

Filtered Data Export

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

1. Introduction

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

Paragraph

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

1.1

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Introduction chapter, please use this box to set out your comments.: The evidence base

9.1 As has been demonstrated in the previous sections of this representation, the Cherwell Group are generally supportive of the emerging Local Plan, including the proposed second new community. However, they do have a number of concerns relating to the evidence base underpinning the Plan. Their main concerns primarily relate to: (1) the IDP (Document KSD-001) and the 'East Devon – Options Appraisal for a potential New Settlement' Report (Document NWC-001). However, they also have more minor concerns in relation to the Housing and Economic Land Availability Assessment (HELAA). These concerns are outlined in turn below. ID P- DO CU ME NT K S D- 00 1

9.2 The Cherwell Group note that the IDP (ref: KSD-001(rev)) identifies a number of projects associated with the Marlcombe new community, the West End and the District as a whole. In some instances, the cost of these projects is undefined in the assessment work.

9.3 In order to accord with para. 34 of the NPPF, which requires that plans set out the contributions expected from development, including in relation to affordable housing and infrastructure, there will be a need for these items of infrastructure to be fully costed. This would allow, as is required by the NPPF, for an assessment of whether such contributions will undermine the deliverability of the plan and therefore its effectiveness.

9.4 In addition, there are a number of items of infrastructure that are referred to in Strategic Policy WS01 as being listed in the IDP, which are not. These include community energy/heating provision, on-site renewable energy generation and drainage and sustainable drainage systems.

9.5 Moreover, there are items contained within the IDP that are Marlcombe related projects, which have not been identified in emerging Strategic Policy WS01. These include: ? a fifth primary school (Project EDU-13); ? community centres (Project COM-5); ? youth, children's and library facilities (Project COM-8); ? the community builder (Project COM-10); ? SANGS delivery and enhancement maintenance contribution in perpetuity (Project ENV-3); ? on-site tennis courts, other courts, greens, tracks and trails (Project REC-6); ? the new sewerage treatment works (Project UTI-6).

9.6 These inconsistencies between Strategic Policy WS01 and Document KSD-001(rev) should be remedied so as to ensure that the new community is effective. EA ST D EVO N – O P T I O N S A P P R A I S A L F O R A P O T E N T I A L N E W S E T T L E M E N T R E P O R T – D O C U M E N T N W C -001

9.7 The Cherwell Group's comments regarding Document NWC-001 to the First Regulation 19 consultation remain relevant. H O U S I N G A N D E C O N O M I C L A N D A V A I L A B I L I T Y A S S E S S M E N T

9.8 The Cherwell Group's comments regarding Document HOU-003 to the First Regulation 19 consultation remain relevant.

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Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: PB06

1(b). Does your comment relate to one of the changes listed above?: No

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

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

7.76 The Cherwell Group object to Strategic Policy PB06.

7.77 As currently drafted, the proposed Policy places an expectation that any off-site biodiversity net gain, or other off-site biodiversity contributions tied to a planning permission for development will be located within, adjacent or otherwise contribute to the national recovery network.

7.78 This, however, seemingly runs counter to the national approach adopted, which incorporates a hierarchy and a spatial risk multiplier embedded within the national approach to biodiversity net gain.

7.79 It is therefore inconsistent with national planning policy. Moreover, no evidence has been provided to justify this approach.

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Other party name (if relevant): The Cherwell Group

Proposal: 13. Our Outstanding Biodiversity and Geodiversity

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

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

1(b). Does your comment relate to one of the changes listed above?: No

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

3(b). If no, please give details of why you consider this part of the Our Outstanding Biodiversity and Geodiversity chapter is not sound. Please be as precise as possible.: Strategic Policy PB05 requires, unless there is a demonstrable viability concern, major development proposals to deliver a net gain of biodiversity of at least 20%, calculated using the most up-to-date statutory metric.

7.49 The Cherwell Group have a number of concerns regarding emerging Strategic Policy PB05, including: ? consistency with national planning policy and guidance; ? other concerns; and ? consistency with evidence.

7.50 Each is addressed in turn below. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 54 Consistency with national planning policy and guidance

7.51 The Cherwell Group consider that the requirement for a minimum 20% net gain for biodiversity to not be based on proportionate or credible evidence. The PPG confirms⁴⁰ that: “Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development.”

7.52 The Cherwell Group do not consider that the tests outlined in the PPG to justify a higher percentage than the statutory minimum have been met and therefore the higher percentage proposed in Strategic Policy PB05 is not justified.

7.53 An analysis of each of the requirements set out in the PPG is provided below. Local need

7.54 The justification for the 20% target is provided within para. 13.25 of the emerging Local Plan. The justification includes the District housing significant conservation assets, substantial environmental designations and the need to accommodate high development pressures. This justification, however, is not unique to East Devon. Indeed, the Cherwell Group is aware that the neighbouring authority, Teignbridge District Council, is proposing a net gain that aligns with the statutory minimum⁴¹, despite housing: ? two Special Areas of Conservation; ? a Special Protection Area; ? 18 Sites of Special Scientific Interest; ? 1,200ha of ancient woodland; and ? 160 County Wildlife Sites.

7.55 It also has significant development pressures.

7.56 Moreover, even if the justification provided is accepted as the evidence to suggest that a net gain greater than 10% was justified, no evidence is provided to suggest that the appropriate level is 20%.

7.57 The Cherwell Group also note that para. 13.25 of the Policy's supporting text states that: "Recent evidence suggests that a 10% BNG target without species management provides negligible gains. Therefore, the council applies the precautionary principle to ensure effective biodiversity gains. Increasing BNG to 20% is feasible and necessary for significant ecological benefits."

7.58 The underlying principle of biodiversity net gain is that habitats are a proxy for biodiversity. If the statutory minimum requirement is, as is being suggested, only providing negligible net gains, then it is unlikely that an increase in the quantum of similar habitats to achieve a 20% net gain will resolve the issue, as it will continue to result in the same habitats being provided, which are not working, and for those habitats to be managed in the same way. 40 MHCLG, Planning Practice Guidance, Biodiversity Net Gain, Paragraph: 006 Reference ID: 74-006-20240214 41 Teignbridge Local Plan Main Modifications, Policy EN10. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 55

7.59 Certainly, the Cherwell Group can find no evidence to suggest that the increase is necessary for ecological benefits. Ordinarily, it would be expected that to justify a higher requirement, there would be a need to demonstrate that species/habitat loss and fragmentation is higher in East Devon compared to the national position, but no such evidence has been provided. Local opportunities for a higher percentage

7.60 No evidence has been provided to suggest that a 20% net gain is feasible in East Devon. In other areas of the Country (e.g. Tower Hamlets), where previously developed land has been used to meet the majority of identified need, achieving a higher net gain than the statutory minimum is relatively easy, as the baseline is either extremely low, or zero.

7.61 However, in East Devon's case, as confirmed in the Plan's Sustainability Appraisal⁴², previously developed land that has been assessed as being potentially suitable for redevelopment is a "relatively small proportion of overall potential land supply," meaning that most development will be proposed on undeveloped land, including agricultural land. Whilst this may be considered to be of a relatively low ecological value, in many cases, this does not necessarily equate to a low biodiversity net gain baseline, particularly in comparison to previously developed land. Consequently, the achievement of a 20% net gain will be harder to demonstrate.

7.62 In East Devon's case, no analysis has been provided to suggest that there is sufficient land available to demonstrate that the proposed 20% requirement is feasible.

7.63 It is the experience of the Cherwell Group's ecologist, GE Consulting, that achieving a 10% net gain on site is difficult to achieve. The higher requirement of 20% is likely to lead to an increased requirement for the use of off-site credits. This will place additional demand on habitat banks, but at present, there are no registered habitat banks within East Devon on the National Register and only one potential bank is identified on the Devon Off-Site Biodiversity Net Gain Survey Map⁴³, which is listed as being under discussion with the Local Planning Authority.

7.64 Suitable habitat banks will be even harder to establish, due to: ? the emerging Policy limiting offsetting to within, adjacent to or contributing to the Nature Recovery Network (see Strategic Policy PB06); and ? restrictions on habitat creation are placed on sites within a 13km zone around Exeter Airport, reducing the opportunity for meaningful habitat creation in this location, which is, in any event, an area where strategic development is proposed.

7.65 Given the lengthy process for establishing a habitat bank, it is likely that there will be a deficit in locally available habitat banks at the point that the emerging Policy would come into effect (2027/28).

7.66 Whilst, as is confirmed at paras. 13.26 and 13.27 of the emerging Plan that "BNG can be integrated with SANG and other mitigation measures" and "BNG delivery opportunities also exist through nutrient neutrality and Landscape Recovery schemes," such locations are subject of the additionality rules, whereby this can only be used up to no net loss and not the full requirement.

7.67 Given the above, there is the potential, given the lack of readily available opportunities, that the proposed Policy approach could stifle development coming forward. ⁴² Page 136. ⁴³ <https://www.devon.gov.uk/environment/wildlife/biodiversity-net-gain/devon-biodiversity-net-gain-map> SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 56 Viability

7.68 A net gain requirement of 20% will have an impact on development viability.

7.69 Work undertaken by DEFRA has demonstrated that a 20% net gain requirement would add c.19% to the net gain costs, to the minimum requirement of 10%⁴⁴. It is instructive to note that this cost input appears to have been used within the emerging Local Plan's viability work. However, rather than concluding that 20% was the most appropriate level, the DEFRA impact assessment concluded that: "While this suggests that varying the level of net gain between 5% and 20% has very limited impact on the outcome, there is a trade-off between cost implications for developers and the likelihood of net gain being delivered at a national level (e.g. less costly/likely at 5% net gain compared to 10%, and vice versa for 20%). Our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues."

7.70 A higher net gain requirement may also, for the reasons set out above, require off setting. With limited opportunities available within East Devon, the price of off-site credits may mean that costs increase to a higher level than is assumed in DEFRA's work, which has been taken forward into the Council's own evidence base⁴⁵.

7.71 Given the conclusions above, it is considered that a more justified and effective conclusion would be, for the same reasons as set out within DEFRA's work, to reflect the national position. Other concerns

7.72 The Cherwell Group note that the emerging Policy requires, where off-site habitats are created or enhanced to deliver net gain, in full or in part, for the delivery to be provided within the locality of the impact. Notwithstanding that this does not necessarily meet national guidance regarding biodiversity net gain (i.e. it ignores the spatial multiplier rules), for the reasons set out above, it will, for the area where the majority of development within East Devon is being proposed, be difficult to achieve, for there are restrictions on habitat creation within 13km of Exeter Airport. Consistency with evidence

7.73 Table 3.1 of the 'East Devon – Options Appraisal for a Potential New Settlement' Report confirms that the assessment was undertaken on the basis of a 10% biodiversity net gain requirement, rather than the 20% contained within the emerging policy.
Summary

7.74 The assessment work provided above clearly demonstrates that there is, against the test provided by the PPG, no evidential basis for applying a policy requirement for a 20% biodiversity net gain. No locally specific circumstances have been identified that demonstrate a need for a higher requirement (any higher requirements than 10%, including 20%), that there are opportunities locally to meet the higher requirement and that it would not impact on development viability.

7.75 Consequently, the Cherwell Group consider that Strategic Policy PB05 is, as currently drafted, ineffective, unjustified and not consistent with national planning policy. It is therefore unsound.

3(c). Please set out the modification(s) you consider necessary to make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Our Outstanding Biodiversity and Geodiversity chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The national minimum biodiversity net gain level (10%) should be taken forward in future versions of the Plan.

Suggested changes “Major All development proposals will need to deliver biodiversity net gain (BNG) of at least 20% 10% to be calculated using the most up-to-date statutory metric. Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full. Non-major developments will be required to secure at least 10% BNG.” And “Where offsite habitats are created or enhanced to deliver BNG, in full or in part, the delivery should be provided within the locality of the impact and contribute to ecological networks and published strategies in accordance with BNG principles.”

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Proposal: 14. Open Space and Sports and Recreation

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

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

1(b). Does your comment relate to one of the changes listed above?: No

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

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7.80 Whilst it is confirmed that Policy OS02 does not apply to allocations for built development at Cranbrook, it appears that it does apply for Marlcombe. However, the Policy proposes a differing occupancy rate to that proposed in Strategic Policy WS01.

7.81 So as to ensure that the Policy is clearly written and unambiguous, a consistent approach should be adopted between both policies.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

3. The Spatial Strategy

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

Policy

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

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.: /// Continued from
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6.45 Consequently, the use of a stepped trajectory, which will widen the gap further between the local housing need and the housing requirement in the first 12 years of the Plan, further strengthens the view that the emerging Local Plan cannot be considered to be positively prepared, justified or consistent with national planning policy. 6.46 DWH's concerns on the proposed use of a stepped trajectory are set out in Section 7. Boosting significantly the supply of new homes 6.47 Para. 60 of the 2023 version of the NPPF confirmed that it was the Government's objective to significantly boost the supply of homes. This objective has been reconfirmed at para. 61 of the 2024 version of the NPPF. 6.48 The current East Devon Local Plan, which was adopted in 2016 and therefore before the 2023 and 2024 versions of the NPPF were published, seeks, as a minimum, to provide 17,100 homes over its 18 year plan period. This is the same housing requirement that is currently being proposed in the emerging Local Plan Review as an annualised average, although DWH note that over the first 12 years of the Plan, the requirement is proposed to be lower than the requirement contained within the adopted Local Plan. 6.49 Given the above, in DWH view, the proposed housing requirement is not consistent with the national planning policy objective of significantly boosting the supply of homes, for, at best, it seeks a continuation of the current requirement. 6.50 Moreover, the present PPG confirms that the affordability adjustment is applied in order to ensure that the standard method for assessing local housing need is consistent with

the national policy objective of significantly boosting the supply of homes¹⁹. It follows that a requirement that was set lower than the local housing need figure would not be consistent with the national policy objective of significantly boosting the supply of homes. Jobs and homes balance 6.51 Strategic Policy SP04 confirms that the Local Planning Authority is seeking to provide a quantum of employment land provision to meet the needs identified by the 'mid-point clean growth scenario' established by the Economic Needs Assessment (Document ECN-001), with a significant flexibility allowance to ensure a range and choice is provided (a total of 175ha of land has either been constructed since 2020, is committed development or is an existing or proposed allocation, against a requirement of 80ha). 6.52 Figure 2 of Document ECN-009 confirms that under the clean growth scenario, there would be a change of employment in East Devon of 11,121 over the period 2020 to 2042. A comparison between the number of workers that would result from a housing provision of 946 homes per annum and the clean employment growth scenario proposed in the emerging Local Plan is provided at Figure 4. For East Devon it shows that there would be a shortfall of 792 workers to meet the number of jobs that would be provided from the clean growth scenario over the plan period. Using the proportion of workers to homes specified at para. 15 of Document ECN-009, LRM Planning have forecast the shortfall to equate to be between 450 and 540 homes²⁰. 19 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 006 Reference ID: 2a-006-20241212. 20 It is noted that the assessment was carried out on the basis of a housing provision of 946 homes per annum. If the emerging Local Plan's housing provision was used, the shortfall in homes would reduce to around 450 homes. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 32 6.53 Document HOU-002(rev) references "a small shortfall of workers contained in the standard method dwelling target²¹" when considered against the clean growth scenario and concludes that: "...this deficit is extremely small, so there is no case for a housing requirement figure higher than the standard method in East Devon. Across the combined area of East Devon, Exeter, Mid Devon and Teignbridge there is a sizeable surplus of workers to jobs." 6.54 It should be noted that as confirmed at para. 5 of the Report, the standard method figure used in the assessment was 946 homes per annum, which aligns with the housing requirement in the emerging Local Plan. This conclusion also needs to be read in the context of the then standard method figure of 893 homes per annum (calculated using the previous version of the standard method) and the more up-to date version and output. 6.55 As indicated above, LRM Planning have calculated the shortfall to be between 450 and 540 homes. This equates to 47% and 57% of the annual average housing provision proposed within the emerging Local Plan. This is not considered to be "extremely small" and is instead considered to be a material shortfall. 6.56 A reliance on neighbouring authorities to address this imbalance, as is suggested in para. 6.10 of Document HOU-002(rev) is also not considered to be a justified approach as it could result in undesirable effects, including longer commuting distances to work. As

suggested below, this has not been considered within the supporting evidence base, including the Sustainability Appraisal. 6.57 In any event, the shortfall would become even more pronounced if a greater level of employment land was to come forward over the plan period than the clean growth scenario suggests is necessary. This is particularly relevant as Policy SP04 identifies a potential supply of employment land that is more than double that the clean growth scenario suggests is necessary. Unmet need from neighbouring authorities 6.58 Para. 11(b) of the 2023 version of the NPPF confirms that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of parts (b)(i) and (ii) apply. This is reiterated at para. 26. In addition, para. 61 confirms that in addition to the local housing need figure, any needs that cannot be met in neighbouring areas should also be taken into account in establishing the amount of housing to be planned for. 6.59 Table 1 of Document CSD-010b confirms the Local Authorities that are relevant to the consideration of meeting East Devon's housing requirement and the housing requirements of other authorities. It is noted that in relation to East Devon's own needs, the following authorities are listed: ? Dorset Council; ? Somerset Council; ? Mid Devon District Council; ? Exeter City Council; and ? Teignbridge District Council. 6.60 In addition to the list above, Torbay Council is listed as a body relevant to meeting the housing requirements of other authorities. 21 Para. 6.10. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 33 6.61 The analysis provided at Section 5 of Document CSD-010b confirms that given the stage of Plan preparation, Dorset Council are uncertain as to whether they are able to meet their local housing need, but there is acknowledgement in the evidence base document that "various constraints limit development options in Dorset²²." 6.62 Torbay Council, on the other hand, have "repeatedly advised neighbouring councils in the adjoining Housing Market Areas /Functional Economic Market Areas that Torbay will not be able to meet the local housing need target set by the Government's Standard Method" and that "...on the basis that no account had been made for the need to accommodate unmet needs from neighbouring areas, specifically Torbay and requested that East Devon meet part of its housing requirement²³." 6.63 Whilst the alterations proposed to para. 3.8 of the emerging Local Plan are noted, the Plan could and should be doing more to help meet needs over a wider geography, particularly in the case of Torbay Council, where a shortfall has been identified. Implications of increasing the plan period 6.64 If, as is suggested in Section 4 above, there is a need to extend the plan period by a further monitoring year, then there would be the need to increase the housing requirement by: ? Local Planning Authority approach – 950 homes; or ? Local housing need approach – 1,156 homes. Ministerial letter to the Planning Inspectorate 6.65 It is noted that on 9th October 2025, the Minister of State for Housing and Planning issued a letter to the Planning Inspectorate concerning the plan-led system. Reference is made in the letter to ensuring that Inspector's approach examinations with an appropriate degree of

flexibility. Reference was specifically made to cases where Inspector's had made pragmatic decisions to proceed towards adoption, but where the plan in question had significantly boosted the supply of housing, whilst also meeting housing needs over the plan period. 6.66 As outlined above, neither scenario is relevant in East Devon; the proposed housing provision mirrors that of the 2016 East Devon Local Plan and therefore will not significantly boost supply and will not provide a level of housing that meets identified local housing needs. ABILITY TO ACCOMMODATE A GREATER PROPORTION OF HOUSING 6.67 The following section considers whether there is the potential to accommodate a greater proportion of housing within East Devon.

Theoretical supply 6.68 Table 1 of the 2022 Housing and Economic Land Availability Assessment (HELAA – Document HOU-003) confirms that there is a theoretical supply of housing land sufficient to accommodate 39,888 homes. This comprises the following sources of supply: 22 Para. 5.3. 23 Para. 5.11 SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 34 TABLE 3: HELAA CONCLUSIONS SOURCES OF SUPPLY NO. OF DWELLINGS (APPROX.) Available, suitable and achievable sites 27,088 Completions 1st April 2020 to 31st March 2022 1,906 Commitments at 31st March 2022 4,389 Cranbrook DPD 4,170 Windfall allowance 2,335 Total 39,888 6.69

This is a significantly higher level of housing than the local housing need calculation.

Market absorption 6.70 Table 19 of Document HOU-004(rev)c demonstrates that rates of housing delivery greater than 1,000 dwellings per annum have previously been achieved in 2014/15, 2015/16, 2019/20 and 2021/22. Delivery is also forecast to be higher than the local housing need figure for monitoring year 2025/26 (1,157 completions).

Sustainability Appraisal 6.71 The Regulation 19 Sustainability Appraisal (Document CSD-003(rev)) tested three options for the housing requirement within East Devon, as follows: ? Option A - 950 dwellings per annum (20,909 dwellings over the plan period); ? Option B - 1,045 dwellings per annum (22,990 dwellings over the plan period); and ? Option C - 1,188 dwellings per annum, a total of 26,136 dwellings over the Local Plan period. 6.72 Option A is the proposed approach in the consultation version of the Local Plan, whilst Option C reflects the local housing need figure at the time that the first Regulation 19 consultation was published. 6.73 None of the options tested in this latest consultation relate to the most up-to-date local housing need figure, calculated via the standard method (1,156 homes per annum); indeed, despite testing a higher option (Option C), the Local Planning Authority concluded that the current local housing need figure was: "...not considered a reasonable alternative as the Local Plan is not

changing significantly between the two Regulation 19 stages, to comply with government guidance on Local Plan transitional arrangements. Changing the housing requirement is considered a significant change, so not within the scope of the Second Regulation 19 Publication Draft Local Plan." 6.74 This emphasises again that the Local Plan has been formed in a manner that does not intend to meet needs in full and instead seeks to exploit the transitional arrangements provided by the December 2024 version of the NPPF. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT

CONSULTATION 35 6.75 DWH are of the view that at the very least, this option should have been tested, for it would have given full and proper effect to Objective 3 of the emerging Plan (to meet people's housing needs) and the element of the Plan's vision that relates to ensuring that urban areas and towns and villages grow to meet future needs. Dismissing such an obvious reasonable alternative at this stage suggests pre-determination of the outcome. It further demonstrates that the Local Planning Authority's focus was purely on providing the minimum quantum of homes required by the transitional arrangements and not, as is suggested in the Plan, being serious about meeting local needs. 6.76 The Local Planning Authority's analysis concludes that Option A is the preferred option, as it will deliver a significant amount of new housing at a level that is consistent with the NPPF, with less adverse environmental effects. Conversely, Options B and C were rejected due to the significant adverse environmental impacts of delivering a higher level of housing. 6.77 However, having reviewed the analysis set out in the document, DWH considers it to be significantly flawed, for the following reasons: ? it is assumed that any additional growth above Option A would be directed to a third new community, ignoring the contribution that sites like land to the west of Lilypond Lane, Whimple, can make towards meeting needs; ? despite Option A failing to provide for just over one in every five homes required and providing no step change in the housing provision figure from the 2016 Local Plan, it scores the same for SA Objective 8 (homes) as Options B and C, the latter of which would result in needs being met in full and a greater level of affordable housing; ? despite the requirement for developments to mitigate and compensate for any impacts and to provide a 10% net gain (or greater if the emerging Local Plan is adopted in its current form), the harm to biodiversity is assessed as being greater for Options B and C, than A. It is noted that the impacts of higher levels of housing on UK National Site Network sites are identified as being greater in Options B and C than A. This, however, does not recognise the operation of the Habitats Regulations, which requires, unless imperative reasons of overriding public interest are demonstrated, for development to not, individually, or cumulatively, adversely affect the integrity of such sites; ? no confirmation of where the additional growth above Option A would be located is provided. Despite this, there is an assumption that the additional growth would have a greater harm to the historic and built environment. This analysis particularly ignores the requirements of para. 212 of the 2023 version of the NPPF; ? no assessment of the ability for on-site treatment, including multi-stage treatment and waste water treatment plants, such as that proposed at the new community, is provided to offset any effects on the Exe Estuary SPA or the River Axe SAC; ? the lower score for Options B and C against SA Objective 10 (access to services) is predicated on the additional growth being accommodated in a new town and that new town providing fewer services. It does not consider how the higher levels of development proposed under Options B and C could have been dispersed to existing settlements with existing services and facilities; ? all options score the same for jobs and employment, as, inter alia, they would result in the provision of housing for the

workforce. However, as demonstrated above, the housing provision contained within the emerging Local Plan does not result in a level of housing to support the workforce required by the 'clean growth' approach, which has been adopted in the emerging Local Plan. As outlined in the Local Housing Needs Assessment, housing in neighbouring authorities is required to ensure an adequate workforce, which would result in more pronounced negative outcomes for other SA Objectives than has currently been assessed (i.e. SA Objectives 4 and 13); and SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 36 ? the analysis provided for SA Objective 13 (connectivity and transport) ignores the opportunities to accommodate additional levels of growth at sustainable settlements, such as Whimble, where services, facilities and active and sustainable transport opportunities exist. 6.78 It is instructive to note that the analysis contained within the Sustainability Assessment did not conclude that there was an over-riding infrastructure or environmental capacity constraint that would prevent the full objectively assessed need being accommodated. The analysis simply expresses a preferred option, but based on what DWH consider to be a flawed assessment process. 6.79 Analysis provided at Appendix 5 of these representations suggests that a requirement that met local housing needs should have been the preferred option. SYNTHESIS 6.80 As outlined in the NPPF, there is a need for the Local Planning Authority to establish a local housing need figure, using the standard method and then, through the operation of para. 11(b) of the NPPF, to seek to meet as much of the local housing need as possible, through the Plan's housing requirement. 6.81 Whilst there are two potential options for calculating local housing needs, it appears that both DWH and the Local Planning Authority agree that in the case of East Devon, it should be calculated using the existing standard method, which suggests that the local housing need is presently 1,156 dwellings per annum. 6.82 However, rather than planning for this local housing need figure, the Local Planning Authority propose to meet just 82.2% of need. Rather than justifying this through the application of para. 11(b) of the NPPF, the Local Planning Authority do so via the application of the transitional arrangements. However, as acknowledged by the Local Planning Authority, the transitional arrangements were established in the 2024 version of the NPPF for plans which were at an advanced stage of production. This was not the case in East Devon, where decisions around the housing requirements and supply were made after the Summer 2024 NPPF consultation. The Local Planning Authority therefore made a conscious decision to not plan for the local housing need figure without seeking to engage the tests of para. 11(b) of the NPPF. DWH considered that this approach is not positively prepared or consistent with national planning policy. 6.83 There are other reasons for establishing a housing requirement that seeks to meet the established local housing need figure, as follows: ? the proposed housing requirement would not meet needs in full. It would therefore not accord with the NPPF, nor give effect to related objectives in the plan and its vision; ? by planning to meet only 82.2% of identified needs, undersupply between the base date of the 2016 Local Plan and the start of the emerging plan period will not have been

accounted for. The shortfall over that period is some 2,100 homes; ? as set out in the PPG, the standard method derived local housing need figure is a quantum of housing that will start to address housing affordability. By planning for a significantly lower quantum, the housing requirement in the emerging Local Plan will not start to address housing affordability in East Devon and could even exacerbate it; ? in the period 2020/21 to 2031/32, a stepped trajectory is proposed, which would see only 73.5% of local needs being met (i.e. a shortfall of some 3,672 homes); ? the proposed housing requirement is not consistent with the Government objective of boosting significantly the supply of homes, for it proposes the same housing requirement as contained within the 2016 Local Plan; ? it results in a quantum of workers that could undermine the Plan's economic growth ambitions; ? It does not respond to any potential unmet needs in Torbay and Dorset; SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 37 ? as set out in the previous section, there is a need to extend the plan by one further year, which will mean that the overall requirement will need to be increased; and ? evidence shows that the local housing need could be accommodated.

Full name: Matt Frost

Organisation (where relevant): LRM Planning

Other party name (if relevant): 3West Developments Ltd

Proposal:

3. The Spatial Strategy

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

Policy

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

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: Having regard to representations made in respect of Policy SP02, and the need to increase the housing requirement across the plan period, it is necessary to review Policy SP03 which sets a housing requirement for each designated neighbourhood area.

4.2 It will be necessary to apportion a greater level of growth across the neighbourhood areas (including the identification of an additional housing allocations) with the highest level of growth directed to the most suitable and sustainable settlements.

4.3 It is considered that Woodbury, which as a Rural Centre with an identified role in meeting local housing needs and service provision, has potential to accommodate such additional growth. The site at Higher Venmoor Farm (Wood_12) is one such site that should be considered as a housing allocation to accommodate increased levels of housing need, as set out in greater detail at Section 5.

Wood_12 comprises two open agricultural fields totalling 8.13 ha located on rising land to the southwest of Woodbury. As illustrated by Figure 1 below, it is directly adjacent to Wood_10 and Wood_16, both of which are proposed allocations in the Regulation 19 Plan and benefit from outline planning permission. Figure 1: Site Location

5.2 3W has submitted an application for the approval of reserved matters on Wood_10 (ref. 26/0016/MRES) and is committed to its delivery.

5.3 3W considers that the expansion of development onto Wood_12, as suitable, available and deliverable housing land, could help accommodate the increased housing requirement which should be planned for by the emerging local plan, as set out at Sections 3 and 4 above.

5.4 Wood_12 is considered suitable and available housing land by the East Devon Housing and Employment Land Availability Assessment (HELAA November 2022). The SHLAA identified a potential yield of 141 No. dwellings at a maximum density of 30 dwellings per hectare on a reduced developable area of 4.7 ha allowing for mitigation for landscape impact and flood risk (by avoiding development in the southern and eastern parts of the site respectively).

