of £11,000 per offsetting unit which is significantly lower than current offsetting unit prices. This in turn casts doubt on the robustness of this earlier assessment as a basis for current costings.</p> <p>Policy PB05 requires a Biodiversity Statement to be submitted with planning applications. However, the submission requirements can be established through the national and local validation checklist. In any event, the Environment Act 2021 requires the submission of a BNG Plan with planning applications. It is not clear whether this is the same or different to a Biodiversity Gain Statement. The reference to the BS standard is superfluous.</p> <p>A Habitat Management and Monitoring Plan should be secured by planning condition, rather than be required to be submitted with the planning application.</p> <p>It is not clear how “locality” is defined in terms of off-site habitat creation. In any event, off-site BNG does not have to be close to the impact – it can be achieved through the purchase of Government credits or credits from habitat banks, which may or may not be close to the development site.</p> <p>In the final paragraph, should “consummate” be replaced with “commensurate”? This is a moot point because for exempt schemes, the Framework requires <i>a gain</i> to be achieved.</p>
<p>Requested Amendments</p>	<p>This policy should be deleted.</p>

Summary

These representations are submitted to the Council by CarneySweeney on behalf of our clients to East Devon District Council’s (EDDC) current consultation on the Local Plan Regulation 19.

Site Allocation

Our clients fully support Strategic Policy SD29 (Development allocations at Whimble) which allocates land at Station Road (ref. Whim_11) and land to the west of Bramley Gardens. Our clients are committed to positively engaging with the local community to help us develop and shape the detailed design.

Our client promotes a smaller sized site (Whim_07) Land off Broadclyst Road, which excludes the flood zone, as suitable, available and deliverable to help meet additional needs for Whimble. The site provides the opportunity to achieve a sustainable development of up to 5 homes, which is located within walking distance to a local shop, two pubs, train station, bus stops and a primary school. Our clients strongly encourage the inclusion of the site within the BUAB for Whimble.

Policies

There are a number of policies that impose technical and other standards that while entirely laudable, have not been properly evidenced or justified and as such are, in themselves, unsound. Furthermore, it is the cumulative effect of these policies (listed below) on scheme viability and overall deliverability that is of significant concern:

- Policy CC06 (Embodied Carbon)
- Policy AR02 (Water Efficiency)
- Policy HN04 (Accessible and Adaptable Housing)
- Policy HN05 (Self-Build and Custom Build Housing)
- Policy PB05 (Biodiversity Net Gain)

We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.

Our Ref – CSE2171

Name – Jessica Parminter - Senior Planner

Email – jess.parminter@carneysweeney.co.uk

Number – 07821 679719

APPENDIX 1

Representations to East Devon District Councils' consultation on the Local Plan Reg 18 Further Consultation



East Devon Local Plan 2020 to 2040
Further Local Plan Regulation 18 Consultation
Representations on behalf of DABB Partnership
27 June 2024

Introduction

CarneySweeney submits the following representations on behalf of the DABB Partnership to East Devon District Councils' (EDDC) consultation on the Local Plan Reg 18 Further Consultation (emerging Local Plan) which closes at 5pm on Thursday 27th June 2024.

Our client considers that:

- As a 'Service Village', Whimble is a sustainable settlement which is served by good transport connections and a number of local services and facilities and has relatively limited physical and environmental constraints.
- Accordingly, an appropriate amount of land should be allocated at Whimble for the development of new homes.