5.5 Notwithstanding the positive identification in the SHLAA, the Council's Site Selection Report (February 2025) as part of the emerging local plan process discounts Wood_12 as a housing allocation identifying a number of issues, which are responded to below: ? Educational Capacity: to be addressed through planning obligations. ? Highways: Safe pedestrian access to the village centre and its amenities can be secured through Wood_10 once developed (the reserved matters layout for which proposes pedestrian links to the southern boundary with Wood_12). Pedestrian access to Wood_16 and Broadway to the east will also be available via upgrades to a public right of way along the southern boundary of Wood_10 and provision of a footbridge over the Gilbrook secured by the outline permissions for Wood_10 and Wood_16. All highway considerations can be addressed by technical evidence presented as part of a future planning application. Wood_10 Wood_16 Wood_12 8 ? Landscape: Development would be focused on the northern parts of the site adjacent to built form on Wood_10 and avoiding elevated ground to the south. Given a reduced developable area of 4.7 ha, ample scope exists for strategic planting to secure a comprehensive landscape approach to new development with Wood_10 and Wood_16 on the southern edge of the village. Accessible landscaping and public open space within the site can be fully integrated with Wood_10 and Wood_16 via the pedestrian links referred to above. All highway considerations can be addressed by technical evidence presented as part of a future planning application. ? Heritage: The Local Plan Site Selection Report identifies "no significant effects which cannot be mitigated". ? Ecology: The Local Plan Site Selection Report identifies "minor adverse effect predicted (not significant)". ? Scale of Growth: Whilst the scale of growth of Woodbury when considering the cumulative effect with other allocations proposed within the emerging local plan would be significant, there is an identified need to increase housing delivery across the District. As a Rural Centre, Woodbury is a suitable and sustainable location to accommodate a commensurate level of new housing growth on well-designed schemes which provide the necessary infrastructure to meet increased demand. The allocation of Wood_12, in addition to the allocations proposed in the emerging local plan, would not result in a scale of growth at Woodbury which disrupts the spatial strategy proposed by Strategic Policy SP01. As a result, the size of Woodbury in terms of its population and housing stock would remain significantly smaller than those settlements in the higher tier of the settlement hierarchy (i.e. the Main Centres of Axminster, Honiton, Ottery St Mary, Seaton and Sidmouth) thus keeping the spatial strategy of the Plan wholly intact.

5.6 Having regard to the above, it is considered that Wood_12 should be considered as a housing allocation within the emerging Local Plan to help increase the supply of sites to meet identified needs and to attain a deliverable 5-year housing land supply (currently only 3.5 years).

Full name: Matt Frost

Organisation (where relevant): LRM Planning

Other party name (if relevant): 3West Developments Ltd

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

1(b). Does your comment relate to one of the changes listed in the table above?: Yes

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.: 3W objects to Policy SP02 for the reasons set out below. Length of the Plan Period

3.3 As required by para. 22 of the NPPF, strategic policies should look ahead over a minimum 15-year period from the date of the adoption of the Local Plan. The Planning and Compulsory Purchase Act 2004 (as amended) requires the preparation of a Local Development Scheme, which must specify the development plan documents that, once prepared, will comprise the development plan for the area. The same section of the Act requires local planning authorities to provide a timetable for the preparation and revision of development plan documents and for local planning authorities to provide up-to-date information showing the “state of the authority’s compliance (or noncompliance) with the timetable...”

3.4 The Council’s latest Local Development Scheme (October 2025) forecasts adoption of the Plan in 2027. No specific month in 2027 is identified. However, if the Plan is forecast to be adopted any later than the 31st March 2027, then it will not provide the “minimum 15-year period from adoption” as required by para. 22 of the NPPF. 5

3.5 3W considers it highly optimistic to consider that the emerging Local Plan will be adopted within 15 months, particularly when considering: ? Processing of the Second Regulation 19 consultation responses. ? Completion of the outstanding elements of the evidence base underpinning the emerging Local Plan, including an assessment of the viability of the Marlcombe New Community. ? Appointment of the examining Planning Inspector(s) and the Programme Officer by the Planning Inspectorate. ? Scheduling of the Hearing Sessions. ? Preparation of Hearing Statements. ? Undertaking the Hearing Sessions. ? Preparation of any Modifications (with supporting technical information) and any further consultation as required. ? Publication of the Inspector’s Report; ? Adoption of the local plan by the Council.

3.6 To ensure that the Plan is consistent with the NPPF (and therefore ‘sound’), the Council must ensure that the plan period covers a full 15-year period from the date of adoption. This is likely to require the plan period to be extended by at least a further year to 2043 and for the identified housing supply to include an additional year’s provision.

Use of the Transitional Arrangements for Calculating Housing Supply

3.7 As required by the NPPF (December 2024), application of the presumption in favour of sustainable development for plan-making at paragraph 11 states that strategic policies within the Plan should, as a minimum, seek to provide for an objectively assessed local housing need using the standard method unless the application of paragraph 11 (b) (i) and (ii) justifies a lesser provision.

3.8 Paragraph 3.11 of the supporting text to Strategic Policy SP02 within the Second Regulation Consultation Plan states that the objectively assessed housing need for East Devon is 1,188 No. dwellings per annum (26,136 No. dwellings over the 22-year plan period from 2020 - 2042). This figure has not changed since the First Regulation Consultation Plan. Based upon updated housing stock and affordability ratios it is understood that the objectively assessed housing need using the standard method is 1,156 No. dwellings (25,432 dwellings over the 22-year plan period).

3.9 However, the Regulation 19 Plan proposes that provision will be made for only 950.4 No. dwellings per annum (20,909 No. dwellings over the 22-year plan period). This results in a shortfall of 4523 No. dwellings over the plan period against the objectively assessed housing needs (or 82.2% based upon the updated need figure referred to at paragraph 3.8 above).

3.10 Rather than attempting to justify a lower housing supply figure via the application of para. 11 (b) (i) (ii) of the NPPF, the Council is seeking to exploit the transitional arrangements set out at paragraph 234 at Annex 1 of the NPPF (December 2024). In doing so a housing requirement is planned that seeks to meet just 80% of the standard method output as calculated at February 2025 (i.e. 950.4 No. dwellings per annum).

3.11 As acknowledged on page 4 of the Council’s report to its Strategic Planning Committee on 6th August 2024, the purpose of the transitional arrangements introduced by para. 234 of the NPPF (December 2024) were intended to “... help maintain the progress of plans at more advanced stages of production”. This was not the case in East Devon where decisions regarding the housing requirement figure to be included within the first Regulation 19 Plan were made after the NPPF consultation was published (July 2024). Moreover, the proposed allocations were also selected by committee in the period after the NPPF consultation including the transitional arrangements.

3.12 The Committee Report to the Strategic Planning Committee in August 2024 considered the consultation to the changes to the NPPF and the standard method and

presented two options for the local housing need figure for Members to consider, as follows: 1) to plan for at least 946 homes per annum, plus headroom, so that the Plan could be examined against the previous version of the NPPF; or 2) pursue a new Local Plan in accordance with the December 2024 version of the NPPF, which would have required 1,146 homes per annum at that time.

3.13 The report concludes: “... it makes sense to progress the local plan under option 1 as set out above and try and take advantage of the proposed transitional arrangements and benefit from the reduced requirements that would apply particularly in relation to the housing requirement figure. Even if the Council were to fail to achieve this timetable, then we would simply have to pursue a plan under option 2 instead and so it is considered that there is nothing to be lost by trying to progress under the transitional arrangements” (our emphasis).

3.14 Having regard to the above, the Council has taken a conscious decision to prepare a first Regulation 19 Plan which simply calculates 80% of the local housing need figure. Far from meeting objectively assessed needs in full, as is required by national planning policy, the Local Planning Authority have exploited, or as they put it, ‘taken advantage of’ the transitional arrangements to adopt a housing requirement that at the time of writing would meet only 82.2% of housing need. This results in a Plan that, if adopted on this basis, will fail to meet the housing needs of one in every five households in East Devon over the plan period.

INTRODUCTION

1.1 These representations to the Second Regulation 19 East Devon Local Plan Consultation are submitted on behalf of 3West Developments Ltd (hereafter referred to as 3W). 3W is an independent SME housebuilder based in Exeter with a successful track record of site promotion and delivery of highhousing developments.

1.2 3W controls land to the east of Higher Venmore Farm, Woodbury EX5 1LD, a c. 8 ha site located directly adjacent to the south of housing allocation Wood_10 as proposed by Policy SD11 of the Regulation 19 Local Plan. Whilst considered to comprise suitable and available housing land by the East Devon Housing and Employment Land Availability Assessment (HELAA November 2022), the land at Higher Venmore Farm (Wood_12) was discounted as a potential housing allocation by the Site Selection Report considered by the Council’s Strategic Planning Committee on 3rd September 2024. The updated Site Selection Report (February 2025) similarly discounts Wood_12 as a housing allocation as part of the emerging East Devon Local Plan. Further detail in relation to Wood_12 is provided in Section 5.

1.3 Outline planning permission has since been granted on Wood_10 (ref. 23/2166/MOUT). Furthermore, 3W has now submitted an application for the approval of reserved matters (ref. 26/0016/MRES) pursuant to the outline planning permission. Crucially the layout proposed on Wood_10 includes footpath links along its southern boundary, thereby allowing safe pedestrian connectivity from Wood_12 into the village centre (and overcoming concerns expressed by the Highway Authority in this regard as part of the local plan site selection process referred to above).

1.4 3W continues to advocate that Wood_12 is a suitable and sustainable location to accommodate additional residential development required to meet the housing needs of East Devon in full when assessed against the standard method required by the current National Planning Policy Framework (December 2024) (NPPF).

1.5 Having regard to the favourable evidence within the Council's Role and Function of Settlements Report (KSD-011), 3W supports the spatial strategy proposed by Strategic Policy SP01 to identify Woodbury as a Local Centre with an important role to accommodate new development that will meet local needs and sustain local community infrastructure. However, 3W raises objections to the strategic housing supply policies within the Second Regulation 19 East Devon Local Plan, as set out below: ? In order for the emerging local plan to be 'positively prepared', and therefore found 'sound' having regard to the tests at paragraph 36 of the NPPF (December 2024), there is a need to plan for a higher housing requirement in order to more closely meet objectively assessed housing needs as defined by the standard methodology; rather than to rely upon the transitional arrangements at Appendix 1 paragraph 234 of the NPPF as is proposed by Strategic Policy SP02. 2 ? The use of a stepped housing trajectory as proposed by Strategic Policy SP02 will further reduce housing delivery within the first 12 years of the plan period to levels that are significantly below objectively assessed housing needs. ? Having regard to the shortcomings of Strategic Policy SP02, there is a need to review and increase the number of housing allocations and designated neighbourhood area housing requirements set out at Strategic Policy SP03 to apportion a higher level of housing growth to suitable and sustainable settlements (including Woodbury).

1.6 3W also raises concerns regarding the higher levels of housing to be built to Building Regulation M4(3) standards as proposed by Policy HN04 and the self-build provisions at Policy HN05.

1.7 The objections referred to are expanded on in greater detail at Sections 3, 4, 6 and 7. The development opportunity at Wood_12 is set out in Section 5. 2 . THE NA T I O N A L P L A N N I N G P O L I C Y F R A M E W O R K (N P P F)

2.1 Annex 1 (para. 234) of the NPPF (December 2024) confirms that for the purposes of plan-making, from 12th March 2025, the current version of the NPPF will be used,

unless one or more of the following apply: a) the plan has reached Regulation 19 (pre-submission stage) on or before 12th March 2025 and its draft housing requirement meets at least 80% of local housing need; b) the plan has been submitted for examination under Regulation 22 on or before 12th March 2025; c) the plan includes policies to deliver the level of housing and other development set out in a preceding local plan adopted since 12th March 2020; d) the local plan is for an area where there is an operative Spatial Development Strategy and the local plan has reached Regulation 19 stage on or before 12th March 2025; or e) the plan only deals with minerals and/or waste matters and has reached Regulation 19 stage, on or before 12th March 2025, or it has been submitted for examination under Regulation 22 on or before 12th March 2025.

2.2 As referred to by paragraph 3.11 of the Second Regulation 19 Plan, the Council considers that by employing a housing requirement that is above 80% of the objectively assessed need for housing derived from the latest standard method calculation, they benefit from the transitional arrangements provided within Annexe 1 of the NPPF (December 2024). Consequently, the Council expects that the emerging Local Plan will be examined against the 2023 version of the NPPF, and not the current version.

2.3 For the reasons set out in their response to Policy SP02 below, 3W considers that the transitional arrangements should not apply and that the plan should be considered against the current version of the NPPF (December 2024), the relevant policies of which are summarised below.

2.4 Para. 11 states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making para. 11 b) states that strategic policies should as a minimum provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless: i) the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

2.5 Para. 15 confirms that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area, a framework for meeting housing needs and 3 addressing other economic, social and environmental priorities and be a platform for local people to shape their surroundings.

2.6 Para. 16 states that plans should: a) be prepared with the objective of contributing to sustainable development; b) be positively prepared, but deliverable; c) shaped by effective engagement; d) contain policies that are clearly written and unambiguous; e) be accessible through the use of digital tools; and f) serve a clear purpose, avoiding unnecessary duplication.

2.7 Para. 17 states that development plans must include strategic policies to address an area's priorities for development and the use of land. Para. 20 states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for, inter-alia, a) homes (including affordable housing), employment, retail, leisure and other commercial development; b) infrastructure; c) community facilities and d) conservation and enhancement of the natural, built and historic environment and measures to address climate change mitigation and adaptation.

2.8 Para. 22 states that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities. Where large scale developments such as new towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take account of the likely timeframe for delivery.

2.9 Para. 23 states that strategic policies should provide a clear strategy for bringing land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning and allocating sufficient sites to deliver the strategic priorities of the area.

2.10 Para. 36 states that local plans will be examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. Plans are 'sound' if they are: a) positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from a neighbouring area is accommodated where it is practical to do so and is consistent with achieving sustainable development; b) justified – an appropriate strategy, taking into account reasonable alternatives and based on proportionate evidence; c) effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and d) consistent with national planning policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

2.11 Para. 61 confirms that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

2.12 Para. 62 states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method.

2.13 Para. 69 states that strategic policy making authorities should establish a housing requirement for their whole area which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. This requirement may be higher than the identified housing need if , for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall 4 requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy of the pattern and scale of development and any relevant allocations.

2.14 Para. 72 states that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of: a) specific, deliverable sites for five years following the intended date of adoption; and b) specific, developable sites or broad locations for growth for the subsequent years 6 to 10 and, where possible, for years 11-15 of the remaining plan period.

2.15 Para. 73 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.

2.16 Para 78 states that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period.

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 Spatial Strategy chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

Having regard to the above, 3W considers that Strategic Policy SP02 has not been 'positively prepared' and is not consistent with national policy, an underlying objective of which is to significantly boost the supply of homes. Consequently, Policy SP02 cannot be considered 'sound' against the tests set out at para. 36 of the NPPF.

3.16 In order to be found 'sound', it is considered that Strategic Policy SP02 should be amended to increase the housing requirement to 1,156 No. dwellings per annum

(25,432 over the plan period from 2020 – 2042) and by a further 1,156 No. dwellings per year if the plan period is extended.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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.: SP08

1(b). Does your comment relate to one of the changes listed in the table above?: No

3(a). If yes, and you wish to support the soundness of this part of the Spatial Strategy chapter, please use this box to set out your comments.: ST RATE GIC POLI C Y SP0 8: PH AS E D D ELI VE RY OF IN FR AS TR UC TURE AND SER VI CE S – MODI FI C ATI ON RE QUIRED

7.5 Strategic Policy SP08 requires the developers of proposals that are being delivered on a phased basis to provide pedestrian, cycle and vehicular access up to the boundaries of each phase, as well as to ensure that adequate infrastructure capacity can be provided to service future phases/parcels without the need for retrofitting.

7.6 The Cherwell Group are supportive of this approach, which will ensure that development is delivered in a coordinated and comprehensive manner, and without unnecessary delays and additional costs. Their masterplanning proposals show pedestrian, cycle and vehicular access to the boundaries of their land parcels, which could also be controlled by condition.

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.: Notwithstanding the above, they do, however, note that there is a requirement for services, which include (i.e. may not be a definitive list) electricity, water, sewerage, broadband and district heating services (where applicable) to also be delivered up to the boundaries of the phase or parcel and to align with infrastructure on neighbouring parcels/sites. These services are to be built to regulatory standards, with details of appropriate mechanisms for in perpetuity management and maintenance to a publicly accountable body.

7.8 The Cherwell Group have two concerns with this element of the Policy, as follows: ? No explanation of what would constitute a publicly accountable body is provided within the Policy, its supporting text, or the Plan's glossary of terms. It is assumed that the intent is to mean a body publicly regulated by a statutory regime, but this is not clear or

unambiguous. ? Noting that the title of the Policy refers to “infrastructure” and there are elements of infrastructure listed in Strategic Policy WS01 that are not ordinarily managed by bodies that are publicly regulated by a statutory regime (e.g. SANG or public open space), the ambiguity could allow for an interpretation of the Policy that is wider than intended.

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 Spatial Strategy 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 ambiguity could be reduced by the Policy and/or its supporting text, being far more specific over which elements of infrastructure and services are to be considered.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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.: SP07

1(b). Does your comment relate to one of the changes listed in the table above?: No

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.: ST R A T E G I C P O L I C Y S P 0 7 :
D E L I V E R Y O F I N F R A S T R U C T U R E – M O D I F I C A T I O N R E Q U I R E D

7.3 The Cherwell Group note that there is a requirement for a mechanism to be included within any planning permission to secure the long-term management and maintenance of new infrastructure and that the management regime should be predicated on the creation of social value.

7.4 It is not clear or unambiguous as to what is meant by social value. It is therefore considered that the Policy's supporting text should provide an explanation of the expectations.

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 Spatial Strategy 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.:

7.4 It is not clear or unambiguous as to what is meant by social value. It is therefore considered that the Policy's supporting text should provide an explanation of the expectations.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

3(a). If yes, and you wish to support the soundness of this part of the Spatial Strategy chapter, please use this box to set out your comments.: Housing supply – General comment

5.1 The following section provides a broad assessment of the proposed housing land supply contained within the emerging Local Plan. It specifically concerns lead-in times associated with the Marlcombe new community. LEAD -I N TI ME S AS SOCI ATED WI T H T HE MARL COMBE NEW COMMU NI TY

5.2 In order to meet the proposed housing requirement, the Local Planning Authority have rightfully identified the need for strategic housing allocations. Housing monitoring information confirms that strategic allocations have provided a valuable and consistent component of supply and will continue to do so (Document HOU-004(rev)c).

5.3 Over the period 2013/14 to 2024/25, the strategic allocations located within the West End contributed just under 50% of total housing completions (5,325 homes out of 10,702 net total completions), with Cranbrook alone contributing approximately 29% of supply over that period. Moreover, Table 14 of the latest Housing Monitoring Update⁸ demonstrates that the expansion areas at Cranbrook will provide a further valuable source of housing over the period 2026/27 to 2030/31, whilst Document HOU-004(rev)d confirms delivery at Cranbrook will continue in the period beyond 2030/31.

5.4 Notwithstanding the above, so as to ensure that the housing requirement is deliverable over the plan period, which in turn ensures that the emerging Local Plan is effective and consistent with national policy, there is a need that the components of housing supply will deliver as anticipated by the Plan.

5.5 As the largest allocation proposed within the emerging Local Plan, the delivery assumptions for the second new community should be carefully considered. Para. 74(d) of the 2023 version of the NPPF confirms that when planning for largescale

development, such as a new community, Local Planning Authorities should, amongst other things, make a realistic assessment of the likely rates of delivery, given their lead-in times, and identify opportunities for supporting their rapid implementation.

5.6 As with any strategic site, it is likely that it will take a number of years to achieve first completions, with ordinarily, the following stages being required: ? the pre-application advice process; ? the submission and determination of an outline planning application (resolution to grant); ? the completion of the Section 106 Legal Agreement; ? site acquisition; ? preparation of pre-reserved matters applications, such as a design code; ? preparation of (a) reserved matters application(s); ? submission and determination of (a) reserved matters application(s); ? submission and discharge of any pre-commencement and pre-occupation planning conditions and obligations; ? site clearance/infrastructure servicing; and 8 HOU-004(rev)c. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 19 ? first legal completions.

5.7 Research undertaken by Lichfields⁹ indicates that the median timeframe for an application of over 2,000 homes to be validated to the first detailed permission (which could be either an outline and a reserved matters application, or hybrid/full application) is 5.1 years. Whilst it is acknowledged that the new community is likely, given land ownerships, to be brought forward via multiple applications pursuant to a site wide masterplan, which could seek permission for a smaller quantum of development on an individual basis, it provides a conservative, yet realistic timeframe for a development of the comprehensive scale being proposed. Lichfields then conclude that sites of over 2,000 dwellings will take 1.6 years to move from the first planning permission to first completions. Consequently, they predict that for a site of the scale of the proposed new community, the overall lead-in time to first completions is 6.7 years.

5.8 At a local level, the most obvious comparisons are the Expansion Areas at the Cranbrook new community. An application by a national housebuilder on the Cobdens Expansion Area was submitted at the end of March 2022 (ref: 22/0406/MOUT). East Devon District Council resolved to grant approval on the Expansion Area in April 2023 (as amended by a second resolution in December 2023) and outline planning permission was approved in April 2024. Consequently, planning permission was achieved in just over two years. The Council's latest housing Monitoring Report confirms that first completions from the Expansion Area are forecast in monitoring year 2026/27, with a reserved matters application already having been submitted for over 300 homes (ref: 25/1692/MRES). This analysis suggests that it will take under five years from submission of the outline planning application to first completions at the Cobdens Expansion Area. Consequently, there exists, particularly where the first application is made by a national housebuilder, the potential to accelerate delivery from the new community beyond that advocated by Lichfields. Build out rates

5.9 Lichfields' analysis confirms that for developments of 2,000 dwellings or more, the average annual completion rate ranges from 100 to 188 dwellings per annum. They do, however, identify three sites where the annual average build-out rate was in excess of 200 dwellings per annum. Again, looking more locally, over the period 2012/13 to 2023/24, a total of 3,063 homes were constructed at Cranbrook10, which provides an annual average completion rate of 255 homes. Delivery peaked in 2013/14 at just under 420 completions. This average rate of delivery was also achieved whilst other developments in close proximity to Cranbrook and within the West End were also delivering, including Redhayes (Tithebarn Green/Mosshayne) and Pinhoe, which could have impacted on the 'absorption rate.' Again, it indicates that, historically, annual average delivery rates greater than Lichfields analysis have recently been achieved within the West End.

5.10 It is acknowledged that the rates of delivery from Cranbrook were achieved in differing economic circumstances, but equally delivery from the new community is envisaged over the medium and longer terms and therefore over a full economic cycle.

5.11 Moreover, Table 12 of Document HOU-004(rev)c also envisages an annual average delivery rate of 291 homes per annum from the Cranbrook Expansion Areas over the period 2026/27 to 2030/31. Excluding the first year of completions, which are ordinarily lower, annual average delivery rates are anticipated to be just under 350 homes per annum. 9 Lichfields, 'Start to Finish,' March 2024. 10 Document HOU-001, Appendix 2. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 20 SY N THESI S Lead-in times

5.12 The analysis undertaken by Lichfields suggests that it will take 6.7 years from the submission of a valid planning application to first legal completions. More locally, the Cobdens Expansion Area is forecast to come forward within five monitoring years from the submission of the first planning application.

5.13 Based on more locally specific examples, and an assumption that at least one planning application on the new community would be submitted by the time of the Local Plan Examination in Public, a realistic lead-in time until first legal completions is set out in Table 1 below. TABLE 1: LEAD-IN TIME FOR THE NEW COMMUNITY LOCAL PLAN PREPARATION PRE-APP PROCESS SUBMISSION TO DETERMINATION RESERVED MATTERS AND CONDITIONS SITE CLEARANCE AND INFRASTRUCTURE FIRST COMPLETIONS 2020/21 2021/22 2022/23 2023/24 2024/25 2025/26 2026/27 2027/28 2028/29 2029/30 2030/31 2031/32

5.14 On the basis of the lead-in times outlined above, this would leave 11 monitoring years for the 3,300 homes envisaged by Strategic Policy WS01 to be delivered by 2042. This equates to an annual average delivery rate of 300 homes per annum. Whilst this represents an increase in the long-term historic delivery rates at Cranbrook, it is a long-

term rate of delivery that has been achieved across SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 21 the West End as a whole (444 homes per annum since 2013/14) and it accords with the rate of delivery forecast from the Cranbrook Expansion Areas for the period 2026/27 to 2031/32. Accordingly, it is considered that the planned provision proposed for the second new community is aspirational, but a deliverable proposition. Therefore, the quantum of development proposed for the second new community over the plan period (3,300 homes) will be effective.

5.15 However, the historic rates of delivery within the West End and Cranbrook were only achieved because multiple outlets were all delivering homes at the same time. To achieve the rates of delivery anticipated for the second new community, there will again be the need for multiple outlets delivering at least from both the north and the south simultaneously, potentially providing a variety of products. This is anticipated in Document NWC-00311.

5.16 The achievement of this trajectory for the new community will be dependent on the submission of (a) planning application(s) in monitoring year 2026/27. Any delay in the determination of any planning application, including in relation to the notion of the establishment of a development corporation, for compulsory purchasing land within Marlcombe or the production of a subsequent development plan document and/or a supplementary planning document (SPD), would risk the delivery of the full 3,300 homes coming forward over the plan period. The Cherwell Group note the requirements of para. 74(d) of the NPPF, which suggests that the Local Planning Authority should be identifying opportunities for rapid implementation.

5.17 Noting the current five-year housing land supply issues within East Devon over the recent past, the delivery of the Marlcombe new community, could, once delivery is underway, help smooth out future delivery dips and prevent reliance on windfall sites and/or speculative planning applications.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

3. Do you consider that this part of the Spatial Strategy chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Spatial Strategy chapter, please use this box to set out your comments.: The spatial strategy (Strategic Policy SP01) and the distribution of development – Support

4.1 The following section of this representation considers the proposed spatial strategy and the distribution of development proposed within the consultation version of the Local Plan. Each topic is considered in turn below. THE SP ATIA L STR AT EGY

4.2 The Local Plan Review's proposed spatial strategy is set out within Strategic Policy SP01 and its supporting text. The strategy seeks to direct new development to the most sustainable locations within the District. The Policy indicates that development will be focused at the West End of the District in the first instance, including a further new community, on-going development at Cranbrook and other strategic development close to Exeter. Significant development is then planned at the Principal Centre of Exmouth and the five other Main Centres, with development that meets local needs being supported at five Local Centres. Limited development is proposed at 23 Service Villages.

4.3 A strategy that seeks to focus strategic development in East Devon's West End in the first instance, represents a continuation of the spatial strategy used in the 2016 Local Plan. It responds to the District's constraints and opportunities and those found within neighbouring areas.

4.4 In terms of constraints, there are three National Landscapes that are located within East Devon (the East Devon National Landscape, the Blackdown Hills National Landscape and a small extent of the Dorset National Landscape), which cover approximately two-thirds of the District. The designations cover most of the southern, south eastern, eastern and northern areas of East Devon.

4.5 Given the availability of land to accommodate housing outside of these designations and in other areas of the District, major development within the three National Landscapes is likely to conflict with national planning policy⁴.

4.6 In terms of opportunities, the central and western areas of the District are also located in close proximity to the city of Exeter. A strategy which focuses growth in the western area of East Devon therefore ensures that new homes are provided in close proximity to the services, facilities, employment opportunities and infrastructure provided within Exeter city centre and those found within its more peripheral locations close to East Devon, including Sowton Industrial Estate. As this strategy has been one that has been employed within East Devon for a number of years, there are a number of strategic developments in the western portion of East Devon that now supplement the services, facilities, employment opportunities and infrastructure found within Exeter.

4.7 Given the above, the proposed spatial strategy will ensure that homes are provided closest to where most jobs are likely to arise, where there is the greatest potential to secure increased active and sustainable transport investment and usage, and where there exists the greatest range of services and facilities. Given these characteristics, it will result in a pattern of development which limits the need to travel and provides for a genuine choice of transport modes. In turn, this will help to reduce greenhouse gas emissions and improve air quality and public health. 4 Para. 182 of the NPPF. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 16

4.8 A concentration of development within the West End of East Devon also responds to market demand; there remains strong developer and market interest for residential development in the western portion of East Devon.

4.9 As stated above, the proposed spatial strategy is a continuation of the spatial strategy contained within the 2016 Local Plan. It was subject of Independent Examination in 2014 and 2015⁵ and was found to be a sound proposition. It is based on the principles of sustainable development, including those contained within the NPPF (including the then paras. 14 and 30).

4.10 It follows that the spatial strategy is strongly supported by the Cherwell Group.
Evidence base

4.11 The proposed spatial strategy also provides a suitable response to addressing climate change. Research undertaken by the University of Exeter (Document CCF-012) has demonstrated that “location is the single most important factor in determining potential emissions arising from new development.”

4.12 The work concluded that in general terms, transport related emissions were lower when development was located closer to existing major urban areas. Indeed, the work indicated that the location of development and the range of sustainable transport

options available to residents would, on average, result in a greater carbon emission reduction than requiring all new dwellings to be constructed to 'zero carbon' for regulated emissions.

4.13 Consequently, a strategy that focuses development in the western portion of the District, in close proximity to Exeter City and existing developments on the western edge of East Devon, will, with additional sustainable transport measures, result in lower carbon emissions than alternative strategies. It also provides a strong fit with Objective 2 of the Plan (Tackling the climate emergency). Sustainability Appraisal

4.14 As indicated above, the proposed spatial strategy seeks, in general terms, to continue to follow that set out in the adopted Local Plan, which itself was prepared in the context of the 2012 version of the NPPF. Consequently, at Examination, it would have been necessary for the Local Planning Authority to demonstrate that it was "the most appropriate strategy, when considered against reasonable alternatives...6"

4.15 It follows that unless there has been a material change in circumstance since the Inspector's Report was published in January 2016, the proposed spatial strategy should again be considered as being appropriate (noting that for the emerging Plan to be justified and therefore a sound proposition, the 2023 version of the NPPF only requires the Local Plan to promote "an appropriate strategy," rather than "the most appropriate strategy" in the 2012 version of the NPPF).

4.16 The Cherwell Group is not aware of any material considerations that would suggest that a more appropriate spatial strategy should be adopted.

4.17 Indeed, the Sustainability Appraisal (Document CSD-003(rev)) published alongside the consultation version of the Local Plan continues to suggest that the proposed spatial strategy is preferred as it: "...promotes development at existing settlements where there is a range of jobs, services, and facilities; whilst also focussing development where there is good connectivity in close proximity to a much wider range of jobs, services, and facilities in the West End and Exeter. The scale of 5 Please refer to para. 22 of the Inspector's Report, January 2016. 6 Para. 182 of the 2012 version of the NPPF SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 17 development proposed in the new town offers the greatest potential for a mix of uses, reducing the need to travel and providing opportunities sustainable travel links, which provides better accessibility and reduced carbon emissions (sic)7." THE D I S T R I B U T I O N OF D E V E L O P M E N T The West End

4.18 As set out above, the emerging Plan's spatial strategy seeks a continuation of the spatial strategy adopted in the 2016 Local Plan, which, in the first instance, focused development within East Devon's West End. For the reasons set out above, this strategy continues to be appropriate.

4.19 Excluding windfall provision, Strategy 2 of the adopted East Devon Local Plan seeks to focus 10,563 dwellings out of the 16,393 dwellings planned for, in the West End. This equates to approximately 64% of the planned provision.

4.20 The Regulation 19 Local Plan Sustainability Appraisal (CSD-003(rev)) confirms that the preferred option for the distribution of development is Option E, which, whilst continuing to focus development within the West End, would do so at a reduced level of 55% (11,600 dwellings).

4.21 Whilst the current Local Plan sought to focus nearly two-thirds of provision within the West End, this level of provision has not materialised. Table 3 of the Council's latest Housing Monitoring Update (Document HOU-004(rev)c) confirms that 5,325 homes have been constructed in the West End in the period April 2013 to March 2025. This represents a shortfall of around 1,719 homes against the annualised requirement for the West End of 587 homes per annum. Over that same period, just under 50% of the District's total housing completions have occurred within the West End.

4.22 Moreover, the Monitoring Report forecasts again that there will be a shortfall in delivery within the West End against the distribution set out in Strategy 2 of the adopted Local Plan by the end of the plan period. Around 43% of forecast completions are to occur in the West End (6,742 dwellings are forecast to be completed in the West End, against total forecast completions of 15,667 homes). Whilst, prima facie, it could be argued that a lower housing apportionment should be afforded to the West End, it is noted that only around 25% of the overall anticipated delivery from the Cranbrook Expansion Areas is forecast to occur by the end of the plan period. Consequently, the majority of delivery from the Expansion Areas is likely to occur outside the plan period. The Local Planning Authority attributes the shortfall in the West End to the delay in the adoption of the Cranbrook Plan.

4.23 However, it does suggest that the Local Planning Authority is correct to place less reliance on the West End in meeting objectively assessed needs, for such a focus is unlikely to be deliverable or effective. Consequently, there is a need, in order for the Plan to be both deliverable and effective, for a reduced focus within the West End, but to a level that does not undermine the achievement of the benefits of adopting such a strategy, as set out in the Sustainability Appraisal. The preferred distribution of development as set out in the Sustainability Appraisal strikes this appropriate balance.

4.24 Across the plan period, it would result in an average annual delivery rate for the West End of 527 homes, which is a rate of delivery that has been achieved in the West End before, suggesting that it is both a deliverable and an effective proposition. 7 Page

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Proposal: Sustainability Appraisal

If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.:

Sustainability Appraisal 6.71 The Regulation 19 Sustainability Appraisal (Document CSD-003(rev)) tested three options for the housing requirement within East Devon, as follows: ? Option A - 950 dwellings per annum (20,909 dwellings over the plan period); ? Option B - 1,045 dwellings per annum (22,990 dwellings over the plan period); and ? Option C - 1,188 dwellings per annum, a total of 26,136 dwellings over the Local Plan period. 6.72 Option A is the proposed approach in the consultation version of the Local Plan, whilst Option C reflects the local housing need figure at the time that the first Regulation 19 consultation was published. 6.73 None of the options tested in this latest consultation relate to the most up-to-date local housing need figure, calculated via the standard method (1,156 homes per annum); indeed, despite testing a higher option (Option C), the Local Planning Authority concluded that the current local housing need figure was: "...not considered a reasonable alternative as the Local Plan is not changing significantly between the two Regulation 19 stages, to comply with government guidance on Local Plan transitional arrangements. Changing the housing requirement is considered a significant change, so not within the scope of the Second Regulation 19 Publication Draft Local Plan." 6.74 This emphasises again that the Local Plan has been formed in a manner that does not intend to meet needs in full and instead seeks to exploit the transitional arrangements provided by the December 2024 version of the NPPF. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 35 6.75 DWH are of the view that at the very least, this option should have been tested, for it would have given full and proper effect to Objective 3 of the emerging Plan (to meet people's housing needs) and the element of the Plan's vision that relates to ensuring that urban areas and towns and villages grow to meet future needs. Dismissing such an obvious reasonable alternative at this stage suggests pre-determination of the outcome. It further demonstrates that the Local Planning Authority's focus was purely on providing the minimum quantum of homes required by the transitional arrangements and not, as is suggested in the Plan, being serious about meeting local needs. 6.76 The Local Planning Authority's analysis concludes that Option A is the preferred option, as it will deliver a significant amount of new housing at a level that is consistent with the NPPF, with less adverse environmental effects. Conversely, Options B and C were rejected due to the significant adverse environmental impacts of delivering a higher level of housing. 6.77 However, having reviewed the analysis set out in the document, DWH considers it to be significantly flawed, for the

following reasons: ? it is assumed that any additional growth above Option A would be directed to a third new community, ignoring the contribution that sites like land to the west of Lilypond Lane, Whimble, can make towards meeting needs; ? despite Option A failing to provide for just over one in every five homes required and providing no step change in the housing provision figure from the 2016 Local Plan, it scores the same for SA Objective 8 (homes) as Options B and C, the latter of which would result in needs being met in full and a greater level of affordable housing; ? despite the requirement for developments to mitigate and compensate for any impacts and to provide a 10% net gain (or greater if the emerging Local Plan is adopted in its current form), the harm to biodiversity is assessed as being greater for Options B and C, than A. It is noted that the impacts of higher levels of housing on UK National Site Network sites are identified as being greater in Options B and C than A. This, however, does not recognise the operation of the Habitats Regulations, which requires, unless imperative reasons of overriding public interest are demonstrated, for development to not, individually, or cumulatively, adversely affect the integrity of such sites; ? no confirmation of where the additional growth above Option A would be located is provided. Despite this, there is an assumption that the additional growth would have a greater harm to the historic and built environment. This analysis particularly ignores the requirements of para. 212 of the 2023 version of the NPPF; ? no assessment of the ability for on-site treatment, including multi-stage treatment and waste water treatment plants, such as that proposed at the new community, is provided to offset any effects on the Exe Estuary SPA or the River Axe SAC; ? the lower score for Options B and C against SA Objective 10 (access to services) is predicated on the additional growth being accommodated in a new town and that new town providing fewer services. It does not consider how the higher levels of development proposed under Options B and C could have been dispersed to existing settlements with existing services and facilities; ? all options score the same for jobs and employment, as, inter alia, they would result in the provision of housing for the workforce. However, as demonstrated above, the housing provision contained within the emerging Local Plan does not result in a level of housing to support the workforce required by the 'clean growth' approach, which has been adopted in the emerging Local Plan. As outlined in the Local Housing Needs Assessment, housing in neighbouring authorities is required to ensure an adequate workforce, which would result in more pronounced negative outcomes for other SA Objectives than has currently been assessed (i.e. SA Objectives 4 and 13); and SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 36 ? the analysis provided for SA Objective 13 (connectivity and transport) ignores the opportunities to accommodate additional levels of growth at sustainable settlements, such as Whimble, where services, facilities and active and sustainable transport opportunities exist. 6.78 It is instructive to note that the analysis contained within the Sustainability Assessment did not conclude that there was an over-riding infrastructure or environmental capacity constraint that would prevent the full objectively assessed need being accommodated. The analysis simply

expresses a preferred option, but based on what DWH consider to be a flawed assessment process. 6.79 Analysis provided at Appendix 5 of these representations suggests that a requirement that met local housing needs should have been the preferred option.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

3. The Spatial Strategy

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

Policy

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

1(b). Does your comment relate to one of the changes listed in the table above?: 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.: SPATIAL STRATEGY AND THE DISTRIBUTION OF DEVELOPMENT - MODIFICATION REQUIRED ? Whilst DWH is generally supportive of the Plan's proposed spatial strategy, which focuses growth in the West End, they consider that Whimble should be afforded a greater role in the Plan's spatial strategy. The settlement has a similar level of services and facilities as Tier 3 settlements and demonstrably more than larger Tier 4 settlements. It also benefits from strong active and sustainable transport connections with the West End (which is located only 1km to the west). These active and sustainable transport connections are also to improve over the plan period. Therefore, it is an unjustified proposition to identify Whimble as a Tier 4 settlement. It would be more justified to uplift its status to a Tier 3 settlement. ? With an increase in its status, Whimble should be afforded a greater role in meeting the District's unmet housing needs. A greater focus of development at Whimble would also accord with the Plan's wider spatial strategy, which seeks to focus development in the West End, which is only 1km to the west. POLICY SP02 ? Rather than seeking to address housing needs in full, which is an objective of the Plan, the housing requirement seeks to meet just 82.2% of the local housing need figure (950 homes per annum, in comparison to 1,156 homes per annum). This results, over the plan period, of a

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 59
requirement that is 4,523 homes fewer than is required to meet needs. The shortfall is even more pronounced in the Plan's first 12 years, where the lowest element of the stepped trajectory is proposed. ? Rather than attempting to justify the lower requirement to the local housing need figure via the operation of para. 11(b) of the NPPF, the Local Planning Authority seeks to exploit the transitional arrangements set out in the

December 2024 version of the NPPF. ? However, rather than, as was intended by the transitional arrangements, it being used due to the Plan being at an advanced stage of preparation, decisions regarding the housing requirement and components of supply were made after the publication of the consultation version of the NPPF and the revised standard method in Summer 2024. ? Through the exploitation of the transitional arrangements and consciously deciding not to meet needs in full, the Plan cannot be considered to be positively prepared, or consistent with national planning policy. ? There are other reasons that the housing requirement should be increased to the local housing need figure, including:

- it would be consistent with the Government objective to boost the supply of housing;
- the PPG confirms that the local housing need figure would start to address housing affordability;
- the proposed housing requirement would result in an insufficient quantum of workers to support the clean growth economic projection adopted in the Plan;
- the overall requirement (20,909 homes) would not provide a housing requirement for a full 15 years from the adoption of the Plan;
- the theoretical supply of homes is large enough to accommodate a higher requirement;
- the market has previously absorbed higher levels of housing; and
- DWH analysis suggests that a requirement that aligns with the local housing need figure should have been the preferred option as assessed within the Sustainability Appraisal. ? Should the Local Planning Authority continue to plan on the basis of a lower housing requirement, then there will be a need to incorporate the shortfall from the 2016 Local Plan over the period 2013/14 to 2019/20 (approximately 2,100 dwellings), as this shortfall will not have been taken into account. STRATEGIC POLICY SP02 – THE STEPPED TRAJECTORY – MODIFICATION REQUIRED 10.3 DWH object to this stepped trajectory as it does not accord with national planning guidance set out in the PPG. Specifically, the Local Planning Authority have failed to demonstrate adequately that there is a significant change in the housing requirement between the existing and the emerging Plan. Moreover, analysis undertaken by DWH demonstrates that the proposed allocations, particularly the new community, are to deliver relatively quickly after adoption of the emerging Local Plan. The lack of supply in the early years of the Plan relates more to the delays with existing committed sites than proposed allocations. 10.4 Moreover, there are other reasons that a stepped trajectory should not be employed in the emerging Local Plan, including: ? it resulting in a requirement for the first 12 years of the Plan that is below historic delivery rates; ? it retrospectively applying

a lower housing requirement than the existing Development Plan for the period prior to the adoption of the emerging Local Plan;

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 60 ? the stepped trajectory for the first 12 years of the Plan resulting in a housing requirement that would only provide 74% of the annualised objectively assessed need for housing; ? it would not accord with the Government objective to significantly boost the supply of housing; ? it would likely delay the supply of new affordable housing to later in the plan period; ? it resulting in a level of workers that could constrain economic growth and activity in the first 12 years of the Plan; and ? the level of the 'step' in the trajectory not having been subject of consideration in the Sustainability Appraisal. 10.5 Given the above, DWH consider that the use of the stepped trajectory does not accord with national planning policy, nor can it be considered to be a justified strategy. HOUSING SUPPLY ? Having regard to evidence published by Lichfields and forecast delivery from the Cranbrook expansion areas, DWH consider that first completions will occur at the second new community later than the Local Planning Authority considers. This will have implications for demonstrating a five year supply on adoption of the Plan and forecast completions over the plan period. ? Having regard to the delays in the delivery of allocations within the 2016 Local Plan, a greater flexibility allowance (15%) should be provided. ? When removing the stepped trajectory, planning for a higher requirement and accounting for the delays in the delivery of the second new community, a five year supply would not be demonstrable on adoption of the Plan. When shortfall is accounted for up to 2020, a five year supply would not be demonstrable for the first five years of the Plan. ? DWH consider that there is, acknowledging the shortfall in forecast completions against the requirement, a need to identify more non-strategic small and medium sized sites, to help to ensure a continuity in housing supply in the period up to 2032 in particular. It has been demonstrated that land to the west of Lilypond Lane, Whimple, could be completed in that timeframe and make a meaningful contribution to addressing the shortfall. ? Consideration should also, given the historic issues with the delivery of allocated sites, be given to identifying reserve sites. EVIDENCE BASE ? The HELAA assessment of land to the west of Lilypond Lane incorrectly concludes that the site is 'probably undeliverable.' The technical work prepared on behalf of DWH demonstrates that it is suitable, available and achievable for residential development. ? Moreover, by not re-considering the HELAA assessment of site WHIM_12, despite evidence being provided on at least three occasions, the process adopted by the Strategic Planning Committee when selecting sites in Autumn 2024 was unfairly prejudicial, particularly when relying on an obviously outdated and flawed assessment. ? The assessment of alternative levels of housing provision within the Sustainability Appraisal is flawed. A re-assessment of Options A to revised C, which is provided at Appendix 5 of these representations, would suggest that revised Option C is preferable.

Revised analysis would suggest that by failing to plan for Option C, which is the preferred outcome, the emerging Local Plan is ineffective. To ensure that the Plan is effective and sound, there is a need for the Local Plan to incorporate a housing requirement that, as a minimum, meets local housing needs. ? The Sustainability Appraisal does not consider the development potential of land to the west of Lilypond Lane. It is assumed that this is because of the conclusions presented within the HELAA. For the reasons set out above, this is an incorrect conclusion. The reasonable alternative

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 61
presented by the site has not therefore been considered, which means that the Plan is unjustified. ? The Role and Function of Settlements background paper describes Whimble as being a dormitory settlement and a “relatively unsustainable” place to live. This analysis is overly simplistic and is unjustified. It ignores, relative to its size, the services and facilities in the settlement and the significant existing active and sustainable transport opportunities provided at Whimble and the potential for them to be enhanced. ? A complete and costed list of projects for the Marlcombe new community needs to be provided, as well as a bespoke viability assessment.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

3. The Spatial Strategy

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

Policy

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

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.: PLAN PERIOD –

MODIFICATION REQUIRED ? They consider, with the plan-making stages left, that the Local Plan will unlikely be Adopted on or before 31st March 2027. If work on the preparation of the Local Plan extends beyond 31st March 2027, there will be an insufficient period after the adoption of the Plan and the proposed end of the Plan period to meet the requirements of para. 22 of the NPPF. Consequently, it is likely that the Plan period will need to be extended by at least one year to 2043. This will require the identification of additional land for housing. SPATIAL STRATEGY AND THE DISTRIBUTION OF DEVELOPMENT - MODIFICATION REQUIRED ? Whilst DWH is generally supportive of the Plan's proposed spatial strategy, which focuses growth in the West End, they consider that Whimple should be afforded a greater role in the Plan's spatial strategy. The settlement has a similar level of services and facilities as Tier 3 settlements and demonstrably more than larger Tier 4 settlements. It also benefits from strong active and sustainable transport connections with the West End (which is located only 1km to the west). These active and sustainable transport connections are also to improve over the plan period. Therefore, it is an unjustified proposition to identify Whimple as a Tier 4 settlement. It would be more justified to uplift its status to a Tier 3 settlement. ? With an increase in its status, Whimple should be afforded a greater role in meeting the District's unmet housing needs. A greater focus of development at Whimple would also accord with the Plan's wider spatial strategy, which seeks to focus development in the West End, which is only 1km to the west.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

3. The Spatial Strategy

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

Policy

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

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.: Housing supply – Object

INTRODUCTION

8.1 The following section of this representation provides a broad assessment of various components of the proposed housing land supply contained within the emerging East Devon Local Plan. It specifically concerns: ? the second new community; ? the proposed flexibility allowance; ? housing land supply in the first five years after adoption of the Local Plan; ? the role of small and medium sized sites; and ? reserved sites.

8.2 Each is addressed in turn below.

8.3 Summarily, it confirms that: ? The lead in times associated with the second new community are unlikely to occur as predicted by the Local Planning Authority. DWH considers that it is more likely that first occupations will occur in monitoring year 2031/32. This will mean that 360 dwellings are removed from the five year supply on adoption of the Plan. It means that over the short term, the Local Planning Authority's assumptions are not effective. ? The flexibility allowance provided within the emerging Plan is too low. Having regard to evidence prepared by DWH it is not justified. A lower flexibility allowance would risk the delivery of the housing requirement and could therefore be ineffective. It is therefore unsound. Based on evidence, it is suggested that a 15% flexibility allowance is used. ? An adequate supply of specific, deliverable sites for five years following the adoption of the Local Plan will not be demonstrable. Consequently, the Plan conflicts with the requirements of para. 69 of the NPPF. It is therefore unsound. ? There remains an ongoing and important role for small to medium

sized sites to provide a continuity in housing land supply, particularly in the first half of the plan period. In this regard, attention is drawn to the deliverable housing opportunity at Lilypond Lane, Whimple. THE SECOND NEW COMMUNITY

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

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

8.6 As the largest allocation proposed within the emerging Local Plan, the delivery assumptions for the second new community should be carefully considered. Indeed, para. 74(d) of the 2023 version of the NPPF confirms that when planning for largescale development, such as a new community, Local Planning Authorities should, amongst other things, make a realistic assessment of the likely

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 44 rates of delivery, given their lead-in times, and identify opportunities for supporting their rapid implementation.

8.7 Even with accelerated routes to first completions being employed, it is likely that it will take a number of years to achieve first completions, with ordinarily, the following stages being required: ? the pre-application advice process; ? the submission and determination of an outline planning application (resolution to grant); ? the completion of the Section 106 Legal Agreement; ? site acquisition; ? preparation of pre-reserved matters applications, such as a design code; ? preparation of (a) reserved matters application(s); ? submission and determination of (a) reserved matters application(s); ? submission and discharge of any pre-commencement and pre-occupation planning conditions and obligations; ? site clearance/infrastructure servicing; and ? first legal completions.

8.8 Research undertaken by Lichfields²⁶ indicates that the median timeframe for an application of over 2,000 homes to be validated to the first detailed permission (which could be either an outline and a reserved matters application, or hybrid/full application) is 5.1 years. Whilst it is acknowledged that the new community is likely, given land ownerships, to be brought forward via multiple applications pursuant to a site wide masterplan, which could seek permission for a smaller quantum of development on an individual basis, it provides a conservative, yet realistic timeframe for a development of the comprehensive scale being proposed. Lichfields then conclude that sites of over

2,000 dwellings will take 1.6 years to move from the first planning permission to first completions. Consequently, they predict that for a site of the scale of the proposed new community, the overall lead-in time to first completions is 6.7 years.

8.9 At a local level, the most obvious comparisons are the Expansion Areas at the Cranbrook new community. An application by a national housebuilder on the Cobdens Expansion Area was submitted at the end of March 2022 (ref: 22/0406/MOUT). East Devon District Council resolved to grant approval on the Expansion Area in April 2023 (as amended by a second resolution in December 2023) and outline planning permission was approved in April 2024. Consequently, planning permission was achieved in just over two years. The Council's latest housing Monitoring Report confirms that first completions from the Expansion Area are forecast in monitoring year 2026/27, with a reserved matters application already having been submitted for over 300 homes (ref: 25/1692/MRES). This analysis suggests that it will take under five years from submission of the outline planning application to first completions at the Cobdens Expansion Area. Consequently, there exists, particularly where the first application is made by a national housebuilder, for the potential to accelerate delivery from the new community beyond that advocated by Lichfields.

8.10 However, assuming that planning applications are submitted at the new community in monitoring year 2026/27, at the earliest, it would appear that first completions would not occur until 2031/32, two years later than is envisaged by the Local Planning Authority in Appendix 3 of Document HOU-001 (rev). Whilst this will not necessarily inhibit the delivery of the full 3,300 homes envisaged from the new community in the period up to 2042, it will have an impact on supply within the first five years after the adoption of the Local Plan. The more realistic timeframe for first completions would be 26 Lichfields, 'Start to Finish,' March 2024.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 45 suggest that 360 homes would be removed from the supply during the first five year period after adoption of the Local Plan (assumed to be in monitoring year 2027/28), as the envisaged delivery would slip by two years.

8.11 Whilst the implication of the likely delay in first completions is discussed in relation to the five-year housing land supply position below, it will mean that there will be a shorter period with which to deliver the 3,300 homes envisaged from the new community in the period up to 31st March 2042.

8.12 Assuming first completions occur in 2031/32, the planned requirement from the new community would need to be delivered within a 11 year period, at a rate of 300 homes per annum. If first completions occurred in 2032, then the planned requirement from the new community would need to be completed in 10 years, at a rate of 330

dwellings per annum. If the Plan is extended by a year, as suggested, then the rates of delivery would be as suggested by the Local Planning Authority (275 homes per annum).

8.13 These are rates of delivery that have been achieved in the West End for ten out of the previous 12 monitoring years, at an average annual delivery rate of 440 homes per annum²⁷. This was, however, a rate of delivery that was achieved off multiple sites, with multiple delivery outlets.

8.14 Looking solely at Cranbrook, which is the most relevant comparison, it would appear that over the period 2012/13 to 2023/24, a total of 3,063 homes were constructed²⁸, which provides an annual average completion rate of 255 homes. Delivery peaked in 2013/14 at just under 420 completions. The required rates of delivery from the second new community would therefore be higher than the rates of delivery achieved at Cranbrook (they would require, as a minimum, a 17.5% improvement).

8.15 To ensure that the required rates of delivery are aspirational, but deliverable and therefore effective, there will be the need for multiple outlets within the second new community. Based on the Local Planning Authority's HELAA methodology for calculating build-out rates (Appendix A of Document HOU-003), there would be a need for six outlets at the new community all constructing from 2031/32, in order for the housing requirement for the new community over the plan period to be deliverable and therefore effective and consistent with national planning policy.

8.16 At present, however, the analysis above would suggest that potentially, without looking to enhance delivery rates from those set out in Appendix 4 of Document HOU-001, that the likely delay in first completions from the new community from 2029/30 as forecast by the Local Planning Authority, to 2031/32, could mean that up to 720 forecast completions that should occur within the plan period, could fall outside of it. If the Plan is extended by a year, then this would reduce by 360 homes. FLEXIBILITY ALLOWANCE

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

8.18 The use of a flexibility allowance is a well-established tool in plan-making. They have historically been used to reflect the fact that not all sites identified for housing will be developed, will only be developed in part, may achieve planning permission for an alternative use or could, as has recently been experienced in East Devon, take longer to come forward than anticipated. As outlined in para. 27 Document HOU-004(rev)c, Table 14. ²⁸ Document HOU-001, Appendix 2.

6.5 of the 2016 Local Plan, a flexibility allowance has historically been used by East Devon District Council.

8.19 The use of such an allowance provides a suitable response to the Government objective of significantly boosting the supply of homes²⁹ and helps to ensure that, in line with national planning policy, objectively assessed needs for housing are met³⁰. In doing so, they help ensure that a Local Plan is positively prepared, effective and consistent with national planning policy. The most appropriate flexibility allowance

8.20 Para. 3.11 of the emerging Local Plan confirms that a flexibility allowance of 12.18% will be employed. Importantly, this flexibility allowance has been calculated on the basis of comparing the net housing need and the net housing requirement, after completions over the period 1st April 2020 and 31st March 2025 have been deducted. Whilst being a reasonable basis to calculate the flexibility allowance, DWH continue to believe that it is too low.

8.21 Research suggests that between 10 to 20% of planning permissions do not materialise³¹. In the case of East Devon, para. 7.2 of the latest Housing Monitoring Update highlights just two allocations made within the current Local Plan that have been the subject of delay. As indicated above, the analysis provided in Appendix 2 of Document HOU-004(rev)d would suggest that 3,100 dwellings that were anticipated to come forward at Cranbrook by 2031 will come forward in the period beyond 2031. It is however, acknowledged that a greater quantum of development has been consented at Cranbrook than was anticipated by the Development Plan. Using the analysis provided within Cranbrook Plan Document PSD4 and East Devon Council's response to Matter 3 of the Cranbrook Plan, the shortfall that is forecast at Cranbrook is anticipated to be: ? requirement at Cranbrook in the period to 2031 – 7,850 homes; ? permissions at the time that Document PSD4 of the Cranbrook Plan was written – 3,500 homes; ? residual requirement – 4,350 homes.

8.22 Analysis provided within Document HOU-004(rev)d suggests that only 1,340 homes are anticipated to come forward from the expansion areas in the period up to 2031, leaving a shortfall of over 3,000 homes. The delays from the Cranbrook sites alone will mean that over 16% of the planned supply will not come forward within the plan period. This would increase further once non-delivery from Axminster is accounted for.

8.23 The non-delivery of these sites is a major reason as to why there is anticipated to be a shortfall between anticipated housing completions as identified within the housing trajectory of the 2016 Local Plan and completions by the end of the plan period. As identified in Table 19 of document HOU-004(rev)c, there is, by 2030/31, forecast to be a shortfall of some 2,641 homes (there is forecast to be 15,668 completions over the period 2013/14 to 2030/31, compared to 18,241 homes specified within Strategy 2 of the 2016 Local Plan). The shortfall equates to 14.5% of supply overall, or if completions

were discounted from the calculation for the period prior to the adoption of the Local Plan, 15.6%.

8.24 Consequently, as currently drafted, the flexibility allowance provided is insufficient and as such, the identified supply cannot be considered to be either justified or effective. 29 Para. 60 of the NPPF. 30 Para. 11(b) of the NPPF. 31 Page 22, “Taking Stock”, Lichfields, 2021

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 47 Changes required to address soundness issues

8.25 To ensure that the plan is both justified and effective, a 15% non-implementation allowance should be applied. On the basis of the Council’s housing requirement (20,909 dwellings) and having regard to completions to date³², there would be a need to identify a supply of 19,211 dwellings over the period 1st April 2025 to 31st March 2042, or across the plan period (i.e. including completions up to 31st March 2024) 24,045 homes.

8.26 However, as stated in Section 6 above, DWH considers that there is a need to increase the emerging Plan’s housing requirement. They have suggested that the requirement over the period 2020 to 2042 should be either increased by approximately 2,100 homes to account for the shortfall against the 2016 Local Plan’s housing requirement, or 4,523 homes to meet local housing needs in full, depending on the approach adopted. This would necessitate the need to identify a supply of homes of between 26,460 dwellings (based on the shortfall approach) and 29,247 homes (based on meeting local housing need), over the period 2020 to 2042. HOUSING LAND SUPPLY IN THE FIRST FIVE YEARS AFTER ADOPTION

8.27 Para. 69 of the 2023 version of the NPPF confirms that planning policies should ensure that a supply of specific, deliverable sites for years one to five of the plan is identified. The Local Development Scheme confirms that the emerging Local Plan is envisaged to be adopted in late 2026 and therefore within monitoring year 2026/27. However, for the reasons set out above, DWH considers that this is more likely in monitoring year 2027/28.

8.28 Assuming that adoption occurs in monitoring year 2027/28, then, as indicated in Appendix 4 of Document HOU-001(rev), the Local Planning Authority’s housing calculation indicates that with no buffer, a 6.64 year supply could be identified on adoption of the Plan. Prima facie, it would therefore appear that a land supply that satisfies the requirement of para. 69 of the NPPF can be demonstrated. However, the calculation is undertaken on the basis of: ? the Local Planning Authority’s housing

requirement of 950 dwellings per annum; and ? the adoption of the stepped trajectory housing requirement in the first 12 years of the Plan (850 dwellings per annum).

8.29 For the reasons set out in Section 6 of this representation, DWH considers that there is a need to either: ? increase the housing requirement to the local housing need figure; or ? increase the housing requirement to include the shortfall in delivery from the 2016 Local Plan in the period up to and including monitoring year 2019/20, which is approximately 2,100 dwellings.

8.30 On the basis of adopting the lower of these two options (the emerging Local Plan requirement, plus the backlog in the 2016 Local Plan), there would be a need, over the period 2020 to 2042, for the housing requirement to be set at 23,009 homes (1,046 dwellings per annum).

8.31 DWH revised housing land supply calculation also includes the following methodological inputs: ? having demonstrated in Section 7 that the use of a stepped housing trajectory would not accord with national planning policy, it has not been included in the calculation; 32 Taken from para. 2.1 of Document HOU-001.