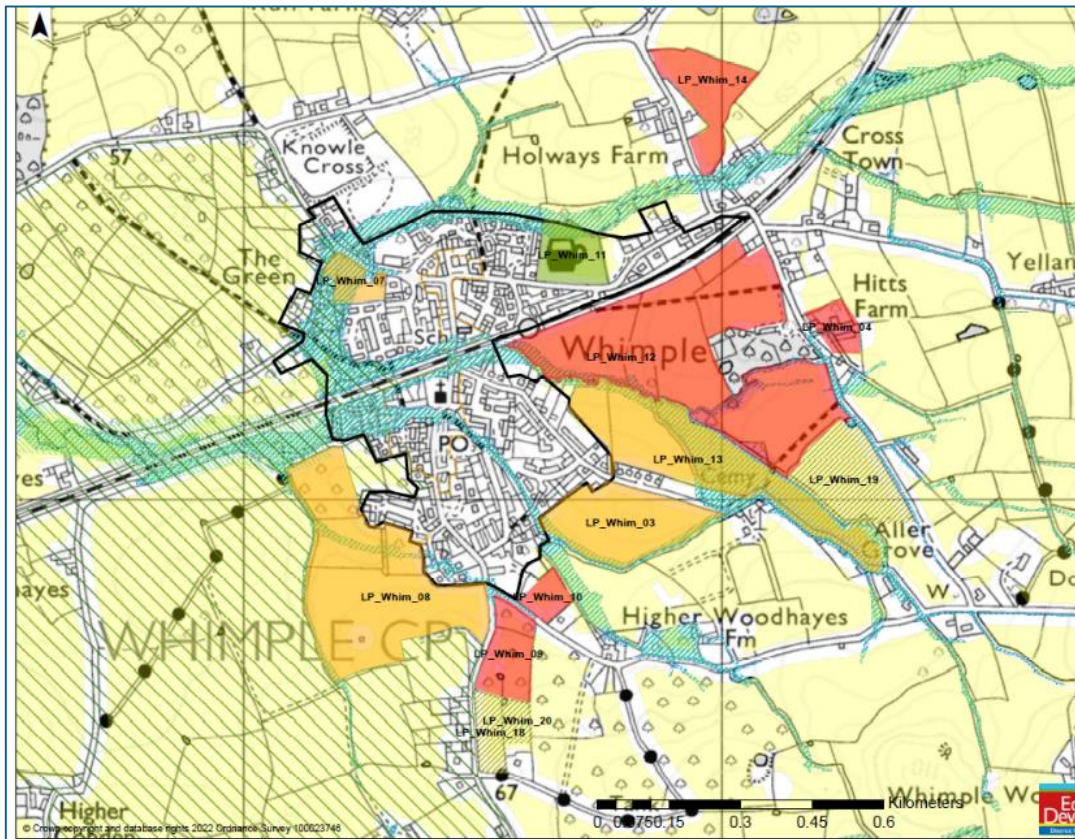
Our client:

- Supports the identification of **LP_Whim_11** - Land at Station Road as a Preferred Allocation for residential development.
- Considers that **Whim_07** and **08** should be "upgraded" to Preferred Allocations for residential development and that **Whim_09** should also be identified as a Preferred Allocation for residential development.
- Objects to the proposed Green Wedge abutting the west edge of Whimble and in particular where it includes second choice allocation sites Whim_07, 08 and 09.

Emerging Local Plan

As drafted, Strategic Policy 26 (Development at Service Villages) allocates land at Station Road (LP_Whim_11) for 33 new homes. The location of LP_Whim_11 is shaded green on the draft policy map below.

Sites shaded orange on the below plan (including Whim_07 and 08) are second choice allocations. Sites shaded red on the above plan (including Whim_09) are rejected allocations.



Draft Policy Map for Whimble

Whimble: Role and Function

Whimble is acknowledged in the emerging Local Plan to be a Service Village. These are settlements which are considered to have "a relatively good range of local facilities either in the settlement or nearby." The village is within close proximity to Exeter, connected via a train link and regular bus service. The village has a number of local services and facilities such as a primary school, two public houses, a shop/post office, doctors' surgery and hairdressers.

The sustainability of Whimble as a settlement and suitability for accommodating growth has been acknowledged by the Council within the emerging Local Plan.

Distribution of Development

The adopted Local Plan 2013-2031 only defined built up area boundary's (BUAB's) for the main towns of Axminster, Budleigh Salterton, Exmouth, Honiton, Ottery St Mary, Seaton and Sidmouth. The Villages Plan, later adopted in July 2018, defined the BUAB's for the villages which were considered capable of accommodating growth.

However, the Villages Plan did not allocate any sites for development within the villages. With no housing allocations set by the adopted LP or the Villages Plan, Whimble has had no planned growth over the plan period. This meant that the only growth which came forward for Whimble was through windfall completions only. This is reflected in the Housing Monitoring figures, which evidence that a total number of 7 dwellings only were constructed and completed in Whimble between a 5-year period (2019-2023). This demonstrates that a very low percentage of housing has been delivered in Whimble over the plan period.

The need to allocate significant land for new homes at Whimble to support its role and function is paramount to enable the sustainable growth of the village and help maintain the current level of services and facilities there. The new Local Plan must not only account for this lack of growth in the current Local Plan period, but also plan for new homes to meet needs in the next one. Therefore, we consider that the Council should allocate not just site LP_Whim 11- Land at Station Road, but additional sites as well.