[illegible]

8.32 For consistency, the completions data as set out in Document HOU-001(rev) is used, although it is noted that the data used does not take into account the adjustments made by MHCLG for care home beds, as set out in Document HOU-004(rev)c. 33 MHCLG, Planning Practice Guidance, Housing Supply and Delivery Paragraph: 022 Reference ID: 68-031-20190722.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 49 TABLE 5:
REVISED ROLLING HOUSING LAND SUPPLY 27/28 28/29 29/30 30/31 31/32 32/33 33/34
34/35 35/36 Projected permission completions 581 573 635 767 425 425 370 370 370
Allocated sites 0 0 491 575 663 789 694 659 695 Windfall sites 111 116 116 116 116 116

116	116	116	Total projected dwelling completions	692	689	1242	1458	1204	1330	1180
1145	1181	Housing target	1,046	1,046	1,046	1,046	1,046	1,046	1,046	1,046
Total shortfall / surplus to date from 2020			1,158	1,512	1,869	1,673	1,261	Housing target plus shortfall		
6,388	6,742	7,099	6,903	6,491	Annualised requirement	1,278	1,348	1,420		
1,381	1,298	Adoption Year 2	Year 3	Year 4	Year 5	Rolling supply by year				

4.13 4.39 4.52 4.57 4.65

8.33 The above analysis demonstrates that a five year supply of deliverable housing sites would not be identifiable on adoption of the Plan, or for each of the following four years.

8.34 Consequently, as currently drafted, the emerging Local Plan would fail to meet the requirements of para. 69 of the 2023 version of the NPPF. It is therefore not consistent with national planning policy and is therefore unsound.

8.35 It should be noted that the above calculation was made on the basis that no buffer is applied. Should it be found that a buffer was required, then the calculations would deteriorate further. CHANGES REQUIRED TO ADDRESS SOUNDNESS ISSUES

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

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 50 MINISTERIAL LETTER TO THE PLANNING INSPECTORATE

8.37 As outlined above, a letter was issued to the Planning Inspectorate by the Minister of State for Housing and Planning on 9th October 2025, reiterating the need for Inspectors to exercise a degree of flexibility within the examination process. Specific reference was made to instances where a five-year housing land supply could not be demonstrated at the point of adoption. However, that was in the case where the plan would significantly boost the supply of homes and would meet needs over the plan period, or would provide additional opportunities to clarify compliance with the Duty to Cooperate. As confirmed in previous sections, none of these circumstances apply in the case of the emerging Local Plan. THE ROLE OF SMALL AND MEDIUM SIZED SITES

8.38 As set out above, in DWH view, there is a need for further allocations to be identified in the Plan that are capable of being delivered in the period up to 2031/32. In that regard, they consider that there is a clear role for non-strategic sites to ensure a continuity in housing supply.

8.39 Indeed, where non-strategic sites are relatively environmentally unconstrained, are in a sustainable and an accessible location and their development generally accords with the spatial strategy, they can represent a valuable source of housing land.

8.40 Such sites generally have additional merits. As well as ensuring a continuous supply of housing land over the plan period, they will often be more straightforward to implement and they can contribute to the mix and range of housing opportunities, consistent with Government policy. They will therefore add flexibility to the Council's housing land supply.

8.41 In this context, DWH continues to draw the Local Planning Authority's attention to land to the west of Lilypond Lane, Whimble. The site, which is sustainably located, is in the control of a national housebuilder, who have a proven track record of delivery. The trajectory provided at Table 2 demonstrates that the majority of the development would be completed in the first five years of the Local Plan.

8.42 DWH do not agree with the Local Planning Authority's assertion at para. 5.8 of Document HOU-001 that opportunities from small sites were maximised. Certainly, in the case of land to the west of Lilypond Lane, Whimble, which is not proposed for allocation, it is a suitable site that both aligns with the development strategy and is free from significant constraint. Despite the Local Planning Authority being provided with evidence to the contrary on four separate occasions, they did not review the flawed and now outdated conclusions made in the 2022 HELAA. Delivery trajectory for land at Lilypond Lane, Whimble

8.43 A delivery trajectory for land at Lilypond Lane, Whimble, has been provided at Table 2. It has been formed having regard to the research prepared by Lichfields³⁴ and the Local Planning Authority³⁵.

8.44 It, therefore, on a worst case scenario: ? adopts the median planning approval period for sites between 100 and 499 homes as stated within Lichfields work; ? adopts delivery rates of 25 dwellings in year one and 50 homes in year two onwards; and ? assumes only one developer delivering housing on the site. 34 Lichfields, 'Start to Finish,' March 2024. 35 Appendix 2 of Appendix A of Document HOU-003.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 51

8.45 This, however, is considered to be highly conservative as: ? the maximum quantum of development proposed by DWH would be 115 homes, which is at the lower end of the 100-499 home category set out in Table 3.1 of Lichfields' work. The quantum of development proposed is more akin to the lowest site size within Lichfields' work, which suggests that the median planning approval process for a site between 50-99 homes would be

1.5 years (as opposed to 2.8 years for the larger category); ? as shown in Figure 3.2 of Litchfields work, the timeframe until first completions for a site sized between 100 and 499 homes (2.8 years) assumes the submission of an outline application and then a subsequent reserved matters application. As DWH are both a land promoter and a national housebuilder, they intend to submit a full planning application on the site, which could accelerate the planning process; and ? the site would likely be delivered by two of the developers within the Barratt Redrow Group, including DWH, and therefore there would be two delivery outlets, which according to the Local Planning Authority's delivery assumptions set out within the HELAA, could each be capable of delivering 25 homes per annum in year one, and 50 homes per annum in year two.

8.46 There therefore exists the opportunity to enhance delivery rates beyond the timeframe established in Table 2. RESERVE SITES

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

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 Spatial Strategy 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 ROLE OF SMALL AND MEDIUM SIZED SITES

8.38 As set out above, in DWH view, there is a need for further allocations to be identified in the Plan that are capable of being delivered in the period up to 2031/32. In that regard, they consider that there is a clear role for non-strategic sites to ensure a continuity in housing supply.

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8.41 In this context, DWH continues to draw the Local Planning Authority's attention to land to the west of Lilypond Lane, Whimble. The site, which is sustainably located, is in the control of a national housebuilder, who have a proven track record of delivery. The

trajectory provided at Table 2 demonstrates that the majority of the development would be completed in the first five years of the Local Plan.

8.42 DWH do not agree with the Local Planning Authority's assertion at para. 5.8 of Document HOU-001 that opportunities from small sites were maximised. Certainly, in the case of land to the west of Lilypond Lane, Whimple, which is not proposed for allocation, it is a suitable site that both aligns with the development strategy and is free from significant constraint. Despite the Local Planning Authority being provided with evidence to the contrary on four separate occasions, they did not review the flawed and now outdated conclusions made in the 2022 HELAA. Delivery trajectory for land at Lilypond Lane, Whimple

8.43 A delivery trajectory for land at Lilypond Lane, Whimple, has been provided at Table 2. It has been formed having regard to the research prepared by Lichfields³⁴ and the Local Planning Authority³⁵.

8.44 It, therefore, on a worst case scenario: ? adopts the median planning approval period for sites between 100 and 499 homes as stated within Lichfields work; ? adopts delivery rates of 25 dwellings in year one and 50 homes in year two onwards; and ? assumes only one developer delivering housing on the site. ³⁴ Lichfields, 'Start to Finish,' March 2024. ³⁵ Appendix 2 of Appendix A of Document HOU-003.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 51

8.45 This, however, is considered to be highly conservative as: ? the maximum quantum of development proposed by DWH would be 115 homes, which is at the lower end of the 100-499 home category set out in Table 3.1 of Lichfields' work. The quantum of development proposed is more akin to the lowest site size within Lichfields' work, which suggests that the median planning approval process for a site between 50-99 homes would be

1.5 years (as opposed to 2.8 years for the larger category); ? as shown in Figure 3.2 of Lichfields work, the timeframe until first completions for a site sized between 100 and 499 homes (2.8 years) assumes the submission of an outline application and then a subsequent reserved matters application. As DWH are both a land promoter and a national housebuilder, they intend to submit a full planning application on the site, which could accelerate the planning process; and ? the site would likely be delivered by two of the developers within the Barratt Redrow Group, including DWH, and therefore there would be two delivery outlets, which according to the Local Planning Authority's delivery assumptions set out within the HELAA, could each be capable of delivering 25 homes per annum in year one, and 50 homes per annum in year two.

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

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

3. The Spatial Strategy

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

Policy

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

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

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: The stepped trajectory proposed in Policy SP02 – Object INTRODUCTION 7.1 Strategic Policy SP02 confirms that whilst housing provision will be made for at least 20,909 net new dwellings over the period 1st April 2020 to 31st March 2042, that the requirement will be delivered through a stepped trajectory, as follows: ? 2020/21 to 2031/32 – 850 homes per annum; and ? 2032/33 to 2041/42 – 1,070 homes per annum. 7.2 DWH object to this stepped trajectory as it does not accord with national planning guidance set out in the PPG. Specifically, the Local Planning Authority have failed to demonstrate adequately that there is a significant change in the housing requirement between the existing and the emerging Plan. Moreover, analysis undertaken by DWH demonstrates that the proposed allocations, particularly the new community, are to deliver relatively quickly after adoption of the emerging Local Plan. The lack of supply in the early years of the Plan relates more to the delays with existing committed sites than proposed allocations. 7.3 Moreover, there are other reasons that a stepped trajectory should not be employed in the emerging Local Plan, including: ? it resulting in a requirement for the first 12 years of the Plan that is below historic delivery rates; ? it retrospectively applying a lower housing requirement than the existing Development Plan for the period prior to the adoption of the emerging Local Plan; ? the stepped trajectory for the first 12 years of the Plan resulting in a housing requirement that would only provide 74% of the annualised objectively assessed need for housing; ? it would not accord with the Government objective to significantly boost the supply of housing; ? it would likely delay the supply of new affordable housing to later in the plan period; ? it resulting in a level of workers that could constrain economic growth and activity in the first 12 years of the Plan; and ? the level of the ‘step’ in the trajectory not having been subject of consideration in the Sustainability Appraisal. 7.4 Given the above, DWH consider that the use of the stepped

trajectory does not accord with national planning policy, nor can it be considered to be a justified strategy.

7.5 Each of DWH's concerns are set out below in turn.

NATIONAL PLANNING POLICY AND GUIDANCE RELATING TO STEPPED TRAJECTORIES

7.6 The PPG25 indicates that there are certain circumstances where the use of a stepped trajectory is appropriate. This includes:

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

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION

39 ? where there is to be a significant change in the level of housing requirement between the 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.

7.7 Moreover, in circumstances where a stepped trajectory is proposed, decision makers will need to set out evidence to support the approach and not seek to unnecessarily delay meeting identified development needs.

LOCAL PLANNING AUTHORITY JUSTIFICATION FOR THE STEPPED TRAJECTORY

7.8 The justification for the use of the stepped trajectory is provided at para. 3.12 of the emerging Plan, where it is stated that it is proposed due to the inherent complexities with delivering major development, particularly the proposed new community.

7.9 Further justification is provided within Document HOU-002(rev), wherein it is stated that: "Many allocated sites in the East Devon Regulation 19 local plan present significant challenges for developers. These sites are unlikely to attract speculative planning applications before the local plan has made significant progress towards adoption due to high costs and planning complexities and uncertainties that permission will be granted."

7.10 Having regard to the tests established in the PPG for the use of a stepped trajectory, for the reasons set out below, DWH dispute this justification.

The current and emerging Development Plan housing requirement

7.11 Strategy 1 of the East Devon Local Plan 2013-2031 confirms that a minimum of 17,100 homes will be provided over the period 2013 to 2031. This equates to an annual average requirement of 950 homes per annum. In comparison, as an annual average, the emerging Local Plan proposes a housing requirement that equates to an annualised requirement of 950 homes per annum. Consequently, no change between the housing requirement is proposed between the existing and emerging Local Plan, let alone, as is required by national planning guidance, a significant change. The phased delivery of strategic sites

7.12 As set out above, the Local Planning Authority suggest that the reason for the need for a stepped trajectory stems from the lead-in times associated with the allocations proposed within the emerging Local Plan. However, having regard to the evidence presented within Document HOU-004(rev)d, this is disputed by DWH.

7.13 For instance, taking Cranbrook as an example, Strategy 2 of the existing Local Plan envisaged that a total of 7,769 homes would be completed at the settlement by the end of the plan period (2031). This is re-confirmed at para. 7.26 of the Plan, which states that the settlement "by 2031 will accommodate around 8,000 new homes."

7.14 To give effect to this position, Strategy 12 allocated land to provide around 6,300 homes, with a further 1,550 homes to be provided in a subsequent Development Plan Document (the

Cranbrook Plan). The Cranbrook Plan, which identified four expansion areas, was adopted in October 2022. These homes were expected to be completed by 2031. 7.15 Instead, Document HOU-004(rev)d identifies that a total of 3,100 homes are anticipated to be delivered at Cranbrook in the period 2031/32 to 2040/41. 7.16 If this provision was added to the forecast completion data for the period up to 31st March 2031 as identified in Table 14 of document HOU-004(rev)c, as was intended, then the supply over the period 2025/26 to 2030/31 would have been in excess of 8,000 homes, or over 1,300 homes per annum. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 40 7.17 In terms of the new community, Document HOU-001(rev) confirms that the Local Planning Authority consider that first completions from Marlcombe will occur in 2029/30, which is only two years after DWH envisaged adoption of the emerging Local Plan. Whilst it could be argued that delivery from the Marlcombe site will not occur until the tenth year of the Plan, this is more of a result of the Plan's start date being 2020 and some time ago, than the phasing of the proposed strategic sites. 7.18 Consequently, rather than being a matter relating to proposed allocations within the emerging Local Plan, including the new community, as is suggested in Document HOU-002(rev), the issue relates more to existing commitments not materialising at the point envisaged. 7.19 DWH consider, therefore, that the Council's justification provided within document HOU-002(rev) to not be robust. 7.20 As will be demonstrated in Section 8, there is a clear necessity for smaller sites that can come forward relatively quickly, to add much needed continuity in supply. Land at Lilypond Lane, Whimple, represents such an opportunity. SYNTHESIS 7.21 As demonstrated above, the justification required by national planning guidance to allow a stepped trajectory has not been adequately provided by the Local Planning Authority; there is not any uplift in the proposed housing requirement between the existing and the emerging Development Plan and the supply issues within the first 12 years of the Plan relates more to committed sites stalling, than the ability to accelerate delivery from strategic sites in the emerging Local Plan. 7.22 Consequently, the application of the proposed stepped trajectory in the emerging Local Plan cannot be considered to be a justified proposition, nor consistent with national planning policy. OTHER REASONS TO RESIST A STEPPED TRAJECTORY Historic delivery rates 7.23 Table 14 of Document HOU-004(rev)c confirms that since 2013/14 the proposed housing requirement for the first 12 years of the emerging Local Plan has been exceeded in eight out of twelve monitoring years. Over the same period, completions have averaged at 891 homes per annum. Consequently, the housing requirement in the first 12 years of the Plan would be significantly less than historic delivery rates. 7.24 It is also instructive to note that in the period 2013/14 to 2015/16 (i.e. in general terms, prior to the adoption of the current Local Plan), delivery rates that were significantly higher than are proposed in the first 12 years of the emerging Local Plan were achieved (an average of 962 homes per annum), with rates for two of the three years nearly meeting the rates proposed for the period 2032/33 to 2041/42 in the emerging Local Plan. Retrospectively applying a lower

housing requirement than the existing Development Plan for the period prior to the adoption of the emerging Local Plan 7.25 As set out above, the existing Development Plan envisaged an annual average completion rate of 950 homes per annum for the period up to 2031. Planning decisions, including those made in the period since 2020/21 (the start of the emerging plan period) have been made by the Local Planning Authority in this context and will continue to do so until the adoption of the emerging Local Plan. 7.26 However, the emerging Local Plan seemingly attempts to retrospectively reduce the average housing requirement for the period 2020 up to the adoption of the emerging Local Plan (likely to be monitoring year 2027/28) from 950 dwellings per annum, to 850 dwellings per annum. If the Plan is SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 41 adopted in monitoring year 2027/28, the lower housing requirement would be retrospectively applicable to the Plan's first eight monitoring years. 7.27 This cannot, as a principal, be a justified approach. The housing requirement for the first 12 years of the Plan in comparison to the standard method output 7.28 For the first 12 years of the Plan, it is proposed that the housing requirement will be set at a level that is 100 homes per annum lower than the proposed annualised housing requirement (950 homes). As set out above, the annualised housing requirement itself has been set at a level that seeks to meet only 82.2% of the established housing need. 7.29 Consequently, over the period 2020 to 2032, the requirement is proposed to be just 74% of the objectively assessed need for housing. Over the period 2020 to 2032, the requirement would be just 10,200 homes, against a local housing need of 13,872 homes. It would mean that over the first 12 years of the Plan, the requirement would be 3,672 fewer homes than the objectively assessed need would suggest is required. Not according with the Government requirement to significantly boost the supply of housing 7.30 Rather than proposing a level of housing that would significantly boost the supply of homes, which is a Government objective (para. 60 of the NPPF), the housing requirement for the first 12 years of the emerging Plan would, in comparison to the existing Local Plan, result in a housing requirement that is 100 homes per annum lower. This would conflict with national planning policy. Impacts on affordable housing provision 7.31 A reduced housing requirement in the first 12 years of the Plan will likely reduce the supply of affordable homes, delaying the opportunity for residents to access such homes until much later in the plan period. This will have unintended social consequences. The impact on economic growth 7.32 As outlined in Section 6 above, the proposed annualised average housing requirement in the emerging Local Plan would provide an inadequate quantum of workers to meet the clean growth scenario adopted in the emerging Local Plan. It follows that the adoption of an even lower housing requirement in the first 12 years of the Plan would result in a more acute shortfall, potentially constraining economic growth in the Local Planning Authority area until post 2031/32, and/or resulting in workers travelling greater distances into East Devon to access employment. This is likely to increase congestion and greenhouse gas emissions. These scenarios would conflict with Objectives 2, 4 and

9 of the emerging Plan and elements of the Plan's Vision. Sustainability Appraisal 7.33 DWH note that the Sustainability Appraisal (Document CSD-003 (rev)) in relation to emerging Strategic Policy SP02, contains an assessment of what the Local Planning Authority considers to be reasonable alternatives for the total housing provision across the plan period. No assessment is provided of the application of the stepped trajectory within the Policy, or the level of the step. 7.34 In that regard, DWH draw attention to the letter issued by the Inspectors of the emerging Wiltshire Local Plan dated 22nd December 2025, which, in regard of the use of a stepped trajectory within that Plan, states: "Turning to the proposal to include a stepped housing requirement in the Plan as submitted, we consider that it is neither positively prepared nor justified. Whilst we note that the HRA indicates that a stepped trajectory should be considered, no clear evidence has been provided to justify at what level the step might be set at or its duration. Furthermore, the level of the step does not SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 42 appear to have been subject to SA. Evidence was also provided during the hearings that the step was lower than current rates of housing delivery in the County. We are therefore concerned that it is not justified and would serve to unnecessarily delay meeting identified housing needs. In reaching this view, we note that there has not been a significant change in the level of the proposed housing requirement in the Plan when annualised and compared with the Wiltshire Core Strategy (document DP/01). Moreover, the housing trajectory provided in the submitted Plan does not seemingly correspond with a reliance upon strategic sites that would have phased delivery..." (our emphasis). Ministerial letter to the Planning Inspectorate 7.35 As outlined above, a letter was issued to the Planning Inspectorate by the Minister of State for Housing and Planning on 9th October 2025. Within it the Minister referred to it being "critical that Inspectors approach examinations of current system plans with the appropriate degree of flexibility." Specific reference was provided to Inspectors exercising a degree of flexibility to expedite the adoption of local plans, including "in instances where a five-year housing land supply cannot be evidenced at the point of adoption." 7.36 However, this was in cases where the plan significantly boosts the supply of homes and would meet identified needs over the plan period, or by providing additional opportunities to clarify compliance with the Duty to Cooperate. None of these examples apply in the case of the emerging Local Plan; it does not provide a housing requirement that is significantly higher than is contained within the 2016 Local Plan, does not meet identified local needs and does not provide any provision for unmet needs in neighbouring authorities. 7.37 As such, the pragmatism suggested by the Minister in his letter should not be afforded to the emerging Local Plan.

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 Spatial

Strategy 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.: CONCLUSION

7.38 For the reasons set out above, DWH considers that the use of the proposed stepped trajectory within Policy SP02 lacks the justification required by national planning policy. The proposed step for the first 12 years of the Plan will be lower than current rates of housing delivery and would therefore delay meeting housing needs and any supply side issues relate more to existing commitments than allocations proposed in the emerging Plan.

7.39 The application of the stepped trajectory therefore is not justified and conflicts with national planning policy.

7.40 Moreover, DWH have identified a number of other reasons to resist the use of a stepped trajectory, which include resulting in a level of workers that would not be sufficient to support the Plan's economic growth ambitions in its first 12 years. It is therefore likely to result in constrained economic growth until post 2031/32, and/or attract workers from other neighbouring authorities, which would likely lead to longer travel-to-work journey times, greater congestion and more greenhouse gas emissions. This would conflict with Objectives of the Plan, as well as elements of its Vision.

7.41 There remains a clear and obvious role for smaller sites, that are often quicker to build-out (see para. 70 of the NPPF), to provide continuity in supply, before the larger strategic sites start to deliver. This is particularly the case where sites are being promoted by a housebuilder who has the ability to, in order to accelerate delivery, prepare full planning applications on sites. This is the case with land at Lilypond Lane, Whimble.

7.42 Matters relating to housing supply are discussed in Section 8.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: Sustainability Appraisal

If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.:

Sustainability Appraisal 7.33 DWH note that the Sustainability Appraisal (Document CSD-003 (rev)) in relation to emerging Strategic Policy SP02, contains an assessment of what the Local Planning Authority considers to be reasonable alternatives for the total housing provision across the plan period. No assessment is provided of the application of the stepped trajectory within the Policy, or the level of the step. 7.34 In that regard, DWH draw attention to the letter issued by the Inspectors of the emerging Wiltshire Local Plan dated 22nd December 2025, which, in regard of the use of a stepped trajectory within that Plan, states: “Turning to the proposal to include a stepped housing requirement in the Plan as submitted, we consider that it is neither positively prepared nor justified. Whilst we note that the HRA indicates that a stepped trajectory should be considered, no clear evidence has been provided to justify at what level the step might be set at or its duration. Furthermore, the level of the step does not appear to have been subject to SA. Evidence was also provided during the hearings that the step was lower than current rates of housing delivery in the County. We are therefore concerned that it is not justified and would serve to unnecessarily delay meeting identified housing needs. In reaching this view, we note that there has not been a significant change in the level of the proposed housing requirement in the Plan when annualised and compared with the Wiltshire Core Strategy (document DP/01). Moreover, the housing trajectory provided in the submitted Plan does not seemingly correspond with a reliance upon strategic sites that would have phased delivery...” (our emphasis).

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

3. The Spatial Strategy

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

Policy

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

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.: Policy SP02 – the objectively assessed need for housing and the proposed housing requirement – Object

INTRODUCTION 6.1 The following section of this representation sets out DWH response to the emerging Local Plan's housing requirement. It also establishes East Devon District Council's current local housing need. 6.2 Summarily, DWH have a number of concerns relating to Policy SP02, as follows: ? rather than seeking to address housing needs in full, which is an objective of the Plan, the housing requirement seeks to meet just 82.2% of the local housing need figure (950 homes per annum, in comparison to 1,156 homes per annum). This results, over the plan period, of a requirement that is 4,523 homes fewer than is required to meet needs. The shortfall is even more pronounced in the Plan's first 12 years, where the lowest element of the stepped trajectory is proposed; ? rather than attempting to justify the lower requirement to the local housing need figure via the operation of para. 11(b) of the NPPF, the Local Planning Authority seeks to exploit the transitional arrangements set out in the December 2024 version of the NPPF; ? however, rather than, as was intended by the transitional arrangements, it being used due to the Plan being at an advanced stage of preparation, decisions regarding the housing requirement and components of supply were made after the publication of the consultation version of the NPPF and the revised standard method in Summer 2024; ? through the exploitation of the transitional arrangements and consciously deciding not to meet needs in full, the Plan cannot be considered to be positively prepared, or consistent with national planning policy; ? there are other reasons that the housing requirement should be increased to the local housing need figure, including: – it would be consistent with the Government objective to boost the supply of housing; – the Planning Practice Guidance (PPG) confirms that the local housing need figure would start to address housing affordability; – the proposed

housing requirement would result in an insufficient quantum of workers to support the clean growth economic projection adopted in the Plan; – the overall requirement (20,909 homes) would not provide a housing requirement for a full 15 years from the adoption of the Plan; – the theoretical supply of homes is large enough to accommodate a higher requirement; – the market has previously absorbed higher levels of housing; and – DWH analysis suggests that a requirement that aligns with the local housing need figure should have been the preferred option as assessed within the Sustainability Appraisal.

6.3 Should the Local Planning Authority continue to plan on the basis of a lower housing requirement, then there will be a need to incorporate the shortfall from the 2016 Local Plan over the period 2013/14 to 2019/20 (approximately 2,100 dwellings), as this shortfall will not have been taken into account.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 26 ESTABLISHING THE LOCAL HOUSING NEED – THE APPLICATION OF THE STANDARD METHOD

6.4 As indicated above, the 2023 version of the NPPF requires that in order to support the Government’s objective to significantly boost the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is required. The NPPF confirms that the overall aim should be to provide as much of an area’s housing need as possible (para. 60). In order to determine the minimum number of homes required, strategic policies should be informed by a local housing needs assessment, conducted using the standard method (para. 61).

6.5 Moreover, strategic policy-making authorities should establish a housing requirement figure for the whole area, which shows the extent to which their identified housing need can be met over the plan period. The extent to which the local housing need can be met will be determined by the application of para. 11(b) (para. 67).

6.6 The following section provides an assessment of the two potential options for calculating the local housing need figure within the emerging Local Plan. These are: (1) using the standard method that was established in the Planning Practice Guidance (PPG) when the December 2023 version of the NPPF was in effect; or (2) the current standard method. Both options are considered below.

Previous standard method approach

6.7 It has been established in Section 3 that having published a Regulation 19 version of the Local Plan on or before 12th March 2025 and planning for a draft housing requirement that meets at least 80% of local housing need, the Local Planning Authority contend that the emerging Local Plan benefits from the transitional arrangements outlined in para. 234 of the December 2024 version of the NPPF. Consequently, the Plan will be examined against the December 2023 version of the NPPF.

6.8 As set out above, the standard method in operation alongside the December 2023 version of the NPPF used the 2014-based household projections, with an affordability uplift.

6.9 However, having regard to para. 3.11 of the consultation Plan, it appears that the Local Planning Authority have disregarded this methodological approach and have based their assessment of local housing need on the updated standard method. This is a position supported by DWH, for in the words of the previous Deputy Prime Minister, it “relied on decade old data¹¹.” Current version of the standard

method 6.10 As stated above, along with a revised version of the NPPF, a revised version of the standard method for calculating local housing need was published in December 2024. The inputs include existing housing stock, which is then adjusted upwards to reflect local affordability pressures. The Planning Practice Guidance (PPG) confirms that the revised approach provides “a stable and predictable baseline that ensures that all areas, as a minimum, are contributing a share of the national total that is proportionate to the size of their current housing market¹².”

6.11 The use of a housing stock based approach instead of the household projections led methodology was endorsed by Officers of East Devon District Council, who in their response to the NPPF consultation confirmed that: “The use of the household projections data tends to focus a disproportionate number of new homes in locations that have previously seen significant growth leading to a position where past growth leads to future growth. This puts pressure on places that have been successful in delivering 11

<https://www.gov.uk/government/news/housing-targets-increased-to-get-britain-building-again>, published on 30th July 2024. v 12 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 005 Reference ID: 2a-005-20241212.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION

27 growth in the past to deliver more and more even where this is not sustainable. Using a baseline of existing housing stock at 0.8% nationally reduces the impact of this and so is favoured over the household projections data” (our emphasis.)

6.12 As rightly confirmed at para. 3.11 of the consultation document, the objectively assessed need for housing within East Devon at the time that the first Regulation 19 version of the Local Plan was published was 1,188 dwellings per annum. However, since the publication of the first Regulation 19 consultation, revised housing stock and affordability ratios have been published.

6.13 The PPG sets out that strategic policy-making authorities will need to calculate their local housing need figure at the start of the plan-making process, but that it should be kept under review and revised where appropriate, as the housing need figure generated using the standard method may change as its inputs are variable¹³.

6.14 The application of more recent inputs within the standard method suggests that the local housing need is now 1,156 dwellings per annum. Extrapolated over a 22 year plan period, the objectively assessed need would be 25,432 dwellings (net) over the period 2020 to 2042.

6.15 In DWH’s view, it is this local housing need figure that should be adopted in the emerging Local Plan. Unless the application of para. 11(b) of the NPPF suggests otherwise, as a minimum, it should form the housing requirement in the emerging Local Plan.

THE LOCAL HOUSING NEED FIGURE AND THE HOUSING REQUIREMENT IN THE EMERGING LOCAL PLAN

6.16 Whilst acknowledging at para. 3.11 of the emerging Local Plan that as at February 2025, the local housing need figure for East Devon was 1,188 homes per annum (26,136 homes over the plan period), Strategic Policy SP02 identifies that a minimum of 20,909 net new homes will be provided between 1 st April 2020 and 31st March 2042. This housing requirement has not altered between the first and second Regulation 19 consultations.

6.17 Importantly,

the Local Planning Authority do not attempt to justify the difference between the local housing need figure and the housing requirement through the operation of the provisions established in para. 11(b) of the NPPF. Instead, it appears that the Local Planning Authority are attempting to exploit the transitional arrangements established in the December 2024 version of the NPPF to establish a housing requirement that seeks to meet just 80% of the standard method output, as calculated at February 2025 (i.e. it seeks to plan for 80% of the local housing need figure at that point, which is 950 homes per annum). 6.18 This is further evidenced when reviewing, amongst other things, the committee reports for the Strategic Planning Committee meetings held in August 2024 and February 2025. 6.19 Indeed, in the Committee Paper to the Strategic Planning Committee in August 2024¹⁴, which considered the consultation to the changes to the NPPF and the standard method, Officers presented two options for the local housing need figure for Members to consider, as follows: 1) to plan for at least 946 homes per annum, plus headroom, so that the Plan could be examined against the previous version of the NPPF; or 2) pursue a new Local Plan in accordance with the December 2024 version of the NPPF, which would have required 1,146 homes per annum at that time. 13 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 008 Reference ID: 2a-008-20241212. 14

<https://democracy.eastdevon.gov.uk/documents/s24508/New%20NPPF%202024%20Report.pdf>. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION

28 6.20 In considering both options, Officers indicated that: "...946 homes per annum is the same figure that the draft plan consulted on at Reg 18 stage at the end of 2022 was based on. As a result, we know that this is achievable whereas the 1,146 homes plus 5% buffer required by option 2 is a scale of growth that we have not previously considered."

6.21 Having regard to the suspected length of time that it would take Government to process the consultation responses to the 2024 consultation on the proposed amendments to national planning policy and guidance, including the standard method, Officers indicated that "there may therefore be an opportunity to take advantage of the transitional arrangements set out in the consultation" (our emphasis).

6.22 With regard to the emerging standard method derived target of 1,146 homes per annum, Officers advised Members, without any evidential basis, that such a local housing need figure would be "...extremely challenging, if not impossible." 6.23 Officers concluded that: "... it makes sense to progress the local plan under option 1 as set out above and try and take advantage of the proposed transitional arrangements and benefit from the reduced requirements that would apply particularly in relation to the housing requirement figure. Even if the Council were to fail to achieve this timetable, then we would simply have to pursue a plan under option 2 instead and so it is considered that there is nothing to be lost by trying to progress under the transitional arrangements" (our emphasis).

6.24 The local housing need was reconsidered in February 2025, after the publication of the December 2024 version of the NPPF and the updated standard methodology. Within the Committee Papers¹⁵, Officers stated that:

“The new NPPF as published gives us a slightly higher housing need figure of (1,188 homes per year). They have also changed the threshold for compliance with the transitional arrangements to 80% of the standard method figure which is 950 homes per year. On the face of it this means we would fall outside of the transitional arrangements by 4 homes per year or 96 homes across the plan period. However, since we built in a 10% buffer we believe that we can simply make up the shortfall from the buffer and present the plan as having met the 950 homes per year requirement figure but with a slightly reduced buffer.” 6.25 Reference was again made to taking “advantage of these transitional arrangements.” 6.26 As can be seen above, the approach taken in forming the local housing need figure within the emerging Local Plan was simply to calculate 80% of the local housing need figure prior to the publication of the first Regulation 19 consultation. Far from meeting objectively assessed needs in full, as is required by national planning policy, the Local Planning Authority have exploited, or as they put it, taken advantage of the transitional arrangements to adopt a housing requirement that at the time of writing would meet only 82.2% of needs. To put it another way, it would mean that the housing needs of one in every five households in East Devon over the plan period would not be met. This is a conscious decision by the Local Planning Authority. 6.27 The Local Housing Needs Assessment (HOU-002 (rev)) does not provide any further support for the approach taken forward. Rather than the Assessment calculating the local housing need figure, as outlined in para. 6.1, it adopts the local housing need figure stated in Policy SP02 from the outset (20,909 homes). Consequently, it concludes that once the number of homes required to meet projected growth (12,878 homes) and an allowance to address pent up demand in the under 45 15 <https://democracy.eastdevon.gov.uk/documents/s26146/1.%20NPPF%20Changes%20Report%20Jan%202025.pdf>. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 29 cohort (897 homes) are discounted from the emerging local housing need figure (20,909 homes), then the residual element of the local housing need figure is assumed to relate to inward migration (7,134 homes), but does not appear to be based on any specific projection (see footnote 30). 6.28 By simply applying a crude calculation to meet only 80% of the local housing need figure, and not addressing needs in full, Policy SP02 cannot be considered to be either positively prepared, or consistent with national planning policy (paras. 11 and 61 of the NPPF). 6.29 Moreover, it would also not give effect to Objective 3 of the emerging Plan, which seeks to “provide high quality new homes to meet people’s needs” and the parts of the Plan’s Vision which seeks to “meet future needs.” The purpose of the transitional arrangements 6.30 As set out on page 4 of the 4th August 2024 Strategic Planning Committee Report on the implications of the proposed reforms to the NPPF, the transitional arrangements proposed in the consultation version of the NPPF were intended to “...help to maintain the progress of plans at more advanced stages of production.” 6.31 This was not the case in East Devon, where, as indicated above, decisions regarding the housing requirement figure to be included within the first Regulation 19 Plan were all made after

the NPPF consultation was published. Moreover, the proposed allocations were also selected by committee in the period after the NPPF consultation. OTHER REASONS AS TO WHY THERE IS A NEED FOR A HIGHER HOUSING REQUIREMENT 6.32 As set out above, the objectively assessed need for housing within East Devon is presently 1,156 dwellings per annum. Despite this level of local housing need, the Local Planning Authority is proposing to utilise the provisions established within para. 234 of the 2024 version of the NPPF to plan to meet only 82.2% of this identified need. Notwithstanding DWH significant concerns with this approach, the implications of establishing a housing requirement that is lower than the established objectively assessed need for housing is set out below. Not addressing needs 6.33 As set out above, the Local Planning Authority has, over the 22 year plan period, deliberately and consciously chosen to establish a housing requirement that seeks to address only 82.2% of local housing need. Consequently, the housing requirement will result in 4,523 homes fewer than the standard method considers is necessary. This equates to a failure to provide just under one in every five homes identified as being needed. 6.34 The proposed housing provision will not give effect to either Objective 3 of the Plan, or its Vision, in relation to meeting needs. Shortfall in housing delivery against the adopted Local Plan requirement 6.35 As stated in the PPG, the affordability adjustment is, amongst other things, applied in the standard method to take account of past under-delivery¹⁶. However, as set out above, the emerging Local Plan is seeking to meet only 82.2% of local housing need. Consequently, by not meeting the affordability uplift in full, it cannot be argued that past under-delivery has been taken into account. 16 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 011 Reference ID: 2a-0011-20241212. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 30 6.36 Table 19 of the Local Planning Authority's latest housing monitoring¹⁷ information confirms that the under-delivery of homes in comparison to the 2016 Local Plan trajectory was, at the end of monitoring year 2024/25, 3,862 dwellings. This is forecast to reduce to 3,297 dwellings at the end of the monitoring period that the Local Plan is envisaged by DWH to be adopted (2027/28). 6.37 It is DWH view that by not adopting a housing requirement that seeks to meet the full affordability adjustment, which itself addresses past under-delivery, the shortfall in delivery achieved over the Plan period should, as a minimum, be added to the housing requirement. Noting that the Plan period commences in 1st April 2020, any under delivery against the housing requirement from that point will be accounted for in the emerging Local Plan. However, it will not be taken into account prior to this point. Table 19 identifies that the shortfall at 31st March 2020 was 2,101 homes, which should be added to the proposed housing requirement. Housing affordability 6.38 The PPG confirms that the affordability adjustment within the standard method is made to ensure that "the minimum annual housing need starts to address the affordability of homes¹⁸" (our emphasis). 6.39 Analysis shows that without the affordability adjustment, the requirement for East Devon would be just 601 homes per annum.

However, the application of the affordability adjustment would suggest that in order to start to address the affordability of homes within East Devon, there is a need for a further 555 homes per annum, to provide an overall annual objectively assessed need for housing of 1,156 dwellings per annum. 6.40 The emerging Local Plan, however, only seeks to provide an average annual requirement of 950 homes per annum, which means that over the plan period, each year, there would be a shortfall of 206 homes than the standard method would suggest is necessary in order to start to address the affordability of homes in East Devon. Rather than seeking to address affordability, it is likely that such a shortfall will, instead, exacerbate housing unaffordability. 6.41 Consequently, as drafted, the emerging Local Plan would not provide a housing requirement that would start to address housing affordability. It is therefore inconsistent with national planning policy and cannot, as currently drafted, be considered to be a justified proposition. The operation of the transitional arrangements with a stepped trajectory 6.42 Alongside setting a housing requirement that seeks to meet only 82.2% of the identified housing need over the plan period, Strategic Policy SP02 also seeks to employ a stepped trajectory, as follows: ? over the period 2020/21 to 2031/32 – 850 homes per annum; and ? over the period 2032/33 to 2041/42 – 1,070 homes. 6.43 For the first 12 years of the Plan, it is proposed that the housing requirement will be set at a level that is 100.4 homes per annum lower than the proposed annualised housing requirement (950.4 homes). As set out above, the annualised housing requirement itself has been set at a level that seeks to meet only 82.2% of the established housing need. 6.44 Consequently, over the period 2020 to 2032, the requirement is proposed to be just 73.5% of the objectively assessed need for housing. In comparison to the local housing need figure, over the period 2020 to 2032, the requirement would be just 10,200 homes, against a local housing need of 17 HOU-004(rev)c. 18 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 006 Reference ID: 2a-006-20241212. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 31 13,872 homes. It would mean that over the first 12 years of the Plan, the requirement would be 3,672 fewer homes than the objectively assessed need would suggest is required. /// Continued in 699335e6f95c9a3028d72267 ///

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 Spatial Strategy 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.: CHANGES REQUIRED TO ADDRESS SOUNDNESS ISSUES

6.84 In order to remedy the deficiencies with the proposed housing requirement, there is a need to increase the housing requirement to 1,156 dwellings per annum/25,432 homes between 2020 and 2042 (and potentially by a further 1,156 dwellings, if the plan period is extended).

6.85 There would be a number of benefits with such an approach, including: ? ensuring that the requirement would be consistent with the Government policy objective of boosting the supply of homes; ? by setting a requirement that met the local housing need figure in full (including the affordability adjustment), there would not be the need to consider past under-delivery; ? housing affordability would start to be addressed; and ? East Devon would play its part in addressing the national housing crisis.

6.86 Monitoring information suggests that delivery rates of over 1,000 dwellings have been achieved in the past, with the forecast delivery rate for the current monitoring year anticipated to be greater than the local housing need figure (1,157 homes)²⁴. To plan for the objectively assessed need for housing in full would therefore be positively prepared, justified or an effective proposition.

6.87 Whilst, in DWH view the Sustainability Appraisal is flawed, it does not identify any constraints that would suggest that a strategy that adopted the local housing need figure as the housing requirement would not be a justified approach.

6.88 If the Local Planning Authority continue to promote a housing requirement that will not provide for one in every six homes required, then, as outlined in the PPG, there will be a need to include the backlog to date from the 2016 Local Plan, which is currently approximately 2,100 homes.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

3. The Spatial Strategy

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

Policy

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

1(b). Does your comment relate to one of the changes listed in the table above?: No

3(b). If no, please give details of why you consider this part of the Spatial Strategy chapter is not sound. Please be as precise as possible.: The spatial strategy and the distribution of development – Object INTRODUCTION 5.1 The following section of this representation considers the proposed spatial strategy and the distribution of development proposed within the consultation version of the Local Plan. Each topic is considered in turn below. 5.2 The work demonstrates that Whimble has a not dissimilar level of services and facilities to other Tier 3 settlements and a greater level of services and facilities than other larger Tier 4 settlements. It also benefits from having active and sustainable transport connections to the services, facilities and employment opportunities found within the West End (which is only 1km to the west) and Exeter. Consequently, it is not a justified proposition to retain Whimble as a Tier 4 settlement. Such an approach is unsound. It would be a more justified approach to enhance its role to a Tier 3 settlement. 5.3 Moreover, it would also, with the commensurate increase in the quantum of housing that would be focused at Whimble resulting from the increase in its role and function, help to address DWH concerns that Whimble is afforded a disproportionately lower level of housing in comparison to other Tier 3 and 4 settlements, which is again unjustified and unsound. Having regard to Whimble's services and facilities in comparison to other Tier 3 and 4 settlements, DWH considers that it could accommodate a greater level of housing than is currently proposed. An increase in housing at the settlement, above that proposed within the Local Plan, would therefore be justified. It would also broadly accord with the emerging Plan's spatial strategy, which seeks to focus development within the West End in the first instance. The West End, which is located only 1km to the west of Whimble, is connected to the settlement by strategically important active and sustainable transport connections. THE SPATIAL STRATEGY 5.4 The Local Plan Review's proposed spatial strategy is set out within Strategic Policy SP01 and its supporting text. The strategy seeks to direct new development to the most sustainable and least constrained locations within the

District. The Policy indicates that development will be focused at the West End of the District in the first instance, including a further new community, on-going development at Cranbrook and other strategic development close to Exeter. Significant development is then planned at the Principal Centre of Exmouth and the five other Main Centres, with development that meets local needs being supported at five Local Centres. Limited development is proposed at 23 Service Villages.

5.5 A strategy that seeks to focus strategic development in East Devon's West End in the first instance, represents a continuation of the spatial strategy used in the 2016 Local Plan. It responds to the District's constraints and opportunities and those found within neighbouring areas.

5.6 In terms of constraints, there are three National Landscapes that are located within East Devon (the East Devon National Landscape, the Blackdown Hills National Landscape and a small extent of the Dorset National Landscape), which cover approximately two-thirds of the District. The designations cover most of the southern, south eastern, eastern and northern areas of East Devon.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 17

5.7 Given the availability of land to accommodate housing outside of these designations and in other areas of the District, major development within the three National Landscapes is likely to conflict with national planning policy⁵.

5.8 In terms of opportunities, the central and western areas of the District are also located in close proximity to the city of Exeter. A strategy which focuses growth in the western area of East Devon therefore ensures that new homes are provided in close proximity to the services, facilities, employment opportunities and infrastructure provided within Exeter city centre and those found within its more peripheral locations close to East Devon, including Sowton Industrial Estate. As this strategy has been one that has been employed within East Devon for a number of years, there are a number of strategic developments in the western portion of East Devon that now supplement the services, facilities, employment opportunities and infrastructure found within Exeter.

5.9 Given the above, the proposed spatial strategy will ensure that homes are provided closest to where most jobs are likely to arise, where there is the greatest potential to secure increased active and sustainable transport investment and usage, and where there exists the greatest range of services and facilities. Given these characteristics, it will result in a pattern of development which limits the need to travel and provides for a genuine choice of transport modes. In turn, this will help to reduce greenhouse gas emissions and improve air quality and public health.

5.10 A concentration of development within the West End of East Devon also responds to market demand; there remains strong developer and market interest for residential development in the western portion of East Devon.

5.11 As stated above, the proposed spatial strategy is a continuation of the spatial strategy contained within the 2016 Local Plan. It was subject of Independent Examination in 2014 and 2015⁶ and was found to be a sound proposition. It is based on the principles of sustainable development, including those contained within the NPPF (including the then paras. 14 and 30).

5.12 Notwithstanding the above, whilst DWH are supportive of a strategy that focuses

development at East Devon's West End in the first instance, it should not be at the detriment of providing a suitable level of housing in other towns and villages within the District. Whilst there is not a requirement for a spatial strategy to respond to development needs at a settlement level, each settlement will have its own needs. This was a matter which was considered by the Inspector of the current Local Plan⁷. In general terms, the spatial strategy does provide the opportunity for each settlement to meet its own needs.

5.13 However, DWH is aware of a number of settlements that are located in the western portion of the District, which are largely unaffected by environmental designations, have a good range of services and facilities, and benefit from strong active and sustainable transport connections. They are also located in close proximity to the services, facilities and employment opportunities found within the western portion of East Devon. Such settlements are capable of having a greater role within the spatial strategy and, in a manner that is broadly consistent with it, could accommodate greater levels of development. Further development in such locations would also help to sustain and enhance the essential services and facilities found in such locations, that service both the settlement and its rural hinterland.

5.14 Whimble, for instance, has, as identified in the Role and Function of Settlements evidence base document (Document KSD-011), relative to its size, a good range of services and facilities, including a 5 Para. 182 of the NPPF. 6 Please refer to para. 22 of the Inspector's Report, January 2016. 7 Para. 26 of the Inspector's Report, January 2016.

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

5.15 As stated in Section 2 above, being located approximately 1km to the east of the eastern edge of the Cobdens development, it is in a comfortable active travel distance of the services, facilities and employment opportunities found within Cranbrook (which are due to be enhanced through the development of the Expansion Areas) and those to the west. Improvements to the active travel facilities along London Road have been secured through the developments within the Cranbrook Expansion Areas and further improvements are proposed through the Clyst Valley and new communities Local Cycling and Walking Infrastructure Plan.

5.16 In addition, Whimble also benefits from having its own railway station, which is located on the strategically important West of England Railway Line. Presently, a total of 12 services a day operate in a westerly direction and 14 to the east, to a range of destinations, including Cranbrook, Pinhoe, Exeter Central and Exeter St Davids to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. Service enhancements are proposed on the Line, with it forming part of the Devon Metro (see project TRA-1 of Document KSD-001). Whimble is therefore sustainably connected to the services, facilities and employment opportunities found within higher tier settlements located to the east and west.

5.17 Its range of existing services and facilities and its proximity and active and sustainable connections to higher tier

settlements, particularly to the west, means that it is a considerably more sustainable location to accommodate development than other Tier 3 and 4 settlements. The services and facilities found within Whimble in comparison to other settlements

Whimble in comparison to Tier 3 Local Centres 5.18 Evidence provided within the Role and Function of Settlements Report (Document KSD-011) demonstrates the services and facilities within Whimble are not of a dissimilar level to those found within a number of Tier 3 Local Centres, including Woodbury (please see the comparison provided at Appendix 4).

5.19 Comparing Whimble and Woodbury, other than having a greater retail provision, the services and facilities on offer in Woodbury mirror those found within Whimble. Whilst the bus services are more regular in Woodbury, importantly, unlike Whimble, it does not have a railway station. Both have a broadly comparable employment density.

5.20 Given the similarities in the levels of services and facilities between Whimble and other proposed Local Centres, consideration should be given to uplifting Whimble's status in the settlement hierarchy to a Local Centre. Such an approach, which would be justified based on the evidence underpinning the Plan, would provide a better fit with the services and facilities found within the settlement. A greater role for Whimble in meeting needs would also help ensure that its services and facilities would be protected and enhanced, whilst also acknowledging its geographic relationship with the strategic developments found within the West End and Exeter, which are accessible by active and sustainable forms of travel.

Whimble in comparison to other Tier 4 Service Villages 5.21 A comparison between Whimble and other Tier 4 Service Villages is also provided at Appendix 4. Summarily, it confirms that:

- ? Feniton – Feniton has a more limited range of services and facilities than Whimble, including not having a post office, a GP and one less public house;
- ? Newton Poppleford – whilst Newton Poppleford has a better bus service, Whimble benefits from a train station and a GP. Consequently, Whimble has a greater range of community facilities;

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- ? West Hill - whilst West Hill has a better bus service and a modestly better retail provision, Whimble has a train station, a GP, two public houses and allotments over the services and facilities found within West Hill. Consequently, Whimble has a greater range of community facilities.

5.22 Moreover, Whimble has a train station, a primary school and two public houses over the provision in Dunkeswell, although it is acknowledged that Dunkeswell has one more shop.

5.23 It can therefore be seen that Whimble has a greater range of community facilities than the larger Tier 4 settlements identified in emerging Policy SP01. It also demonstrates that relative to its size, it has a good range of services and facilities.

5.24 Having regard to the population of other Tier 3 and 4 settlements and the range of services and facilities found within them, Whimble is capable of supporting a larger population.

EVIDENCE BASE 5.25 The proposed spatial strategy also provides a suitable response to addressing climate change. Research undertaken by the University of Exeter (Document CCF-012) has demonstrated that “location is the single most important factor in determining potential emissions arising from new development.”

5.26 The work concluded that in general terms, transport related emissions were lower when development was located closer to existing major urban areas. Indeed, the work indicated that the location of development and the range of sustainable transport options available to residents would, on average, result in a greater carbon emission reduction than requiring all new dwellings to be constructed to 'zero carbon' for regulated emissions. 5.27 Consequently, a strategy that focuses development in the western portion of the District, in close proximity to Exeter city and existing developments on the western edge of East Devon, will, with additional sustainable transport measures, result in lower carbon emissions, than alternative strategies. It also provides a strong fit with Objective 2 of the Plan (Tackling the climate emergency). 5.28 As has been demonstrated, whilst Whimble is, relative to its size, a sustainable settlement in its own right, it is also located in the western portion of East Devon and in close proximity to strategic services, facilities and employment opportunities. Its significant active and sustainable transport offer ensures that it is not an unsustainable, isolated, dormitory settlement. Indeed, if an enhanced role were afforded to Whimble in the settlement hierarchy and in accommodating the District's needs, it would provide a strong fit with the University of Exeter's work, as development would be located in close proximity to major urban areas and at a location with a range of sustainable transport options. 5.29 The rigid application of the settlement hierarchy set out in Policy SP01 could potentially underplay the role that sustainable settlements such as Whimble could have in meeting needs; by ignoring its proximity to the developments within the West End, it does not afford it any more of a benefit than if the settlement was located in an isolated area within the eastern portion of the District.

SUSTAINABILITY APPRAISAL

5.30 As indicated above, the proposed spatial strategy seeks, in general terms, to continue to follow that set out in the adopted Local Plan, which itself was prepared in the context of the 2012 version of the NPPF. Consequently, at Examination, it would have been necessary for the Local Planning Authority **SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 20** to demonstrate that it was "the most appropriate strategy, when considered against reasonable alternatives...8 " 5.31 It follows that unless there has been a material change in circumstance since the Inspector's Report was published in January 2016, the proposed spatial strategy should again be considered as being appropriate (noting that for the emerging Plan to be justified and therefore a sound proposition, the 2023 version of the NPPF only requires the Local Plan to promote "an appropriate strategy," rather than "the most appropriate strategy" in the 2012 version of the NPPF). 5.32 At a macro level, DWH is not aware of any material considerations that would suggest that a more appropriate spatial strategy should be adopted. 5.33 Indeed, the Sustainability Appraisal (Document CSD-003(rev)) published alongside the consultation version of the Local Plan continues to suggest that the proposed spatial strategy is preferred as it: "...promotes development at existing settlements where there is a range of jobs, services, and facilities; whilst also focussing development where there is good connectivity in close proximity to a much wider range

of jobs, services, and facilities in the West End and Exeter. The scale of development proposed in the new town offers the greatest potential for a mix of uses, reducing the need to travel and providing opportunities sustainable travel links, which provides better accessibility and reduced carbon emissions (sic)9.” 5.34 However, for the reasons set out above, DWH considers that there is a strong case for Whimble to be afforded a greater role in the spatial strategy, as a Tier 3 Local Centre. Indeed, as has been demonstrated, it has a comparable level of services and facilities to other Tier 3 settlements within the District. On the face of the evidence, it could not be considered to be a justified proposition to not include Whimble as a Tier 3 settlement. 5.35 Using the Sustainability Appraisal’s own analysis, the promotion of Whimble to a Tier 3 Local Centre, with the additional resulting development, would provide a number of positive outcomes against the Sustainability Appraisal’s objectives, including: ? SA Objective 2 (Landscape) - it would continue to focus development outside nationally designated landscapes and/or the undeveloped coast; ? SA Objective 4 (Climate change and carbon emissions) - Whimble has a good range of services and facilities that are capable of supporting a larger population. It is also within an active travel distance of the services, facilities and employment opportunities within the West End and Exeter, which are also connected by sustainable modes of transport (the West of England Main Line). A greater focus of development at Whimble would therefore provide a strong alignment with the Objective. ? SA Objective 5 (Climate change adaption) – the analysis identifies Whimble as being located within a Critical Drainage Area and therefore it identifies development in such locations as having an uncertain effect. However, in some cases, as has been demonstrated in Section 2 above, development in such a location can help to reduce the issue. In such a circumstance this would achieve a positive outcome. ? SA Objective 6 (Land resources) – the analysis identified that Whimble is affected by a Minerals Safeguarding Area. This overplays the situation, with the designation extending to the north of the A30, but being divorced from the undeveloped areas of land that surround Whimble. Additional allocations at the settlement would therefore not affect any Minerals Safeguarding Area. 8 Para. 182 of the 2012 version of the NPPF 9 Page 178. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 21 ? SA Objective 8 (Homes) - further development at Whimble is likely to result in additional smaller-scale developments coming forward, which, as identified in the analysis, are faster to build-out. In the context of: (1) the requirement not meeting the objectively assessed need for housing; and (2) the need for a stepped trajectory for the first 12 years of the Plan, a greater number of small-scale sites would help to provide a closer alignment with needs in the first part of the plan period. ? SA Objective 9 (Health and wellbeing) – further development at Whimble would ensure that future residents have access to the sports provision within the settlement, as well as other rural recreation opportunities. It is also connected via active and sustainable modes of transport to the existing and proposed leisure opportunities within Cranbrook. ? SA Objective 10 (Access to services), SA

Objective 11 (Jobs and employment) and SA Objective 13 (Connectivity and transport) – further development at the Service Villages was identified as resulting in a greater volume of travel to Exeter from inaccessible areas, with poorer travel links. This, however, is not the case for Whimble, which benefits from active and sustainable travel connections to East Devon’s West End and Exeter. If Cranbrook, which lies just 1km to the west of Whimble/one stop on the West of England railway line is considered to be a sustainable location to accommodate development, then, by definition, so should Whimble. 5.36 Consequently, an enhanced role for Whimble in the spatial strategy, which has both the services, facilities and environmental capacity to accommodate further growth, could result in a pattern of development that is consistent with the spatial strategy. It would also strengthen the positive outcomes against the SA Objectives for the preferred spatial strategy.

THE DISTRIBUTION OF DEVELOPMENT

The West End

5.37 As set out above, the emerging Plan’s spatial strategy seeks a continuation of the spatial strategy adopted in the 2016 Local Plan, which, in the first instance, focused development within East Devon’s West End. For the reasons set out above, this strategy continues to be appropriate. 5.38 Excluding windfall provision, Strategy 2 of the adopted East Devon Local Plan seeks to focus 10,563 dwellings out of the 16,393 dwellings planned for, in the West End. This equates to approximately 64% of the planned provision. 5.39 The Regulation 19 Local Plan Sustainability Appraisal (CSD-003(rev)) confirms that the preferred option for the distribution of development is Option E, which, whilst continuing to focus development within the West End, would do so at a reduced level of 55% (11,600 dwellings). 5.40 Whilst the Local Plan sought to focus nearly two-thirds of provision within the West End, this level of provision has not materialised. Table 3 of the Council’s latest Housing Monitoring Update (Document HOU-004(rev)c) confirms that 5,325 homes have been constructed in the West End in the period April 2013 to March 2025. This represents a shortfall of around 1,719 homes against the annualised requirement for the West End of 587 homes per annum. Over that same period, just under 50% of the District’s total housing completions have occurred within the West End. 5.41 Moreover, the Monitoring Report forecasts again that there will be a shortfall in delivery within the West End against the distribution set out in Strategy 2 of the adopted Local Plan by the end of the plan period. Around 43% of forecast completions are to occur in the West End (6,742 dwellings are forecast to be completed in the West End, against total forecast completions of 15,667 homes). Whilst, *prima facie*, it could be argued that a lower housing apportionment should be afforded to the West End, it is noted that only around 30% of the overall anticipated delivery from the Cranbrook Expansion Areas is forecast to occur by the end of the plan period. Consequently, the majority of delivery from the Expansion Areas is likely to occur outside the plan period. The Local Planning Authority attributes the shortfall in the West End to the delay in the adoption of the Cranbrook Plan.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 22

5.42 It does, however, suggest that the Local Planning Authority is correct to place less reliance on the West End in

meeting objectively assessed needs, for such a focus is unlikely to be deliverable or effective. Therefore, there is a need, in order for the Plan to be both deliverable and effective, for a reduced focus within the West End, but to a level that does not undermine the achievement of the benefits of adopting such a strategy, as set out in the Sustainability Appraisal. The preferred distribution of development as set out in the Sustainability Appraisal strikes this appropriate balance. 5.43 Across the plan period, it would result in an average annual delivery rate for the West End of 527 homes, which is a rate of delivery that has been achieved in the West End before, suggesting that it is both a deliverable and an effective proposition. 5.44 It should be noted that no equivalent table to that set out in Strategy 2 of the current Local Plan is provided within the emerging Local Plan. Moreover, this information cannot be obtained from the table contained within Strategic Policy SP03 or easily from Appendix 2 of the emerging Local Plan, as they: ? do not encapsulate a full picture of supply over the plan period, as they exclude elements such as the second new community; ? establish a requirement for neighbourhood planning areas, which are often wider than settlement level; ? in some cases, attribute development to a designated neighbourhood area that principally relates to the West End. For instance, in Whimble's case, of its total requirement of 611 dwellings, 500 dwellings are attributable to a Cranbrook Expansion Area. Consequently, as set out in the Sustainability Assessment, the 500 units attributed to Whimble from the Cranbrook Expansion Areas would, in that apportionment, be associated with delivery in the West End, rather than at the Service Village. 5.45 Additionally, the housing supply information contained within Document KSD-009 is over three years old and therefore does not reflect the components of supply introduced into the emerging Plan since the Regulation 18 consultation. 5.46 The omission of a table that confirms whether the Plan provides for the distribution set out in the preferred distribution option in the Sustainability Appraisal is a significant omission. It would help to demonstrate that the Plan is justified. The rest of East Devon 5.47 The preferred option for distributing development as set out in the Sustainability Appraisal would see approximately 9,500 dwellings being distributed in the 'rest of East Devon' (approximately 45% of the housing requirement), of which: ? 32% (6,800 homes) is to be focused at Exmouth and the Main Centres; and ? 13% (2,700 homes) to the Local Centres, Service Villages and the Countryside. 5.48 For the areas of the District that are located outside the West End, this would equate to an annual average delivery rate of 432 dwellings per annum. This is a rate of delivery that has been achieved in seven out of the past 11 monitoring years. Consequently, it is a deliverable and therefore an effective proposition. 5.49 In the context presented in Sections 6 and 8 of these representations, where there is a need for: (1) the housing requirement to be increased to better reflect objectively assessed needs or account for the shortfall in delivery against the current Local Plan's housing requirement; and (2) a need to increase the supply of homes in the first 12 years of the Plan and place less reliance on a stepped trajectory (particularly when the Plan does not propose to meet objectively assessed needs in full), there is a need to explore the

potential for further allocations to be made, particularly where they provide a strong fit with the spatial strategy. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 23

5.50 Further development at Whimble, for instance, would, as has been demonstrated above, be broadly consistent with the spatial strategy. It would provide a balance between affording an opportunity for a greater amount of rural need to be met at a settlement which has services and facilities that are capable of supporting an increased population, but in a location where higher order services, facilities and strategic employment locations can be accessed by active and sustainable modes of transport.