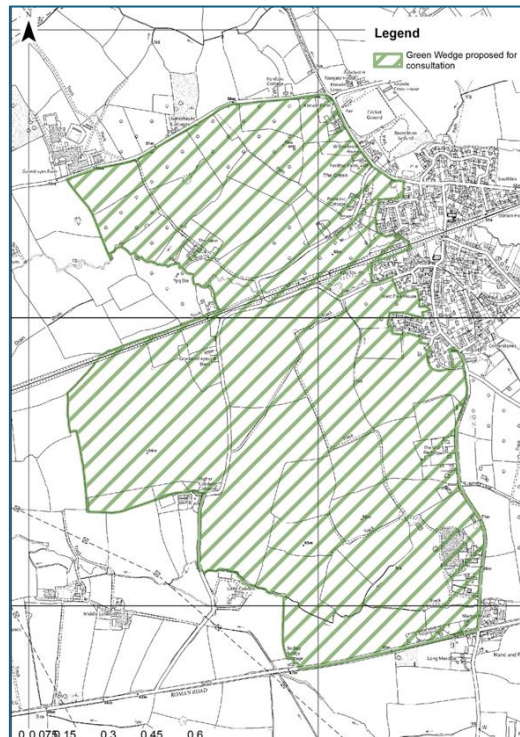
We note that draft Strategic Policy 26 states, *"the Council are consulting on the potential for differing scales of growth at Feniton and feedback received will inform potential for additional land to be allocated for development at Whimble"*.

The allocation of 33 homes in Whimble on land at Station Road is fully supported by our client. However, the sustainable credentials of the settlement and pursuant lack of delivery throughout the previous plan period should weigh in favour of accommodating additional growth within the village.

Our client recommends the inclusion of sites LP_Whim_07, LP_Whim_08 and LP_Whim_09 as allocations for residential development within the emerging Local Plan. All three of the sites listed above (LP_Whim_07, LP_Whim_08 and LP_Whim_09) have been assessed by your Council under the 2021 Call for Sites. The assessment concluded that all three sites were available, suitable and achievable for housing.

The Green Wedge

Following the previous consultation on suggested policy wording and proposed map boundaries, this consultation seeks comments on revised policy wording and Green Wedge Boundaries. Our clients object to the proposed Green Wedge between Whimble and Cranbrook, indicated by the dashed green line, as shown on the plan below,



Proposed Green Wedge between Cranbrook and Whimble

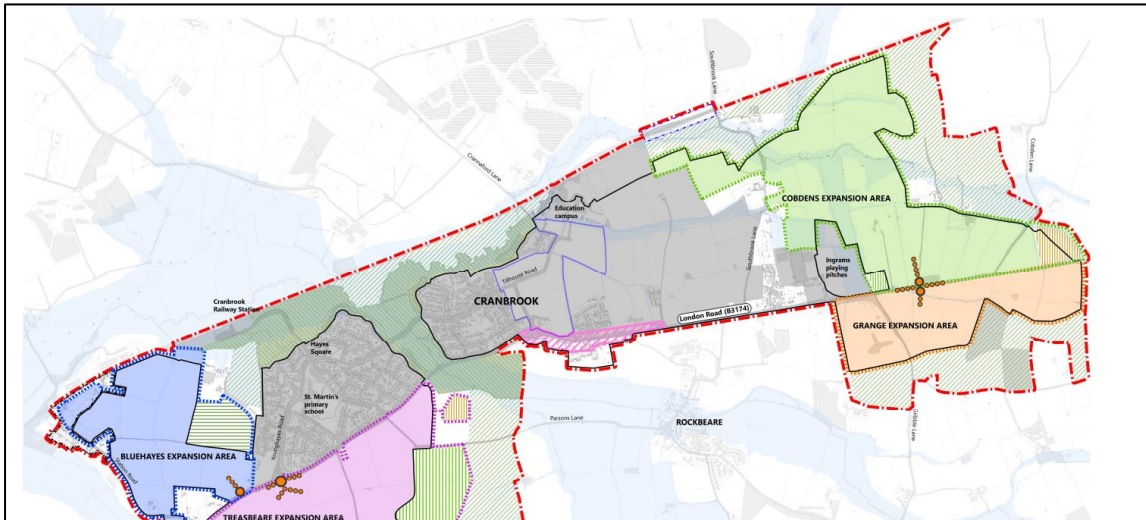
The purpose of Green Wedges is identified within draft Strategic Policy 78 (Green Wedges) and is to:

1. Prevent the coalescence of settlements and maintain a sense of place and identity for neighbourhoods
2. Maintain the open character of a green lung contributing to health and wellbeing for residents and visitors
3. Provide accessible formal and informal recreation, sport and play space
4. Provide valuable wildlife corridors and habitat
5. Protect areas of landscape importance and visual amenity

It is legitimate in planning terms to seek to prevent the coalescence of settlements. In this case, the proposed Green Wedge may be seeking to prevent the coalescence of the expanded Cranbrook and the existing village of Whimble in order to maintain the individual identity of Whimble.