5.51 Given its locational advantages, DWH are concerned about the level of housing proposed at the settlement; excluding the commitment at the Cobdens Expansion Area, just 111 homes are proposed at the settlement over the period 2020 to 2042, which provides an annual average delivery rate of just 5 homes per annum. Appendix 2 of the emerging Plan confirms that just 83 homes are to come forward from proposed allocations, with completions and commitments accounting for over 25% of its housing requirement figure.

5.52 Despite, as suggested in the Role and Function of Settlements Report (GEV-001), Whimble housing 0.81% of the District's population, the Local Plan proposes, excluding a windfall provision, the settlement to accommodate just 0.53% of the overall planned housing provision. In comparison, Woodbury houses 1.18% of the District's population, but will accommodate approximately 1.75% of the District's housing provision. Similarly, Feniton, which, as demonstrated above, has fewer services and facilities than Whimble, houses 1.16% of the District's population, but is proposed to accommodate approximately 0.61% of the planned provision. Whimble's current role within the spatial strategy in comparison to other Local Centres

5.53 Excluding the anticipated delivery from the Cranbrook Expansion Area, Whimble's housing requirement is 111 dwellings. This is a similar quantum of development to that envisaged at two of the Local Centres; Budleigh Salterton (135 homes) and Colyton (169 homes).

5.54 Consequently, given its services, facilities, active and sustainable transport connections and the quantum of development proposed at the settlement, Whimble is already fulfilling the role and function of a Local Centre. It would therefore be a justified strategy to redesignate Whimble as a Local Centre. This would provide it with the opportunity to have a greater role in meeting East Devon's housing needs. Whimble's housing capacity based on its services and facilities

5.55 It has been demonstrated that Whimble has a greater number of services and facilities than other settlements with a larger population. Woodbury, Feniton and Newton Poppleford, for instance, all have populations in excess of 1,700 residents, whilst West Hill has a population of over 2,000 residents. Conservatively, before any additional allocations are proposed within the emerging Local Plan, it is considered that Whimble has, on the basis of its services and facilities, the capacity to accommodate a further 217 homes¹⁰.

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 Spatial Strategy 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.: CHANGES REQUIRED TO ADDRESS SOUNDNESS ISSUES

5.56 The analysis presented above demonstrates that Whimble has a comparable level of services and facilities to Tier 3 Local Centres. Excluding development associated with the Cobden's Expansion Area, a comparable level of development is proposed at Whimble to other Tier 3 settlements. Consequently, in all but name, Whimble is acting as a Tier 3 Local Centre. It is therefore not a 10 The difference between the populations of Whimble (1,189 residents) and Woodbury, Feniton and Newton Poppleford (approximately 1,700 residents), divided by 2.35 persons, per home.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 24 justified proposition for it to continue to be designated as a Tier 4 Service Village; it should be redesignated as a Tier 3 Local Centre.

5.57 In such a circumstance, Whimble could be afforded a greater role in meeting the District's unmet housing needs, particularly as the settlement has a level of services and facilities that are capable of supporting a larger population. A greater focus of development at Whimble would also accord with the Plan's wider spatial strategy, which seeks to focus development in the western portion of East Devon.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

4. Development at the West End

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.: WS01

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::
Marlcombe

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.: /// Continued from 699338560a42d9bb1d4ee1c5 ///

6.123 If the intent is to provide flexibility to enable National Grid Energy Distribution to have a number of sites from which to choose to develop a bulk supply point within the West End, then it would be inappropriate to limit the land use of this area of the Marlcombe new community for such a purpose over the longer-term. At most, and assuming a need is evidenced, it should only be safeguarded, which would be a consistent approach to that adopted at Cranbrook.

6.124 Moreover, so as to ensure that the Policy is clearly written and is unambiguous, as well as effective, the precise quantum of land required for electricity reinforcement should be stated in the Policy. At present, only a minimum quantum is specified (but not justified), with no maximum requirement expressed. Limb J - Leisure centre

6.125 Analysis provided within Document HCO-001 would suggest that there is a need for new leisure centre facilities within East Devon over the plan-period²⁸. However, the Cherwell Group note that within the note section of Project REC-7 of Document KSD-

001(rev), it is confirmed that: “A Leisure Strategy addendum is in production and will detail the requirements for leisure provision at Marlcombe. Further information is expected to be available in time for submission of the plan.”

6.126 The Cherwell Group, therefore, at this stage, reserve the right to comment on the necessity of providing a leisure centre within Marlcombe. 26 Document NWC-003, para. 9.2.1. 27 See East Devon response PSD45 to the Cranbrook Plan. 28 Para. 7.5. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 38

6.127 Should it be confirmed that a leisure centre is required, then in order to ensure that needs are met in full and the emerging Policy is effective in this respect, the required land to accommodate it should be specified.

6.128 In addition, and following the example set in Cranbrook, where the leisure centre was required within the town centre (see Policy CB21 of the Cranbrook Plan) consideration should be given to the leisure centre being located within the Marlcombe town centre. From a place-making and accessibility perspective, the town centre would be an appropriate location and would accord with the anticipated uses identified in Strategic Policy WS01. If this strategy was taken forward, then it is assumed that the requirement would be met within the 12ha of land identified for the town centre. Limb K - Integrated neighbourhood health centre

6.129 The provision of health facilities will be an essential component of social infrastructure in the new community. Document KSD-001(rev) confirms that it is required to meet the needs arising from the population of Marlcombe.

6.130 However, so as to ensure that the health infrastructure requirements of the population of Marlcombe are effectively delivered, emerging Strategic Policy WS01 should specify the size of the land required for the facility. At present, this information cannot be obtained from either the emerging Policy, or Document KSD-001(rev).

6.131 As with the proposed leisure centre, consideration should be given to incorporating the integrated neighbourhood health hub within the town centre, or possibly a local centre. Accessibility and placemaking benefits would arise from such an approach. It would also follow a similar approach adopted at Cranbrook (see Policy CB21). Limb L - Blue light facility

6.132 The Cherwell Group do not, at this stage, dispute the need for a blue light facility to be provided within Marlcombe. They do, however, consider that if the need for a facility is established, then the land required to meet this need should be specified within Strategic Policy WS01, so as to ensure that it is effectively met.

6.133 The Cherwell Group would again suggest that the town centre is an appropriate location for such a facility and the land required to accommodate it should form part of

the 12ha required for the town centre within Strategic Policy WS01. Public transport measures

6.134 The Cherwell Group are aware that public transport measures are a key component of the Marlcombe Transport Vision (Document NWC-003). Section 9 of Document NWC-003 establishes the public transport strategy for Marlcombe, which proposes a high-quality bus network which will connect Marlcombe to Exeter and nearby employment centres. Features will include: ? park and ride facilities, which will be located at either end of the new community. They will intercept existing car trips destined for Exeter, whilst also serving as mobility access points for residents and workers within Marlcombe, who can reach them via active modes of travel (including those proposed at the mobility hubs) and the internal circular bus service. Service frequency is anticipated to be every 15 minutes; ? the internal circular bus service referred to above, which will pass through destinations within Marlcombe and the proposed residential development. It will provide services every 10 minutes during peak hours and every 15-20 minutes off-peak; ? ensuring that bus services provide connections to Cranbrook and Digby and Sowton stations which align with train arrivals and departures; ? bus priority measures (within Marlcombe and on routes outside of Marlcombe), which could include dedicated lanes, signal priority and congestion bypasses; SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 39 ? user experience and accessibility measures, including: (1) providing real-time information at bus stops; (2) ensuring that bus stops are accessibly located within a distance of 640m from most homes; (3) ensuring all infrastructure meets national accessibility standards; and (4) convenient, integrated and competitively priced ticketing.

6.135 These are measures which are supported by the Cherwell Group and where necessary, their masterplan proposals respond to such requirements. Subject to viability, financial contributions will be provided on a proportionate basis.

6.136 There is, however, potential for the double counting of costs associated with Projects TRA-4, TRA-19, and TRA-21. The costs listed within Document KSD-001(rev) should therefore be carefully reviewed. On and off site walking, wheeling and cycling infrastructure

6.137 The Cherwell Group are supportive of the requirement for on and off site walking, wheeling and cycling infrastructure. Indeed, they consider that such infrastructure will be central for achieving the vision for the settlement, which includes it providing a range of homes, places of work and a diverse mix of other uses, which are “... easily accessible via sustainable and active travel such that these become the dominant transport modes.”

6.138 Indeed, its compact nature lends itself to the successful promotion of active travel modes. As outlined in Document NWC-003, the allocation is under 2.5km from its northern and southern extents, meaning that journey times from either end of the development would be around a walk of 30 minutes, or a cycle ride of around ten minutes²⁹.

6.139 Document NWC-003 establishes a strategy for required active travel provision. This includes: Within Marlcombe ? segregated cycleways and footpaths. In respect of the cycleways, these will include protected junctions and continuous routes which minimise junctions with, and the crossing of, primary and secondary streets (albeit cycles could share carriageway space with motorised vehicles in quieter and lightly trafficked streets); ? pedestrian priority in local centres, near schools and public spaces; ? providing opportunities to take shade, shelter and rest; ? the provision of signage, which will include journey times to key destinations; ? the provision of a mix of leisure and utility routes. Leisure routes will focus on recreational areas and could be less direct, whilst utility routes will be as direct as possible to destinations; ? lighting, natural surveillance and clear sightlines will enhance safety and perceptions of security; and ? a short-term cycle hire scheme being incorporated into the development, which ideally would be integrated with similar schemes within Exeter and local railway stations. Off-site

6.140 Document NWC-003 confirms that Exeter is located around 9km to the west of Marlcombe, which is too far to be regularly walked. With cycle journey times predicted to be 35-45 minutes, it was concluded that it is wholly practical to commute to Exeter by bicycle. The Vision identifies two key existing cycle routes; the dedicated cycle bridge at Blackhorse Lane to the north and the Old Rydon Lane to the south. An additional crossing point into Sowton is being considered. It is acknowledged that there may be the need to upgrade some of these existing cycle connections. Additional 29 Para. 8.1.2. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 40 connections are proposed including to key employment destinations, such as Exeter Airport, Skypark and Cranbrook.

6.141 These are measures which are supported by the Cherwell Group and where required, will be incorporated into their development proposals. Limb O - Off-site highways improvements

6.142 It is highly likely that the Marlcombe new community will necessitate off-site improvements to the existing network. Indeed, this is suggested within Document NWC-003, with Document KSD- 001(rev) identifying a number of projects, including: ? the Exeter Airport/A30 junction; ? works to increase the capacity of Junctions 29 and 30 of the M5; and ? enhancements to the Sidmouth Road corridor.

6.143 Costs are identified for these projects within Document KSD-001(rev).

6.144 Given that Document KSD-001(rev) contains such a detailed understanding of the required highway improvements, it is surprising that a greater understanding is not provided in Strategic Policy WS01. It would be a more justified and effective strategy for the Policy to contain a further explanation of the junctions that are to be improved. Limb P - Mobility hubs

6.145 The provision of mobility hubs within Marlcombe is supported by the Cherwell Group, who notes that Document NWC-003 confirms that they are to be “a cornerstone of Marlcombe’s sustainable transport strategy³⁰.”

6.146 Document NWC-003 contains significant detail about the proposed network of mobility hubs (including what will be provided within each) and their proposed location from each home and commercial building. Given the importance of mobility hubs in the new community’s sustainable transport strategy, consideration should be given to reflecting this information within Strategic Policy WS01, or its supporting text. This would ensure that the ambition for the network of mobility hubs is effective. Reference to the IDP

6.147 The Cherwell Group note that Strategic Policy WS01 confirms that the Council has produced an IDP (Document KSD-001(rev)) which sets out key requirements. Further infrastructure items are listed that are said to be included within the IDP, including community energy/heating provision, on-site renewable energy generation and drainage and sustainable drainage systems. These are, however, not included within KSD-001(rev).

6.148 Moreover, there are items contained within the IDP that are Marlcombe related projects, which have not been identified in emerging Strategic Policy WS01. These include: ? a fifth primary school (Project EDU-13); ? community centres (Project COM-5); ? youth, children’s and library facilities (Project COM-8); ? the community builder (Project COM-10); 30 Para. 10.1.1. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 41 ? SANGS delivery and enhancement maintenance contribution in perpetuity (Project ENV-3); ? on-site tennis courts, other courts, greens, tracks and trails (Project REC-6); and ? the new sewerage treatment works (Project UTI-6), although this is proposed to be located in the West End.

6.149 Further iterations of the Policy and/or the IDP should address these inconsistencies. Application requirements

6.150 The emerging Policy requires proposals within the new community to progress in accordance with an agreed allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and a financial appraisal. Unless otherwise agreed with the Local Planning Authority, each planning application should accord with the approved documents. The Policy also references the need for parameter plans.

6.151 The Cherwell Group has seven principal concerns with these elements of the Policy, as follows: ? To ensure that the emerging Policy is clearly written and unambiguous, there should be an explanation of the apparent difference between parameter plans and masterplans. ? To ensure that the emerging Policy is clearly written and unambiguous, the Plan should be clear about who is to prepare the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and the financial appraisal. ? To ensure that the emerging Policy is clearly written and unambiguous, there will be a need for the Policy to indicate how the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and financial appraisal is required to be agreed. ? To ensure that the emerging Policy is clearly written and unambiguous, the Plan should be clear as to what stage of the development management process the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and the financial appraisal is required to be agreed (i.e. is it prior to the submission of the first application, or as part of it). In that regard we draw attention to the wording of the Cranbrook Expansion Area policies, which state that “the parameter plans shall be agreed in writing by the Local Planning Authority as part of the first approval of any planning application for development...” ? The Policy states that whilst the emerging Local Plan only allocates land to accommodate 8,000 new homes and supporting facilities and infrastructure, infrastructure capacity should take account of the ambition to grow the community by a further 2,000 homes, to 10,000 in the longer term. Whilst for some elements of infrastructure this could be a possibility, without any surety over where the additional development will be located and at what level, it may be difficult for others. For instance, what assumptions will or can be made about trip assignment in relation to junctions onto the existing public highway and the location of education provision, when the location of the additional 2,000 homes is unknown? We have also drawn attention to a number of cases where the requirements of the Policy seemingly require infrastructure to meet the needs of 8,000 homes (SANG and public open space), whilst for others they are proposed to be sized to accommodate the needs generated from 10,000 homes (e.g. the education campus). ? Whilst reference is made in the Policy to the parameter plans being required to be prepared in partnership with developers and the wider community, this level of engagement seemingly is not required for the allocation-wide masterplan, infrastructure delivery strategy and financial appraisal, despite them potentially impacting other landownerships within Marlcombe. As it appears that these documents are required on an allocation-wide basis, there should be a requirement for them to be prepared in the same manner as the parameter plans; in partnership with other developers/landowners and the community. ? Unless an application is seeking to depart from the delivery of the contributions embedded within the emerging Local Plan, there should be no need to provide a financial appraisal prior to the commencement of development. The NPPF and the PPG confirm that plans should set out SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 42 the contributions expected from development, which should

be informed by a proportionate assessment of viability. Para. 58 of the NPPF confirms that where a planning application complies with the contributions established in up-to-date policies, it should be assumed to be viable.

6.152 In addition, the Cherwell Group consider that emerging Strategic Policy WS01 should confirm that the site wide masterplan need only accord with the principles shown on the Council's masterplan (i.e. each land use proposed and its scale, rather than being tied to specific locations within the new community). This would provide the opportunity for a greater technical understanding of Marlcombe to be obtained before finalising the location of the proposed uses, which may also aid the development's viability. The landowner group have already commissioned joint technical work which could be used to inform the site wide masterplan and are committed to continuing with this collaborative approach. Amongst other matters, this work will include options for the location of the education campus. Stewardship

6.153 Strategic Policy WS01 confirms that a town-wide stewardship vehicle and governance will be required early on in the planning and delivery process, which will provide full details of the governance structure, methods of funding the stewardship vehicle, details of the public spaces and community assets to be owned, managed and maintained by the stewardship vehicle and an indicative programme for the establishment of the proposed stewardship vehicle. It is noted that para. 4.8 of the Local Plan confirms that public spaces and community assets within the new community will need to remain in public ownership and that the stewardship vehicle for these assets will need to be self-funding.

6.154 The Cherwell Group acknowledge that stewardship will be a critical component of the new community. They are also aware that, as the proposed new community is the second that will occur within East Devon, many of these considerations will have been debated previously at Cranbrook. The Cherwell Group is aware of an East Devon Cabinet Paper dated 28th July 2021, which discussed the various stewardship models that had been discussed in the context of Cranbrook, which by the time that the paper was written, was a thriving community, with the established Town Council providing effective local leadership.

6.155 It confirmed that initially within Cranbrook, as with many developments, an estate management company was responsible for, amongst other things, the management and maintenance of public spaces. This was funded by a management charge applied to each home. However, in 2018, public assets and services were transferred to Cranbrook Town Council, with their management and maintenance being funded through the parish precept and residents having their estate charge removed. This did not require any commuted sums to be paid by the developers to the Town Council, but is reflected on the Council Tax bill for each property.

6.156 Two further options were considered within the Cabinet Paper for the stewardship of assets; asset endowment and profit share. In terms of the former, LRM Planning have been involved in a development where such an approach was used, alongside a conventional estate charge.

6.157 As part of the Former Wisley Airfield development, a Stewardship Strategy and an In Perpetuity Funding Framework was agreed. Through that work it was agreed that the Wisley Airfield Community Trust would be established, which is a charitable trust responsible for the operation and maintenance of the community assets and the promotion of community activities to aid with placemaking. The Trust is to be governed by a board of Trustees including residents, the Council, the County Council, the Parish Council, specialist stakeholders, the developers and other business interest groups.

6.158 The Strategy and Framework confirms that the Trust is to be responsible for: ? maintenance of public open spaces and community facilities; ? the maintenance of the SANG land; SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 43 ? sustainable transport initiatives, including bus services and subsidy, e-bikes and car clubs; ? costs for the Trust's staff and its ongoing operation; and ? placemaking, including community development, activities and events.

6.159 A number of potential sources of revenue were identified, including: ? an estate charge for each dwelling and commercial unit; ? income from community assets, periodic income and charitable grants; and ? a scheme of endowment, whereby a number of residential properties were gifted to the charitable trust to be let to private tenants to provide a long term and unrestricted income. Initially, 19 dwellings were endowed to the Trust.

6.160 Subject to viability, such an approach to delivering the stewardship of the new community over the longer-term would be supported by the Cherwell Group. In the case of Marlcombe, it could include revenue generation from elements of the town and neighbourhood centres. Future expansion

6.161 It is noted that Strategic Policy WS01 seeks to ensure that any development does not prejudice the integration of future development at the new community that could come forward in the period post 2042.

6.162 Whilst the intent of the Policy is understood, it is ambiguous as to how an applicant would demonstrate how this would be achieved, as Marlcombe's expansion areas are yet to be defined. Delivery model and compulsory purchase

6.163 Document NWC-005 confirms that various delivery models for Marlcombe have been considered by the Local Planning Authority. This has, however, not been transcribed into Strategic Policy WS01, which appears to adopt a conventional approach to its delivery.

6.164 Whilst we are aware that the Council has aspirations to establish a Development Corporation for Marlcombe, which could be used for the purposes of stewardship and governance, it is important to recognise that it could take some time for such a Corporation to be formed to fulfil these roles. However, if the ambitious trajectory for the new community as shown in Document HOU-001(rev) is to be met, then the establishment of a Development Corporation should not prevent delivery at Marlcombe coming forward.

6.165 It is noted that the emerging Policy also makes reference to compulsory purchase powers potentially being used to deliver required infrastructure. Whilst this is a statement of fact and could be an important tool for the Council going forward, it should not, in this instance, be required, as there is a willing group of landowners and developers, who are committed to progressing with the Marlcombe new community in a conventional manner. There may also exist the potential for land to be made available for the Council or an appointed body, to take control over the delivery of necessary infrastructure. This could be, for instance, in relation to the delivery of community infrastructure or the town and local centres.

6.166 The proposed Policy can (with the amendments proposed) ensure a collaborative and comprehensive approach to the new community's delivery, and importantly, in a timely manner, without the need for an alternative delivery vehicle, or the use of compulsory purchase powers. Further work is proposed by the landowner group, which will be framed by a collaboration agreement, which is currently being prepared.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 44 Final costs of infrastructure

6.167 Strategic Policy WS01 confirms that as the final costs of infrastructure may not be known at the time that permission is granted, planning obligations requiring a contribution to infrastructure may also include a review mechanism, once the item of infrastructure has been delivered and its costs are known.

6.168 This approach, however, is wholly inconsistent with national planning policy³¹, which confirms that plans should set out the contributions expected from development, including affordable housing and infrastructure. THE COUNCIL'S EMERGING MASTER PLAN

6.169 Whilst acknowledging that Strategic Policy WS01 does not require the site-wide masterplan to be prepared in strict accordance with the Council's masterplan provided at Figure 7 of the emerging Plan, it would be remiss of the Cherwell Group not to outline their principal concerns of the Council's masterplanning work, which are summarised as follows: ? whilst from a design perspective, the location of the education campus as shown at Figure 7 of the Plan is deliverable, it will require substantial ground works and will generate abnormal costs. It will therefore be a more viable proposition to re-locate

the education campus to other areas of the new community. The Cherwell Group suggest land to the north west, which is a strategy that would attract other benefits. ? Axehayes Farm and land to the west and south west form, due to the topography of this part of the Marlcombe new community, a separate drainage catchment to land to the north. In that respect, work undertaken on behalf of the Cherwell Group has indicated that a larger area for sustainable drainage systems will be required than is currently shown on the Council's masterplan.

6.170 It is acknowledged that the flexibility provided within the Policy (for which a further amendment is proposed) would allow for these matters to be considered through the development management process and would not necessarily require a modification to the Council's masterplan in that context. SU MMA RY

6.171 In summary, the Cherwell Group considers that: ? Consistent with the Plan's spatial strategy, which seeks to focus development in the least constrained parts of East Devon and in close proximity to the regionally significant city of Exeter, Strategic Policy WS01 proposes the allocation of Marlcombe. It has been selected following an assessment of options to accommodate such a development and through a Sustainability Appraisal process. The allocation is therefore soundly made. ? The Cherwell Group are collaborating with the other major land interests within Marlcombe, as part of a landholder interest group. The group has the expertise and proven track record to bring forward such a strategic development, in partnership with the District Council, who themselves have successfully delivered a new town. ? As drafted, Strategic Policy WS01 is unusually long, spanning some seven and a half pages. There is a concern that given its length, it does not provide a clear and concise framework to guide future applications. It also duplicates other policies proposed within the emerging Local Plan, 31 NPPF, para. 34 and 58, as well as MHCLG, Planning Practice Guidance, Viability, Paragraph: 001 Reference ID: 10-001-20251216. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 45 and even in some instances, the same policy objective is covered more than once in Strategic Policy WS01. ? There is a lack of clarity over the required scale of infrastructure that is to be provided within the land allocated in the emerging Plan. Some items of infrastructure are planned to accommodate the ultimate size of Marlcombe (and potentially wider areas), whilst other requirements in the Policy have been sized to accommodate the quantum of development allocated in Strategic Policy WS01 (8,000 homes). ? The Cherwell Group have a number of concerns relating to the Council's masterplan, including in relation to the location of the education campus and the proposed sustainable drainage system. In particular, they consider that the portion of Axehayes Farm where the education campus is proposed is topographically challenging. Whilst it is feasible for an education campus to be located in this area of Marlcombe, it will require significant earthworks, which will generate abnormal costs. They suggest that the education campus would be better located on more level land, to the north west. A number of additional benefits

would arise from such a design response. They do, however, acknowledge that these matters can be explored further during the preparation of the site wide masterplan. ? Given the scale of the new community, it will need to be undertaken on a phased basis. The required phasing strategy should be prepared in collaboration with the landholder interest group, who will ultimately be responsible for delivering Marlcombe. ? The allocation of strategic levels of residential development at Marlcombe are supported. It will make the most significant contribution to meeting East Devon's housing requirement, accounting for around one in every six homes that will come forward over the Plan period. ? It is considered that the Council's housing trajectory for the new community is ambitious, but in overall terms, past and forecast delivery rates would suggest that it is deliverable. It will, however, require planning applications to be prepared prior to the adoption of the Local Plan and in parallel with the Examination in Public. ? The 'aspirational' target of 40% affordable housing (with public subsidy) is not sufficiently clear, is not effective and does not accord with national planning policy. It also does not provide a sufficiently clear basis from which to be able to assess whether the District's affordable housing needs will be met over the plan period. Instead, the emerging Policy should establish a viable 'baseline' level of affordable housing, which should be informed by a viability assessment that fully accounts for all developer contributions. The Policy could then require applicants to explore whether public subsidy was available to achieve the Policy aspiration of 40%. ? Further evidence is required to justify many of the items of infrastructure that are currently required by the Policy. In some cases, there is a need for further clarity over where the items of infrastructure are to be located and their scale. Further clarity around these points would not only assist with decision-making, but also provide robust inputs into the Local Plan's viability work. ? The form, timing and how the site wide masterplan, the phasing strategy and the infrastructure delivery strategy are to be prepared and agreed is unclear. The same level of engagement should be required for these elements of work as the parameter plans. ? Unless a proposal is seeking to depart from the Plan's affordable housing and infrastructure requirements, a financial appraisal should not be required through the development management process.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

4. Development at the West End

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.: WS01

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::
Marlcombe

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.: /// Continued from 697c980df26f8afbb3090a9f ///

6.55 Moreover, the GTTA identifies the existing supply of Gypsy, Traveller and Travelling Showpeople sites in East Devon at its July 2023 base date. This included provision that benefitted from planning permission. However, as evidenced when reviewing Appendix E, it did not account at that point for the 15 pitches that were, as indicated at para. 5.7 of the assessment, proposed at the Cranbrook Expansion Areas, but which had not, at that point, achieved planning permission. Since the base date of the GTTA, planning permission has been secured for 15 pitches from the Cobdens¹⁷ and Treasbeare Expansion Areas¹⁸.

6.56 Once this additional supply is accounted for, then the residual requirement would reduce to between 3 and 10 pitches, depending on the approach adopted in respect of ‘unknowns’.

6.57 Given this evidence, the Cherwell Group consider that to plan for a higher quantum of provision, without the necessary evidence to suggest that it is required, would not be a justified approach.

6.58 In addition, over the longer-term, it would appear that there is limited evidence to suggest that there is a need for a further 15 pitches in the period post 2042. The Local Planning Authority's evidence base work only establishes needs between 2023 and 2045. It only identifies a further need for three additional pitches in the period between 2042 and 2045. It does not suggest that there is a need for a further 15 pitches beyond the plan period. Consequently, it would be an unjustified strategy to plan for this additional provision at this stage. Instead, it is considered that the additional provision post 2042 should, if it is to be provided within the new community, be considered as part of the subsequent development plan document that will allocate the additional 2,000 homes required to ensure that the new community reaches 10,000 homes in total. That would ensure that the requirement is evidenced and would therefore be a justified strategy. 16 ORS , East Devon District Council Gypsy and Traveller Accommodation Assessment (2024), para. 8.5. 17 Application 22/0406/MOUT 18 Application 22/1532/MOUT SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 30 Reasonable alternatives

6.59 The emerging Local Plan only proposes to meet the needs of the Gypsy and Traveller community from one allocated site (the new community), with Policy HN09 providing a criteria based approach for windfall sites. Other than these two options, there does not appear to be any assessment of other reasonable alternatives within the District where the housing needs of the Gypsy and Traveller community could be met.

6.60 This is particularly important, as the evidence base underpinning the spatial strategy confirms that the most preferable distribution of development would see 55% of housing need met within the West End. However, having regard to the committed Gypsy and Traveller development within Cranbrook and the proposed provision within Strategic Policy WS01, 100% of the Gypsy and Traveller need is proposed to be focused in the West End. This appears to conflict with the conclusions of the evidence base and is not, therefore, a justified proposition. Viability

6.61 Evidence prepared in support of the Cranbrook Plan demonstrated that the proposed Gypsy and Traveller provision from the Expansion Areas would have resulted in a financial loss. Cranbrook Plan Document PSD36 confirmed that the cost for constructing the 15 Gypsy and Traveller pitches within the Cranbrook Expansion Areas would be £1,808,000. Cranbrook Plan Document PSD21a confirms that the values of the Gypsy and Traveller plots was, at that time, £55,000, giving a total value for the 15 pitches of £825,000. Consequently, a loss of £983,000 was predicted. We are aware that since the Cranbrook Plan was made, developers are now, via the Section 106 Legal Agreements, required to construct the pitches at their cost, and transfer them for £1 to

the Local Planning Authority. Consequently, their construction cost will be fully borne to the wider development.