However, a Green Wedge is not needed in this case. Furthermore, the positioning of the proposed Green Wedge looks very much as if its objective is to prevent the sustainable expansion of Whimble on a site that scored a "5" in the 2021 site assessments undertaken by the Council – the same score as the Station Road, Whimble site that is proposed to be allocated for housing development. Even if this is not the intention, this would be the consequence.

The planned expansion of Cranbrook is identified within the adopted Cranbrook Plan Policy Map below. The area to the east, shaded green, is an area referred to as Cobdens Expansion Area which is allocated for a mixed-use development, comprising 1,495 new homes and Suitable, Alternative, Natural Green Space (SANGS).



Eastern Expansion Area for Cranbrook Policy Map

The eastern expansion for Cranbrook is subject to outline planning permission (LPA ref: 22/0406/MOUT) which was approved on 24 April 2024. The indicative masterplan, shown below, includes a substantial area of green space to the far east, forming SANGS land. This land is secured within a S106 agreement and is to remain green space in perpetuity.



Masterplan for application LPA ref: 22/0406/MOUT

Our clients question the need for the extent of the land included as the proposed Green Wedge abutting the west edge of Whimble. It is considered that the land included as SANGS land to the east of Cranbrook, already meets the 5 purposes of the Green Wedge.

The SANGs land acts as a green lung, that is accessible for residents and visitors, as well as providing a wildlife corridor, meeting objectives 2, 3 and 4.

The Officers report for application LPA ref: 22/0406/MOUT for the eastern expansion area states,

“To the east the high point in local landform near Higher Cobden Cottage is fundamental in providing containment for the urban expansion. Part in and part outside of the site, this hill provides a natural screening between the development and residents of Whimble beyond. As the crow flies there 22/0406/MOUT would be a separation distance of ca. 1.3km between the nearest built form proposed as part of the development and the edge of the village of Whimble. This distance provides good separation between the village and the application site, but in addition and because of the hill they are visually separated”.

This shows that the Council has considered that the SANGs land adequately screens the development and visually separates it from Whimble, thereby meeting objective 1 (to prevent coalescence). If a visual separation is effectively created by the SANGS land to be delivered at Cranbrook, why is further land required to be designated as Green Wedge between Whimble and Cranbrook?

In addition, a significant tract of open countryside would remain between Cobden Lane in the east and the SANGs land in the west. This land would be subject to the usual planning policy controls over development in the countryside.

In addition to this, we have not found any evidence on the Council’s website which suggests that the designation of the Green Wedge is to protect areas of landscape importance and visual amenity. The designation of the Green Wedge should be underpinned by supporting evidence and not include land because of political pressure to prevent sustainable development. Indeed, it includes Whim_07 and 08, which were identified as second choice allocations.

Finally, EDDC has not undertaken any technical assessment work relating to the performance, role and function of the proposed Green Wedge against its own or any other criteria. The proposed Green Wedge is therefore not supported by any technical evidence, let alone evidence that meets the provisions of NPPF paragraph 31. Were the designation to be retained, the evidence would have to be “backfilled”. Procedurally, this would conflict with large parts of section 3 of the NPPF *Plan-making*. The proposed identification of land as Green Wedge abutting the west side of Whimble is therefore un evidenced and accordingly is considered to be unsound.

Accordingly, the proposed Green Wedge would serve no planning purpose. It is therefore considered that the proposed Green Wedge should be deleted.

Amendments Sought to the Emerging Local Plan

Our client seeks the following amendments to the emerging Local Plan:

- LP_Whim_07, LP_Whim_08 and LP_Whim_09 should be included as allocations for residential development within the emerging Local Plan.
 - The Green Wedge is either removed entirely or adjusted to cover land that meets the Green Wedge purpose and should in particular exclude Whim_07, 08 and 09.
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