6.62 Given the above, and assuming that there is a requirement for the development to provide the constructed pitches, as there was at Cranbrook, in order to ensure that the new community is an effective proposition, the loss associated with the Gypsy and Traveller provision should be fully reflected within any viability assessment. Jobs

6.63 The Cherwell Group note the requirements for 16.5ha of employment land to be provided at Marlcombe in the period up to 2042, with a further 23.5ha of employment land proposed in the period post-2042.

6.64 As a matter of principle, they strongly support the provision of employment land within Marlcombe. As set out within para. 4.8b of the emerging Local Plan, the provision of jobs within the new community will help to minimise out-commuting, which, as set out in para. 109 of the NPPF, can help to reduce congestion and emissions, whilst also improving air quality and public health. In doing so, it can also help to reduce the costs of more significant transport interventions on the highways network.

6.65 However, as neither the Cherwell Group nor the Local Planning Authority are proposing any employment land within Axehayes Farm, they do not provide any detailed comments regarding the proposals.

6.66 Notwithstanding the above, the Cherwell Group are aware that the overall quantum of homes proposed in the emerging Local Plan is unlikely to provide a sufficient quantum of workers to support the mid-point clean growth strategy adopted within the Plan. Town and neighbourhood centres

6.67 The Cherwell Group note the requirements for a town centre and two further neighbourhood centres. As neither the Cherwell Group nor the Local Planning Authority are proposing town or SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 31 neighbourhood centre uses on land at Axehayes Farm, the Cherwell Group do not have any detailed comments to make about this element of the Policy.

6.68 However, the proposed town and neighbourhood centre uses will help to achieve the ambitions of the Marlcombe Transport Vision (Document NWC-003)¹⁹ and will be a key component of placemaking. As such, they are strongly supported by the Cherwell Group.

6.69 Notwithstanding the above, the Cherwell Group notes that the policy contains a potential list of uses for the town and neighbourhood centres. It appears to exclude community uses. Strong consideration should be given to broadening the uses to include community uses, such as the place of worship and parsonage, the integrated neighbourhood health centre, and the blue light facility.

6.70 In addition, the Cherwell Group provide comment on the emerging Stewardship Strategy below. Services and facilities within the town and neighbourhood centres could provide revenue streams to fund the long-term management and maintenance of infrastructure within Marlcombe. Social, cultural, leisure, health and community facilities

6.71 The Cherwell Group acknowledge that to ensure that the second new community constitutes sustainable development, there will be a need for it to include social, cultural, leisure, health and community facilities. For large-scale development such as that being proposed, this is a requirement of national planning policy²⁰.

6.72 In regard to Strategic Policy WS01, it is noted that there will be a requirement for a full range of social, cultural, leisure, health and community facilities. This is not disputed by the Cherwell Group. Indeed, they will be an important placemaking component of the second new community. They will also become important elements of ensuring the achievement of the Marlcombe Transport Vision, particularly in relation to internalisation.

6.73 Notwithstanding the above, the Cherwell Group note that reference is made in the emerging Policy to “revenue contributions,” but no further guidance is provided within the Policy or its supporting text as to what would be required from residential development within Marlcombe, or whether such requirements would satisfy the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations, as well as para. 57 of the NPPF.

6.74 Only one reference is made within KSD-001(rev) to revenue contributions, which is in relation to Project COM-10 (the community builder). If this is what is meant by revenue contributions, then to provide the necessary clarity, it should be stated within emerging Strategic Policy WS01.

6.75 More detailed comments of the proposed social, cultural, leisure, health and community facilities is provided below. Education provision at the Marlcombe new community

6.76 The Cherwell Group acknowledges that a full range of education facilities will be required at Marlcombe and note that the justification for the policy requirements for education provision is established within Document HCO-005. They do, however, have the following concerns relating to the proposed education provision: ? the location and size of the proposed education campus; ? the size of the total education provision, its catchment and its implications on viability; and 19 Para. 2.2.1. 20 Para. 74 and 97 of the NPPF SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 32 ? the fifth primary school.

6.77 Each is discussed below in turn. Location of the education campus

6.78 The Cherwell Group note the requirements for education provision from Marlcombe, including the proposed education campus, which as shown in Figure 7 of the emerging Plan, is proposed on Axehayes Farm. Whilst the Cherwell Group consider that, from a design perspective, it is a deliverable proposition to construct the education campus in the location shown on the Council's masterplan, they have, in Section 2, proposed a revised location for it, which could have a number of additional benefits.

6.79 Whilst, for brevity, these benefits are not repeated in this section of the representation, the Cherwell Group consider that their proposed location needs further consideration. In that regard, they support the proposed additional wording set out within the Policy, that the development will need to occur and proceed "broadly in accordance" with the masterplan shown in Figure 7, although they have proposed a minor modification to that wording. Such an approach will provide the necessary flexibility for the campus' location to be re-considered in the near future.

6.80 Noting Devon County Council's response concerning abnormal costs to the First Regulation 19 Consultation, which is set out in Section 2 above, this could become an important change.

6.81 Moreover, the Cherwell Group note that the Vision for Marlcombe seeks for "...a diverse mix of uses that are easily accessible via sustainable and active travel such that these become the dominant transport modes."

6.82 In this regard, the Marlcombe Transport Vision concludes that the length of a trip is a key determinant to the mode of transport used²¹. Consequently, a more central location within Marlcombe, to the north west of its proposed location as shown in Figure 7 of the emerging Plan, would ensure that it was placed in a more accessible location to a greater number of residents, thereby making it more likely that journeys to the education campus would be made by active travel modes. This will be particularly important early within the settlement's construction, as it is envisaged by the Transport Vision that homes will "initially be clustered around the southern and northern ends of the site²²."

6.83 As set out in Section 2, as the Marlcombe Transport Vision assumes that the construction of the primary access road and the northern and southern junctions will occur in the same phase as the education campus, there can be no justification linked to the phasing requirement of the campus that would preclude it being relocated in the manner proposed by the Cherwell Group. Quantum of land for the education campus

6.84 As currently worded, Strategic Policy WS01 requires the education campus to be constructed on at least 17.3ha of land. The proposed policy wording allows for further discussion on the quantum of land that will be required for the campus during the consideration of the masterplan and during the determination of the principal

permission. This flexibility is a concern for the Cherwell Group, as a more detailed analysis of the significant earthworks required to support the campus in its location proposed by the Local Planning Authority could necessitate a greater quantum of land than the minimum quantum established within the Policy. This need for a greater quantum of land could reduce the housing yield from Marlcombe, reduce the net residential area, reduce revenue and add further costs, undermining viability. 21 Document NWC-003, para. 6.2.4. 22 Document NWC-003, para. 2.11.12. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 33

6.85 Consequently, if the Local Planning Authority continue to support the location of the education campus as shown on Figure 7 of the Plan, then there should be the need to undertake a further analysis of the minimum area of land required to accommodate the school in the northern area of Axehayes Farm and for that to be properly reflected in Strategic Policy WS01 and its supporting viability work.

6.86 An added benefit for locating the education campus in the location proposed by the Cherwell Group is that as that area of the Marlcombe new community is more level, a greater level of certainty could be placed on the school only requiring 17.3ha of land.

6.87 Given the scale of the education campus, further clarity should be provided as to whether ancillary infrastructure, such as sustainable drainage systems, could be accommodated within the 17.3ha, or whether a sustainable drainage system to support the education campus would need to be provided in other areas of the development.
Size of the education campus and cost implications

6.88 There is a significant difference between the capacity of the education campus as outlined in Strategic Policy WS01 and Devon County Council's requirements that were established in their consultation response to the First Regulation 19 consultation. Whilst initially, Devon County costed the campus at £47,338,544, its cost in Document KSD-001(rev) is now £87,109,050. It is assumed that the difference between the figures is due to the methodology proposed in both, with Devon County Council seemingly calculating the requirements based on the 8,000 homes, whereas Document KSD-001(rev) lists the infrastructure requirements to support the envisaged total size of the new community (at least 10,000 homes). It does however demonstrate the significant increase in the costs of this element of community infrastructure resulting from the enlargement of the new community (the new community would increase by 25%, whereas the costs for the school increase by 84%). The size of the total education provision, its catchment and its implications on viability

6.89 The Cherwell Group note that Document KSD-001 confirms that the education campus (Project EDU-9) will provide for an area wider than just the new community. Its costs should therefore be apportioned on a pro-rata basis, which should be taken forward into the Council's viability work. Education phasing

6.90 As currently drafted, Strategic Policy WS01 requires the education campus to be delivered first. Such a Policy requirement is inflexible and could prevent the delivery of development. Similar conversations were had during the Cranbrook Plan Examination and during the determination of related planning applications (see for instance the wording of Policy CB7 of the Cranbrook Plan).

6.91 It is the Cherwell Group's opinion that the phasing of the education provision should be a matter to be considered through the phasing and delivery strategies required by Strategic Policy WS01, when a greater understanding of how and when the development at Marlcombe will come forward, can be obtained. This would allow for education provision to come forward as part of the initial phases of the development, rather, than could be the case with the wording of the current policy, in a location that is divorced from the early residential phases.

6.92 In that regard, the Cherwell Group are aware that the initial requirement is for primary school provision, which could be accommodated on any one of the proposed four primary schools, with secondary school provision not being required until much later.

6.93 They therefore suggest that a similar, flexible approach is adopted in Strategic Policy WS01 to Policy CB7 of the Cranbrook Plan. If the ambition is for the education campus to come forward first, then its revised location as proposed by the Cherwell Group, could also help address concerns. SECOND EAST DEVON LOCAL PLAN
PUBLICATION DRAFT CONSULTATION 34 Additional primary school

6.94 In terms of primary school provision, Strategic Policy WS01 identifies the need for four primary schools, including the education campus. This is re-confirmed in Document HCO-00523. However, five primary schools are identified as Marlcombe related projects within the IDP (Document KSD- 001(rev)), which are projects EDU-9, EDU-10, EDU-11, EDU-12 and EDU-13.

6.95 It is understood that only four primary schools are required to support the 8,000 homes allocated within the emerging Local Plan and the additional primary school will only be required to support the expansion land (2,000 homes)²⁴.

6.96 Given the need for infrastructure capacity and needs works to take account of 10,000 homes, it would be more clearly written and unambiguous for the Policy, or its supporting text to confirm that the fifth school will be required to be brought forward in land to be allocated in a subsequent development plan document and not the land allocated in the emerging Local Plan. Wider infrastructure

6.97 The following section comments on the 'wider infrastructure' requirements established within Strategic Policy WS01. The comments focus on the need for each infrastructure item and any other design related points. Limb A - SANG

6.98 As set out in para. 13.16 of the emerging Plan, the provision of SANG land forms a key element of mitigation for developments that are located within 10km of the Exe Estuary Special Protection Area (SPA) and the Pebblebed Heaths Special Area of Conservation (SAC). The emerging Policy confirms that mitigation should be provided at a rate of 8ha per 1,000 population, which was the same requirement as set out in Policy CB14 of the Cranbrook Plan. This requirement has therefore been tested at Examination and found to be sound. It follows that it is a level of provision that is supported by the Cherwell Group.

6.99 The Cherwell Group are also supportive of the emerging Plan now providing an occupancy rate within the Policy. This change provides welcome clarity and reduces ambiguity. It is also an occupancy level that is founded on significant research undertaken by the Local Planning Authority, which was used to inform Policy CB14 of the Cranbrook Plan and recognises that new communities tend to attract a greater level of young families, meaning the occupancy rate is modestly higher than elsewhere.

SANG location

6.100 Whilst the Cherwell Group acknowledge the need for SANG, they consider that alternative locations should be considered, including: ? within the Clyst Valley Regional Park to the west, in coordination with the delivery of homes from Marlcombe; and/or ? in accordance with para. 74(d) of the NPPF, in order to accelerate housing delivery, to explore ensuring SANG land is provided, where possible within land ownerships, where it would be consistent with Natural England's guidance. It is acknowledged alternative locations for SANG land could be explored through the site-wide masterplan, through the development management process. 23 4.3.9. 24 See the notes/additional justification section of Document KSD-001(rev). SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 35 Quantum required

6.101 It is noted that the emerging Policy identifies a total requirement for SANG land in brackets (150.4ha). This, however, is calculated on the basis of 8,000 homes. It is therefore assumed, in the context of the Policy requirement for all infrastructure and needs works to take account of 10,000 homes, that only a quantum of SANG sufficient to meet the needs generated from 8,000 homes needs to be provided within the land allocated within the emerging Local Plan, rather than for 10,000 homes. Any additional SANG requirements should be met in the expansion areas. Limb C - Public open space provision

6.102 The Cherwell Group acknowledge that the new community will be required to provide on-site public open space provision. As stated in national planning policy, access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and has other wider benefits²⁵.

6.103 Whilst the Cherwell Group do not comment on the public open space requirements, they do support, as indicated above, the incorporation of the proposed occupancy rate within the Policy.

6.104 In addition, it is noted that the overall requirement for each typology of public open space is set out in brackets, calculated on the basis of the allocated 8,000 homes. In the context where there is a requirement for infrastructure capacity and needs work to be undertaken on the basis of 10,000 homes, the emerging Policy, or its supporting text should confirm that the public open space provision required to support the expansion areas should be provided in the land that will be allocated in a subsequent development plan document, rather than the land allocated at Marlcombe in the current Local Plan. Limb D - Playing pitches

6.105 It is indisputable that playing pitches will be required to meet the needs of the residents of the Marlcombe new community. However, noting the requirements of para. 102 of the NPPF, we can find no evidential basis, at this stage, to justify the requirement for the 20ha of playing pitches established in Strategic Policy WS01.

6.106 At the time of writing, no up-to-date playing pitch strategy is provided within the evidence supporting the consultation and the most up-to-date playing pitch strategy that can be found on the Council's website was originally published in June 2015, and is therefore over a decade old. It is noted that in relation to other geographical areas of the District, Document KSD-001(rev) confirms that a new playing pitch strategy is being formed and will be published prior to the submission of the Plan.

6.107 Moreover, no understanding can be obtained from the Policy relating to the mix of pitches proposed, or their surface treatment. Consequently, the need for 20ha has not been justified. Through discussions relating to the Expansion Areas at Cranbrook, the Local Planning Authority will be aware of the efficiencies that were achieved through providing an artificial grass pitch at the Treasbeare Expansion Area, in comparison to grass pitches, which can be used significantly less than artificial grass pitches.

6.108 The Cherwell Group also note that tennis and other courts are listed as an infrastructure item in the IDP (Project REC-6). Clarification should be provided in the Policy as to whether the required courts could be clustered with the playing pitch provision and within the 20ha of land. Such an approach was advocated at the Treasbeare Expansion Area. 25 Para. 102 of the NPPF. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 36 Limb E - Cemetery

6.109 Whilst the Cherwell Group are supportive of cemetery provision being provided within Marlcombe, they can find no evidential basis within the evidence base underpinning the emerging Local Plan to justify the requirement. Document KSD-001(rev) suggests that it would be required to meet the burial requirements arising from the new community, but this would seem at odds with the justification provided for the

occupancy levels applied for SANG land and public open space, which would suggest that the new settlement would attract a greater proportion of younger families.

6.110 It is also not clear as to whether the cemetery is required to support the needs of the quantum of development allocated in the emerging Local Plan, or for the settlement's proposed ultimate size. This will have implications for the viability work.

Limb F - Place of worship and parsonage

6.111 Reflecting on para. 97 of the NPPF, the Cherwell Group are supportive of a place of worship and a parsonage being provided within the new community. However, they can find no justification for the Policy requirement. Moreover, unlike some of the infrastructure requirements established in Strategic Policy WS01, it does not identify the quantum of serviced land required. To ensure that the emerging policy is clearly written, unambiguous and effective, the size of the land required should be established in the emerging Policy and/or the IDP.

6.112 Moreover, given the nature of a place of worship and a parsonage, consideration should be given to their provision within the space identified for the town centre. Limb G - Materials reclamation facility/waste transfer station

6.113 The Cherwell Group can find no evidential basis within the consultation material that suggests that the facility is necessary. In this regard, they note that in their consultation comment to the Regulation 19 consultation, Devon County Council, as the waste planning authority, did not provide any evidence of its need, or the justification to support the Policy requirement for at least 4.05ha of land. This further evidence should be provided by the Local Planning Authority.

6.114 Moreover, it is noted that Document KSD-001(rev) confirms that: "the facility could be "located elsewhere;" and "it is a project that is required to serve the needs of development within the West End, including Marlcombe, but importantly, not exclusively Marlcombe.

6.115 As the Project could be located elsewhere, it would seem inappropriate for land use planning to constrain the site being use for alternative uses over the long-term, if a more suitable site was found. In that regard, the land should only be safeguarded until confirmation about the location of the facility is confirmed. This is a similar approach to that advocated at the safeguarded energy centre land at the Treasbeare Expansion Area (see Policy CB3 of the Cranbrook Plan).

6.116 Moreover, as the Project will serve a wider catchment than just Marlcombe, its costs should be apportioned on a pro-rata basis, which should be reflected in the Council's viability work for the new community. Limb H - Park and rides

6.117 The Cherwell Group support the provision of the two proposed park and ride facilities within the Marlcombe new community. Document NWC-003 confirms that

their purpose is to “intercept carbased trips into Exeter and reduce pressure on the surrounding road network, particularly at M5 SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 37 Junctions 29 and 30. These sites will serve both external commuters and internal town residents, forming a key component of the community’s sustainable transport framework²⁶.”

6.118 The approach is therefore justified. Limb I - Electricity reinforcement

6.119 The Cherwell Group are aware that there has been a long-standing need for electrical reinforcement in the network to the east of Exeter. This was initially raised during the Cranbrook Plan Examination in Public²⁷.

6.120 The Cherwell Group note that whilst Strategic Policy WS01 requires the provision of 1ha of serviced land within Marlcombe for such purposes, Document KSD-001(rev) does not specify Marlcombe as being the preferred location to accommodate it, suggesting that it could be located anywhere within the West End, including Marlcombe (see Project UTI-9).

6.121 Previous discussions with the Local Planning Authority have indicated that there are a number of options that were being considered for the bulk supply point/primary substation across the western portion of East Devon, which included the land safeguarded for energy centre purposes in planning permission 22/1532/MOUT (3.5ha).

6.122 Given the safeguarded land secured at Treasbeare, the necessity of a new bulk supply point being provided at Marlcombe is therefore questioned, particularly as its justification is “to ensure adequate electrical capacity to serve Marlcombe and wider developments across the West End and further afield.” (our emphasis).

/// Continued in 699338b80a42d9bb1d4ee1cd ///

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

4. Development at the West End

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.: WS01

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::
Marlcombe

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

Summary and conclusions 10.1 These representations to the Second East Devon Local Plan Regulation 19 consultation are submitted on behalf of the Cherwell Group. The Cherwell Group have a controlling land interest on land to the north of the A3052 and to the west of Yeo Business Park and Hill Barton Business Park. The site is known as Axehayes Farm. Their land interest corresponds with the south western portion of the land proposed for allocation at Strategic Policy WS01 of the emerging Local Plan, to form the Marlcombe new community. It follows that the Cherwell Group strongly support the allocation of land at the Marlcombe new community. 10.2 Since the previous Regulation 19 consultation, the Cherwell Group and the other major landholders within Marlcombe have formed a landholder interest group. It includes a national housebuilder, a developer/promoter, a promoter and a developer of employment land and energy infrastructure. The skillset and knowledge of this landholder group make it well-placed to support, in partnership, East Devon District Council in bringing forward their proposals, for what will be their second new community. 10.3 The evidence justifying the allocation of land at Marlcombe is compelling. It provides a strong fit with the Plan's spatial strategy, which seeks to focus development in the less environmentally sensitive areas of East Devon and close to the regionally significant city of Exeter. Whilst the Policy seeks to encourage internalisation, Marlcombe will also be located in close proximity to the services, facilities, jobs and active and sustainable transport facilities within East Devon's West End and Exeter. Following an assessment of three differing options to accommodate a New Town, the Plan's technical work concluded that it was the most appropriate location. It has also been the subject of a four stage, iterative sustainability appraisal process. It is therefore

a sound proposition. 10.4 In terms of Strategic Policy WS01, the Cherwell Group make the following comments: ? As drafted, Strategic Policy WS01 is unusually long, spanning some seven and a half pages. There is a concern that given its length, it does not provide a clear and concise framework to guide future applications. It also duplicates other policies proposed within the emerging Local Plan, and even in some instances, the same policy objective is covered more than once in Strategic Policy WS01. ? There is a lack of clarity over the required scale of infrastructure that is to be provided within the land allocated in the emerging Plan. Some items of infrastructure are specified to accommodate the ultimate size of Marlcombe (and potentially wider areas), whilst other requirements in the Policy have been sized to accommodate the quantum of development allocated in Strategic Policy WS01 (8,000 homes). ? The Cherwell Group have a number of concerns relating to the Council's masterplan, including in relation to the location of the education campus and the size of the proposed sustainable drainage system. In particular, they consider that the portion of Axehayes Farm where the education campus is proposed is topographically challenging. Whilst it is feasible for an education campus to be located in this area of Marlcombe, it will require significant earthworks, which will generate abnormal costs. They suggest that the education campus would be better located on more level land, to the north west. A number of additional benefits would arise from such a design response. They do, however, acknowledge that these matters can be explored further during the preparation of the site wide masterplan. ? Given the scale of the new community, it will need to be undertaken on a phased basis. The required phasing strategy should be prepared in collaboration with the landholder interest group, who will ultimately be responsible for delivering Marlcombe. ? The allocation of strategic levels of residential development at Marlcombe is supported. It will make the most significant contribution to meeting East Devon's housing requirement, accounting for around one in every six homes that will come forward over the plan period. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 62 ? It is considered that the Council's housing trajectory for the new community is ambitious, but in overall terms, past and forecast delivery rates would suggest that it is deliverable. It will, however, require planning applications to be prepared prior to the adoption of the Local Plan and in parallel with the Examination in Public. ? The 'aspirational' target of 40% affordable housing (with public subsidy) is not sufficiently clear, is not effective and does not accord with national planning policy. It also does not provide a sufficiently clear basis from which to be able to assess whether the District's affordable housing needs will be met over the plan period. Instead, the emerging Policy should establish a viable 'baseline' level of affordable housing, which should be informed by a viability assessment that fully accounts for all developer contributions. The Policy could then require applicants to explore whether public subsidy was available to achieve the Policy aspiration of 40%. ? Further evidence is required to justify many of the items of infrastructure that are currently required by the Policy. In some cases, there is a need for further clarity over where the items of

infrastructure are to be located and their scale. Further clarity around these points would not only assist with decision-making, but would also provide robust inputs into the Local Plan's viability work. ? The form, timing and how the site wide masterplan, the phasing strategy and the infrastructure delivery strategy are to be prepared and agreed is unclear. The same level of engagement should be required for these elements of work as the parameter plans. ? Unless a proposal is seeking to depart from the Plan's affordable housing and infrastructure requirements, a financial appraisal should not be required through the development management process. 10.5 In addition, they have also made a number of suggested modifications to other more development management focused policies in the emerging Plan. 10.6 The Cherwell Group are aware that the bespoke viability work for Marlcombe is currently being prepared. In the spirit of collaboration, their viability consultant has confirmed the methodological approach that should be adopted, together with suggested inputs.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

4. Development at the West End

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.: WS01

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::
Marlcombe

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

-

3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.: The 'aspirational' target of 40% affordable housing (with public subsidy) is not sufficiently clear, is not effective and does not accord with national planning policy. It also does not provide a sufficiently clear basis from which to be able to assess whether the District's affordable housing needs will be met over the plan period. Instead, the emerging Policy should establish a viable 'baseline' level of affordable housing, which should be informed by a viability assessment that fully accounts for all developer contributions. The Policy could then require applicants to explore whether public subsidy was available to achieve the Policy aspiration of 40%.

The form, timing and how the site wide masterplan, the phasing strategy and the infrastructure delivery strategy are to be prepared and agreed is unclear. The same level of engagement should be required for these elements of work as the parameter plans.

Unless a proposal is seeking to depart from the Plan's affordable housing and infrastructure requirements, a financial appraisal should not be required through the development management process.

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.:

As drafted, Strategic Policy WS01 is unusually long, spanning some seven and a half pages. There is a concern that given its length, it does not provide a clear and concise framework to guide future applications. It also duplicates other policies proposed within the emerging Local Plan, and even in some instances, the same policy objective is covered more than once in Strategic Policy WS01.

There is a lack of clarity over the required scale of infrastructure that is to be provided within the land allocated in the emerging Plan. Some items of infrastructure are specified to accommodate the ultimate size of Marlcombe (and potentially wider areas), whilst other requirements in the Policy have been sized to accommodate the quantum of development allocated in Strategic Policy WS01 (8,000 homes)

The Cherwell Group have a number of concerns relating to the Council's masterplan, including in relation to the location of the education campus and the size of the proposed sustainable drainage system. In particular, they consider that the portion of Axehayes Farm where the education campus is proposed is topographically challenging. Whilst it is feasible for an education campus to be located in this area of Marlcombe, it will require significant earthworks, which will generate abnormal costs. They suggest that the education campus would be better located on more level land, to the north west. A number of additional benefits would arise from such a design response. They do, however, acknowledge that these matters can be explored further during the preparation of the site wide masterplan.

Given the scale of the new community, it will need to be undertaken on a phased basis. The required phasing strategy should be prepared in collaboration with the landholder interest group, who will ultimately be responsible for delivering Marlcombe. ? The allocation of strategic levels of residential development at Marlcombe is supported. It will make the most significant contribution to meeting East Devon's housing

requirement, accounting for around one in every six homes that will come forward over the plan period. ? It is considered that the Council's housing trajectory for the new community is ambitious, but in overall terms, past and forecast delivery rates would suggest that it is deliverable. It will, however, require

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 4 planning applications to be prepared prior to the adoption of the Local Plan and in parallel with the Examination in Public.

Further evidence is required to justify many of the items of infrastructure that are currently required by the Policy. In some cases, there is a need for further clarity over where the items of infrastructure are to be located and their scale. Further clarity around these points would not only assist with decision-making, but would also provide robust inputs into the Local Plan's viability work.

Consistent with the Plan's spatial strategy, which has been demonstrated to be the most appropriate, Strategic Policy WS01 proposes the allocation of the second new community. Following an assessment of three potential options through both a discrete technical assessment and via the Sustainability Appraisal, the Regulation 19 Plan continues to identify land to the north of the A3052, east of the M5 and to the south of the A30 as being the preferred location for the second new community, known as Marlcombe.

6.2 The Cherwell Group strongly supports the Local Planning Authority's assessment that a second new community is required in order to meet the housing requirement and agree with its proposed location. Indeed, the merits of the location for Marlcombe have recently been acknowledged by the New Towns Taskforce, in their report to Government¹². The site was recommended as one of the 12 locations that are taken forward by Government for New Towns. Therein, the Taskforce concluded that: "...the proposed new town in East Devon provides an excellent opportunity to capitalise on the economic strengths of the region, whilst further bolstering the local labour market and sustaining the growth momentum demonstrated over the past decade¹³."

6.3 Moreover, as set out in Section 9, the Cherwell Group's own analysis of potential locations for the second new community would suggest that the Local Planning Authority's own assessment work underplays the scoring for the proposed location for the new community. However, their concerns only strengthen the conclusions presented within the Local Planning Authority's assessment work; that Option 1 is the most sustainable option and has rightfully been taken forward.

6.4 The new community will, on completion, provide a minimum of 10,000 homes and employment land, as well as social, community and other forms of infrastructure. Given its scale, the Local Planning Authority have predicted that it will not be completed until post 2042. It will therefore have a long-term role in meeting the District's development needs over successive plan periods.

6.5 In this context, the role of Strategic Policy WS01 is to provide a clear and unambiguous policy framework for the forms of development that are to come forward and at what points, at the new community. This will ensure that it is effective. The need for a clear and unambiguous policy framework is important, particularly as first completions are envisaged soon after the adoption of the Local Plan.

6.6 The Cherwell Group's comments on Strategic Policy WS01 are provided below. They do, however, note that a complete understanding of the costs of all planning obligations identified as being necessary to support the Marlcombe new community has not, at the time of writing, been finalised by the Local Planning Authority. As a consequence, no assessment of viability has been undertaken either. The Cherwell Group's comments on emerging Strategic Policy WS01 therefore do not consider, at this stage, the impacts of the obligations package on the development's effectiveness. They understand that this work is currently being prepared and they reserve the right to comment on it in due course. As confirmed in Section 8, they are willing to work with the Local Planning Authority to help to finalise the viability work (which will include a full understanding of the costs of infrastructure), between now and the submission of the Local Plan, and if needs be, during the 12 28th September 2025. 13 Page 51.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 23
Examination in Public. There will inevitably be a need, so as to ensure that the proposed Policy is effective, for realistic viability assumptions to be adopted. Landholder group

6.7 As set out within Document NWC-002, the majority of the proposed new community is within the control of five willing developers/landowners. The majority of these landowners have been working collaboratively together to further the development proposals for the Marlcombe new community. The group includes one of the UK's major national housebuilders (Bloor Homes), a developer/land promoter (the Cherwell Group), a land promoter (LVA) and a major owner and operator of employment space and energy infrastructure within East Devon (the Stewart Partners). They are highly experienced developers of strategic sites, including within East Devon.

6.8 Their combined experience places the landholder group in a strong position to be able to help the Council realise their vision for Marlcombe, including in relation to the delivery of employment land and housing (including affordable homes), as well as necessary infrastructure.

6.9 The landowners acknowledge and support the Council's ambitions and share their objectives for the delivery of what will be the second new community in East Devon. In that regard, the landowner group have welcomed the ongoing discussion and collaborative working with the Local Planning Authority. This has included a series of meetings and workshops that have now been expanded to include key statutory consultees. The sessions to date have focused on issues including the proposed design, highways matters, the delivery model and viability. The work has allowed the formation of a Heads of Terms document, which secures a commitment to continue to work together over the medium-term.

6.10 As well as the meetings and workshops with the Council, the landholder group also meets regularly. As the Council are aware, they have commissioned joint work, including in relation to the feasibility and deliverability of infrastructure necessary to support the new community (the education campus and the primary route). In the spirit of collaboration, this joint work has been shared with the Local Planning Authority and their consultant team. Further joint work is proposed, in order to, in accordance with the proposed policy framework, support the phased, coordinated and comprehensive delivery of the new community. The landholders also recognise and support the principle of equalising infrastructure costs across the development area in a fair and proportionate manner. They are in the process of formulating a formal collaboration agreement.

Principle of the allocation

6.11 As set out above, the evidential basis for strategic development to be located along the A3052/A30 corridor is well established. For instance, consideration was given to allocating land in this location during the formation of the 2016 Local Plan, whilst the evidence base underpinning the emerging Local Plan strongly supports the location of the proposed new community and confirms that it will help address the District's strategic development requirements, over the longer-term, including beyond the proposed Plan period. These credentials have recently been acknowledged by the New Town's Taskforce. Planning for a new community also receives national planning policy support¹⁴. The planning judgements exercised in considering the need for a new town, its location and scale are therefore soundly made. 14 NPPF, para. 22 and 74. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 24

6.12 It follows that, subject to the suggested changes set out below, the Cherwell Group strongly supports the principle of a new town at Marcombe. Length of the policy

6.13 The Cherwell Group note that the proposed policy is unusually long, spanning some seven and a half pages (excluding the new community's vision and the associated supporting text).

6.14 It is understood that the delivery of a new community necessitates a policy response that will cover numerous matters. However, the Planning Practice Guidance (PPG) confirms that whilst there is a need to provide sufficient detail within a policy to provide clarity to developers, there is also a need for plans to be focused, concise and accessible¹⁵.

6.15 There is, however, a concern that given the length of the Policy, it is not, in the context of para. 16 of the NPPF, clearly written. This could undermine its role in providing an effective framework for considering future planning applications. There may be an opportunity to rationalise the emerging Policy, by including some of the proposed wording in the Policy's supporting text.

6.16 Moreover, there are also elements of the Policy that duplicate policies that are set out elsewhere within the Plan and even, in some instances, within the Policy itself. This includes in relation to affordable housing and the mix of housing, which are covered by other emerging Development Plan policies (Policies HN02, HN03, HN04 and HN05), whilst matters relating to the education campus are referenced twice within emerging Strategic Policy WS01. They do not need to be repeated within Strategic Policy WS01, as there is a requirement to read the Plan as a whole.

6.17 A modification to the Policy to create a sharper and more focused policy framework, which only concerns the key policy requirements of the new community and how they are to be delivered, with all other elements being included in other development management policies and/or the Policy's supporting text, would aid clarity and reduce ambiguity, thereby improving its effectiveness. Infrastructure planning

6.18 The first section of Strategic Policy WS01 confirms that Marlcombe will, on completion, accommodate inter alia, "at least" 10,000 new homes. Land is allocated in the emerging Plan to accommodate "at least" 8,000 new homes and associated land uses. Whilst the emerging Plan only allocates a sufficient quantum of land to accommodate 8,000 new homes: "...all planning and infrastructure capacity and needs work for the new community should take into account accommodating greater levels of development, to accommodate at least 10,000 new homes and associated development" (our emphasis).

6.19 As such, whilst it is confirmed that on completion, Marlcombe will be a minimum of 10,000 new homes, it would appear that a greater quantum of development could be supported. With the ultimate size of the new community currently being unknown, it makes it extremely challenging for the infrastructure needs of the final size of Marlcombe to be planned for at this stage.

6.20 In addition, and as outlined below, there are elements of the Policy that calculate infrastructure needs on the basis of 8,000 homes, rather than the ultimate size of the New Town. It is therefore not evident, in terms of these items of infrastructure, as to how

a decision-maker should react to a 15 MHCLG, Planning Practice Guidance, Plan Making, Paragraph: 002 Reference ID: 61-002-20190315. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 25 development proposal; should, at this stage, they be sized to accommodate 8,000 homes, 10,000 homes, or a greater quantum?

6.21 Therefore, to ensure that the policy is clearly written and unambiguous and therefore consistent with national planning policy, there is a need for this element of Strategic Policy WS01 to be reworded to either: ? confirm that the planning and infrastructure work prepared in support of a planning application should only assess the impact of the 8,000 homes allocated in the emerging Plan; or ? be more precise and unambiguous about the quantum of residential development that needs to be assessed and planned for; or ? confirm which elements of infrastructure that are to come forward in the emerging Local Plan's allocated land, should be sized to accommodate the ultimate size of the Community (such as the education campus) and which, in the land allocated in the emerging Local Plan, should meet the needs of only the homes allocated within the emerging Local Plan (e.g. SANGS, public open space, primary school provision). The indicative nature of the Council's masterplan

6.22 Noting the Cherwell Group's concerns with the Council's masterplan as set out in Section 2, they strongly support the amended wording provided in Strategic Policy WS01 that now requires development at Marlcombe to occur and proceed "broadly in accordance with the masterplan" shown at Figure 7 of the emerging Plan.

6.23 Understandably, the masterplan prepared by the Local Planning Authority will not have been underpinned by the necessary evidence that will be required in support of a principal permission. The welcome flexibility provided by the term 'broadly in accordance with' allows for additional and more detailed evidence to be properly reflected in robust masterplans that would still ensure that the outcomes of the Policy are delivered as intended.

6.24 At this stage, the Council's masterplan should be treated as being one possible way to achieve the envisaged policy outcomes for Marlcombe, but importantly, not the only one. In that regard, it may be more effective for the Policy to confirm that there is only a need to accord with the principles of the Council's masterplan. Suggested change "Development will need to occur and proceed broadly in accordance with the principles of the masterplan shown below..." P H A S I N G

6.25 The Cherwell Group support the need for the development to come forward on a phased basis and note the requirement for an allocation wide phasing strategy. This should be prepared in collaboration with the developers/landowner group, who will ultimately be responsible for the delivery of the New Town and effectively for ensuring

that the envisaged rates of delivery for the new community, and therefore the Policy as a whole, is/are effective. New homes Quantum of housing

6.26 The emerging Local Plan proposes that around 3,300 new homes will be brought forward on land allocated within the proposed new community in the period up to 2042, with a further 4,700 new homes to follow in the period after 2042. The Local Planning Authority also proposes to increase the size of the new community by at least 2,000 homes, to 10,000 homes, over the longer term. This is strongly supported by the Cherwell Group. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 26

6.27 The site is proposed to have a pivotal role in meeting the housing requirement in the Local Plan, with the 3,300 homes proposed accounting for just around one in six homes that are to be constructed in the District over the Plan period.

6.28 As set out in Section 6, in the period up to 2042, in order for the housing provision envisaged from Marlcombe to be delivered in full, there is likely to be the need to adopt an average annual rate of delivery of around 300 homes per annum. It has been demonstrated earlier that whilst this rate of delivery is aspirational, it is deliverable and therefore effective.

6.29 In order to achieve the required annual average rate of delivery from the new community, it is highly likely that multiple development locations, each delivering housing at the same time, will be required. This will require development to occur from at least the north and south development nodes. With each development node having multiple outlets, it is likely that the rate of delivery could be achieved. In this regard it is noted that the HELAA methodology states that sites of this scale (or in this case nodes given the geographical area of the new community) could deliver 150 homes per annum.

6.30 Moreover, in order to ensure that the required rates of delivery are achievable and the Policy is effective, there will be a need for technical and design work to occur, and planning applications to be submitted, alongside the preparation of the Local Plan.

6.31 In addition, whilst the Cherwell Group are aware of the Council's laudable ambitions to establish a Development Corporation, it should not, given the Plan's trajectory expectations, delay the determination of any planning applications. Similarly, any delays in determining (the) principal application(s) on the Marlcombe new community, including in relation to the compulsory purchase of land or the production of subsequent development plan documents and/or supplementary planning documents, will risk the achievement of the ambitious quantum of housing envisaged from Marlcombe by the end of the plan period. In accordance with para. 74(d) of the NPPF, the Local Planning Authority should be seeking opportunities to seek its rapid implementation. Limb A - affordable housing Policies WS01 and HN02

6.32 The Cherwell Group note that emerging Strategic Policy WS01 requires affordable housing provision to be delivered at Marlcombe in accordance with Strategic Policy HN02, with an aspirational target of 40% on-site provision, subject to viability. Unlike Strategic Policy HN02, no reference is made in Strategic Policy WS01 to the 40% level of affordable housing being subject to grant funding. Consequently, there is a disconnect between both policies.

6.33 Reflecting on the Cherwell Group's comments on the length of Strategic Policy WS01 and the potential for policy duplication across the emerging Local Plan, the quantum of affordable housing referred to in Strategic Policy WS01 would be a clear example of a matter which is covered by another Policy in the emerging Plan (HN02). Consequently, reference to the quantum of affordable housing within Strategic Policy WS01 could be removed and reliance only placed on Strategic Policy HN02. Aspiration

6.34 It is noted that Strategic Policy WS01 confirms that there is an "aspiration" of 40% affordable housing to be provided on-site, subject to viability. The use of the term aspiration is not, in the terms of para. 16(d) of the NPPF, clearly written and unambiguous, for it does not confirm the precise quantum of affordable housing that is required. It also does not accord with the requirements of para. 58 of the NPPF.

6.35 Moreover, whilst work on a bespoke viability assessment is currently being undertaken by the Local Planning Authority, the work undertaken by Chesters Harcourt, which is provided at Appendix 3, suggests that the evidence underpinning the emerging Local Plan and recent assessments of SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 27 viability on strategic sites within East Devon would already suggest that without public subsidy, the 40% provision would not be an effective proposition. Specifically: ? the Three Dragons Assessment (Document CSD-004 and 004a) sets the aspiration for affordable housing within the rest of East Devon at only 35%, even without the expectation for the level of social and community infrastructure listed within Strategic Policy WS01; ? the Committee Report prepared for the 30th September 2025 Strategic Planning Committee meeting confirms that grant funding would be required to achieve the aspirational level of 40%. It also reaches this conclusion based on the viability work undertaken to date, which as indicated in Document NWC-005 adopted levels of affordable housing of 20% and 35%. The wording implies that one or both of these levels of affordable housing provision were also unviable; and ? the recently adopted Cranbrook Plan set, after considerable debate at the Examination in Public, an affordable housing requirement of 15%.

6.36 As set out in paras. 34 and 58 of the NPPF, the quantum of affordable housing to be provided will need to have regard to the costs of other infrastructure (which should be obtained from a fully costed Infrastructure Delivery Plan (IDP)), as well as any Community Infrastructure Levy charges. This should be undertaken at the plan-making stage and should reflect the approach in national planning guidance, using

standardised inputs. It is the Cherwell Group's view that this should be undertaken without any assumptions relating to public subsidy.

6.37 Such an approach would allow a full appreciation of the quantum of public subsidy required to meet the aspirational target. In that regard, it would be a more justified and effective strategy for the emerging Policy to provide information about the minimum quantum of affordable housing that is to be viably required from the new community (the baseline provision), and then require developers to seek public subsidy up to the aspirational level of 40% (possibly more). This would also provide a better fit with national planning policy.

6.38 It would also have additional benefits, including: ? it would allow a more precise assessment of levels of affordable housing to be delivered from the emerging Local Plan and not place any dependence on public subsidy, which may not materialise. This will be an important consideration, given the length of time that the development will take. In doing so, it would provide a greater opportunity for an assessment to be undertaken with certainty that the Local Plan was making provision to address the District's affordable housing needs in the period up to 2042. It would therefore allow for a more effective policy response; and ? it would not delay developments coming forward through the planning process whilst an assessment of viability was conducted and agreed.

6.39 Whilst a more complete response to viability is provided in Section 8 below, the Cherwell Group would draw attention to the significant viability work prepared in support of the relatively recently adopted Cranbrook Plan. The Council's evidence underpinning that Plan, which was subject of significant scrutiny at the Cranbrook Plan Examination in Public, concluded that the four expansion areas were only able to viably support 15% affordable housing.

6.40 As stated in Section 8 below, the Cherwell Group suggest, when forming the viability assessment for Marlcombe and establishing an affordable housing requirement, that strong regard is had to the viability work prepared in support of the Cranbrook Plan. Limbs B and C - Forms of housing

6.41 The Cherwell Group intend, as is proposed to be required by the emerging Local Plan, for a range of types, sizes and tenures of homes to be provided on Axehayes Farm. Housing will be provided to meet the needs of the community, including families, those that want to build or commission their own homes and the elderly. SECOND EAST
DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 28

6.42 Whilst the forms of housing listed in limb (b) of Strategic Policy WS01 are understood, in order to ensure that the emerging Policy is clearly written and unambiguous, further clarification should be provided as to what the provision of

specialist housing to support younger vulnerable people comprises and what is required from the development.

6.43 In addition, to add clarity, consideration should also be given to providing a minimum size/quantum of development for the extra care housing scheme, the residential care home and the specialist housing for younger people. In regard to the former, we note that Devon County Council provided a suggested size for the extra care housing scheme within their response to the First Regulation 19 consultation (0.8ha).

6.44 Matters specified in limb (b) of the emerging policy are covered by other policies within the Plan. So as to prevent duplication, it may be more appropriate for such matters to be covered in these other policies only. Limb D - Density

6.45 The Policy sets an expectation that there will be a site wide average density of 45 dwellings per hectare (net), with higher densities of at least 55 to 60 dwellings per hectare (net) within the neighbourhood centres and around key destinations and transport hubs. Densities of up to 75 dwellings per hectare (net) are required within and around the town centre.

6.46 Having reviewed the emerging Policy and vision, the Cherwell Group's masterplanners are concerned that the minimum density levels, including the proposed site wide average, could, having regard to the topography across the wider new community, be challenging to achieve, without compromising on the quality of design, accessibility and place-making, including providing a suitable response to the local vernacular.

6.47 This is particularly important, as the emerging Local Plan requires the development to be "built to distinctive high quality design standards" which draw "inspiration from the local context..."

6.48 Given these concerns, it is suggested that references to "at least" in relation to density are replaced with "around," to provide necessary flexibility. Suggested change "D. a site-wide average density of at least around 45 dwellings per hectare (net)." Gypsy and Traveller provision

6.49 Strategic Policy WS01 of the emerging Local Plan seeks the provision of at least 30 Gypsy and Traveller pitches within the new community, of which at least 15 will be provided in the period up to 2042.

6.50 The Cherwell Group acknowledges that the Council has a legal duty to assess and meet the housing needs of the Gypsy and Traveller community (as well as Traveller Showpeople). However, the Cherwell Group have a number of issues with the approach being adopted by the Local Planning Authority, which include: ? the need for Gypsy and Traveller provision; ? reasonable alternatives; and ? viability. The need for Gypsy and Traveller provision

6.51 The Gypsy and Traveller Accommodation Assessment (GTAA) (Document HOU-009) confirms that the following provision is required over the plan period to 2042: SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 29 ? Gypsy and Traveller need that meets the planning definition – 18 pitches; ? undetermined Gypsy and Traveller need – up to 7 pitches; ? Gypsy and Travellers that do not meet the planning definition – 4 pitches; and ? Travelling Showpeople – 0 pitches.

6.52 At most, there is a need for 29 pitches, although as stated in the Council's GTAA, it is envisaged that the needs of households that were assessed as part of the evidence base work that do not fall within the definition of Annex 1 of the National Planning Policy for Traveller Sites "should be met as part of the general housing need¹⁶."

6.53 Consequently, there is a need for 25 pitches over the plan period. However, even that level of provision could, having regard to the quotation provided from the Maldon District Council Local Plan Inspector's Report at para. 3.32 of the GTTA, be overinflated. In relation to the needs arising from undetermined households, the assessment confirms that the Inspector concluded that: "...The Council's stance is that any need arising from 'unknowns' should be a matter left to the planning application process. Modifications to Policy H6 have been put forward by the Council setting out criteria for such a purpose, which I consider further below. To my mind, that is an appropriate approach. While there remains a possibility that up to 10 further pitches may be needed, that cannot be said to represent identified need. It would be unreasonable to demand that the Plan provide for needs that have not been established to exist" (our emphasis).

6.54 If this approach were taken forward, then the need would reduce to 18 pitches.

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Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: Sustainability Appraisal

If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.:

SUSTAINABILITY APPRAISAL 5.30 As indicated above, the proposed spatial strategy seeks, in general terms, to continue to follow that set out in the adopted Local Plan, which itself was prepared in the context of the 2012 version of the NPPF. Consequently, at Examination, it would have been necessary for the Local Planning Authority SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 20 to demonstrate that it was “the most appropriate strategy, when considered against reasonable alternatives...8 ” 5.31 It follows that unless there has been a material change in circumstance since the Inspector’s Report was published in January 2016, the proposed spatial strategy should again be considered as being appropriate (noting that for the emerging Plan to be justified and therefore a sound proposition, the 2023 version of the NPPF only requires the Local Plan to promote “an appropriate strategy,” rather than “the most appropriate strategy” in the 2012 version of the NPPF). 5.32 At a macro level, DWH is not aware of any material considerations that would suggest that a more appropriate spatial strategy should be adopted. 5.33 Indeed, the Sustainability Appraisal (Document CSD-003(rev)) published alongside the consultation version of the Local Plan continues to suggest that the proposed spatial strategy is preferred as it: “...promotes development at existing settlements where there is a range of jobs, services, and facilities; whilst also focussing development where there is good connectivity in close proximity to a much wider range of jobs, services, and facilities in the West End and Exeter. The scale of development proposed in the new town offers the greatest potential for a mix of uses, reducing the need to travel and providing opportunities sustainable travel links, which provides better accessibility and reduced carbon emissions (sic)9 .” 5.34 However, for the reasons set out above, DWH considers that there is a strong case for Whimple to be afforded a greater role in the spatial strategy, as a Tier 3 Local Centre. Indeed, as has been demonstrated, it has a comparable level of services and facilities to other Tier 3 settlements within the District. On the face of the evidence, it could not be considered to be a justified proposition to not include Whimple as a Tier 3 settlement. 5.35 Using the Sustainability Appraisal’s own analysis, the promotion of Whimple to a Tier 3 Local Centre, with the additional resulting development, would provide a number of positive outcomes against the Sustainability Appraisal’s objectives, including: ? SA Objective 2 (Landscape) - it would continue to focus development outside nationally designated landscapes and/or the undeveloped coast; ? SA Objective 4 (Climate change and carbon emissions) - Whimple

has a good range of services and facilities that are capable of supporting a larger population. It is also within an active travel distance of the services, facilities and employment opportunities within the West End and Exeter, which are also connected by sustainable modes of transport (the West of England Main Line). A greater focus of development at Whimble would therefore provide a strong alignment with the Objective.

? SA Objective 5 (Climate change adaption) – the analysis identifies Whimble as being located within a Critical Drainage Area and therefore it identifies development in such locations as having an uncertain effect. However, in some cases, as has been demonstrated in Section 2 above, development in such a location can help to reduce the issue. In such a circumstance this would achieve a positive outcome.

? SA Objective 6 (Land resources) – the analysis identified that Whimble is affected by a Minerals Safeguarding Area. This overplays the situation, with the designation extending to the north of the A30, but being divorced from the undeveloped areas of land that surround Whimble. Additional allocations at the settlement would therefore not affect any Minerals Safeguarding Area. 8 Para. 182 of the 2012 version of the NPPF 9 Page 178.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 21 ? SA Objective 8 (Homes) - further development at Whimble is likely to result in additional smaller-scale developments coming forward, which, as identified in the analysis, are faster to build-out. In the context of: (1) the requirement not meeting the objectively assessed need for housing; and (2) the need for a stepped trajectory for the first 12 years of the Plan, a greater number of small-scale sites would help to provide a closer alignment with needs in the first part of the plan period.

? SA Objective 9 (Health and wellbeing) – further development at Whimble would ensure that future residents have access to the sports provision within the settlement, as well as other rural recreation opportunities. It is also connected via active and sustainable modes of transport to the existing and proposed leisure opportunities within Cranbrook.

? SA Objective 10 (Access to services), SA Objective 11 (Jobs and employment) and SA Objective 13 (Connectivity and transport) – further development at the Service Villages was identified as resulting in a greater volume of travel to Exeter from inaccessible areas, with poorer travel links. This, however, is not the case for Whimble, which benefits from active and sustainable travel connections to East Devon's West End and Exeter. If Cranbrook, which lies just 1km to the west of Whimble/one stop on the West of England railway line is considered to be a sustainable location to accommodate development, then, by definition, so should Whimble.

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

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

4. Development at the West End

1. To which part of the Development 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.: WS01

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::
Marlcombe

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.:
EVIDENCE SUPPORTING THE MARLCOMBE NEW COMMUNITY

9.43 Policy WS01 confirms that around 3,300 new homes will be constructed at the Marlcombe new community within the plan period. It is therefore to provide around 16% of the Plan's housing requirement. Delivery from the allocation will make a material contribution to ensuring that the Plan is effective. The evidence base supporting the new community is therefore key to demonstrating that the proposed allocation and the Plan as a whole is justified and effective and is therefore a sound proposition.

9.44 In that regard, DWH have concerns that two key evidence base documents currently lack sufficient information to demonstrate that the new community is both justified and effective. These are: ? the Infrastructure Delivery Plan; and

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 57 ? an assessment of viability for the Marlcombe new community.

9.45 Both are discussed below in turn. Infrastructure Delivery Plan

9.46 DWH note that the Infrastructure Delivery Plan (ref: KSD-001(rev)) identifies a number of projects associated with the Marlcombe new community, the West End and

the District as a whole. In some instances, the cost of these projects is undefined in the assessment work.

9.47 In order to accord with para. 34 of the NPPF, which requires that plans set out the contributions expected from development, including in relation to affordable housing and infrastructure, there will be a need for these items of infrastructure to be fully costed. This would allow, as is required by the NPPF, for an assessment of whether such contributions will undermine the deliverability of the plan and therefore its effectiveness. Viability

9.48 CSD-004 provides the Viability Assessment underpinning the emerging Local Plan. However, in terms of the Marlcombe new community, para. 1.4 of the work confirms that it does not: “...consider viability and delivery of the proposed new settlement as site specific policy and evidence is being prepared separately.”

9.49 It is understood that the Local Planning Authority is preparing a bespoke viability report for Marlcombe and that it will be published in time for the Examination in Public. DWH reserve the right to comment on it in due course.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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.: SD29

1(c). If the comment is related to a site, please state the site reference here::
Whim_12

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

3(a). If yes, and you wish to support the soundness of this part of the Development in the Towns and Villages chapter, please use this box to set out your comments.:

Summary and conclusions 10.1 These representations are submitted on behalf of DWH, who are part of Barratt Redrow PLC. They control land to the west of Lilypond Lane, Whimble. 10.2 DWH are pleased to see further progress is being made on the emerging Local Plan and are generally supportive of its content. However, in their consultation responses to the 2023, 2024 and 2025 consultations, and in correspondence to the Strategic Planning Committee in Autumn 2024, they outlined a number of areas where they believed further consideration was necessary. In the main, these concerns remain unaddressed. Their concerns are: LAND TO THE WEST OF LILYPOND LANE, WHIMPLE ? Land to the west of Lilypond Lane is suitable and available for residential development. It is also a deliverable proposition. It is well located in close proximity to a range of existing services and facilities, including Whimble Railway Station, which is described as a strategic facility in the Local Plan's evidence base, providing services to a range of destinations, including the West End and Exeter. ? The development of land to the west of Lilypond Lane would deliver a number of benefits, including potential improvements to the local highway network and a drainage strategy that could assist reduce downstream flood risk.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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.: SD29

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::
Whim_12

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

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

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 54
WHIM_12 was not included within the potential options for accommodating residential development within Whimple³⁶.

9.18 However, as set out above, in the period between the publication of the HELAA and the publication of the Site Selection Report for Whimple, highways and access technical work, the latest of which is provided at Appendix 2, was prepared on behalf of DWH. This work was provided to the Local Planning Authority as part of DWH response to the last Regulation 18 and 19 consultations.

9.19 Despite this work highlighting the obvious technical flaws in the HELAA regarding the treatment of site WHIM_12, the conclusions of the HELAA were not revisited and they were rolled into the 2024 site selection work, which excluded site WHIM_12 from consideration.

9.20 DWH set out their concerns to the approach being adopted and the opportunity provided by WHIM_12 in correspondence to Officers on 17th September 2024, and then in detail to each Member of the Strategic Planning Committee on 20th September 2024. Despite the obvious flaws in the HELAA evidence base which were not revisited, DWH were prevented from presenting the opportunity provided by WHIM_12 at Strategic Planning Committee meetings in September and October 2024. Many other developers of sites that were considered to be developable opportunities were allowed to speak at the series of Strategic Planning Committee meetings held in Autumn 2024, including the two allocations at Whimple.

9.21 DWH considers that the approach taken to site selection by the Local Planning Authority and then again in 2024 via the Strategic Planning Committee has created inequity between how differing sites have been considered during the formation of the Local Plan. By not revisiting the conclusions of the 2022 HELAA despite clear and up-to-date evidence and then rolling the HELAA conclusions into the Site Selection Report, the approach has been unfairly prejudicial to the promotion of site WHIM_12.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

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.: SD29

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::
Whim_12

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.:

9.1 Throughout this representation, DWH has raised a number of concerns with the evidence base underpinning the emerging Local Plan. Their principal concerns relate to: ? the HELAA; ? the process adopted by the Strategic Planning Committee when selecting sites in Autumn 2024; ? the Sustainability Appraisal; ? the Role and Function of Settlements Background Paper; and ? viability concerning the Marlcombe new community.

9.2 These concerns are outlined below.

9.3 If unresolved, they could result in a Plan that is not positively prepared, is unjustified and inconsistent with national planning policy. It would therefore be unsound. HELAA – DOCUMENT HOU-003

9.4 Land to the west of Lilypond Lane was assessed in the HELAA at Site Whim_12 (see pages 2113 to 2117 of Appendix F(ii) of Document HOU-003).

9.5 The assessment identified the following benefits associated with the development of the site: ? it avoids the major biodiversity designations; ? other than the site being located in the 10km buffer zone to the Pebblebed Heaths, no other biodiversity constraints to development were identified; ? no landscape constraints to the development of the site were identified; ? no overhead power lines cross the site and neither do high-pressure gas mains; ? Whimble Primary School is capable of supporting

further development; ? it is outside the Airport Vector; and ? it is located in close proximity to a range of local facilities and public transport opportunities, including a railway station.

9.6 DWH agrees with these conclusions. They also draw attention to the other benefits associated with the development of the site, which are outlined in Section 2 of these representations.

9.7 Notwithstanding the above, they strongly disagree with Devon County Council's Highway comments made in respect of the site, which resulted in the site being incorrectly considered as 'probably unachievable.'

9.8 The County Council raised concerns that access off Grove Road and Lilypond Lane was challenging and it was not readily apparent about how it could be achieved. This incorrect conclusion was taken forward by the Panel, who also raised concerns about the need to improve the road network and bridge over the railway. Consequently, despite being considered as being suitable and available, the overall conclusion for the site was that it was probably unachievable.

9.9 Even without having regard to the evidence presented by DWH, it would seem to be unjustifiable to rule out the site at such an early stage, when the use of the word 'probably' suggests that there was some doubt as to whether the constraints could be overcome, or not.

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9.10 Moreover, work undertaken on behalf of DWH has demonstrated that these conclusions are incorrect and are unjustified. DWH's technical work (see Appendix 2) confirms that having regard to existing vehicular flows, likely two-way vehicle movements resulting from the proposed development and the site's accessibility to a strategic sustainable transport connection, Lilypond Lane could easily accommodate the traffic generated from the proposals and therefore provides a sensible location for a vehicular access. Moreover, improvements could be made to enhance the route and reinforce pedestrian safety and improve vehicular passing, particularly at the railway bridge. The work also notes that there is a growing shift in transport policy to a vehicle capacity last approach, with a preference given to locations that can maximise sustainable travel and local living. Whilst any increase in movements on Lilypond Lane and other local routes could increase the likelihood of driver inconvenience, there are no contemporary policies that support driver convenience. Indeed, a modest increase in driver inconvenience could create a positive 'nudge' towards shifts to active and sustainable travel modes.

9.11 Consequently, they conclude that: “...there are no technical highways reasons not to support the development, and the residual traffic impacts can largely be offset by wider changes in mobility patterns in the village, which can be accelerated with investment offered by the development.”

9.12 Given the above, the conclusion that land to the west of Lilypond Lane is probably unachievable for housing is incorrect. This should be amended in future versions of the HELAA, which in turn should be fed into other evidence base work underpinning the emerging Local Plan (i.e. the Sustainability Appraisal).

9.13 This will be particularly important in the context set out in Sections 6, 7 and 8 of these representations, where the Local Planning Authority will need to find additional housing land.

9.14 The opportunity presented could help focus a greater proportion of development at a settlement, which, having regard to its services and facilities, could accommodate a greater proportion of the District’s needs. Moreover, it would also result in a greater focus of development along the West of England Mainline strategic transport corridor, which provides sustainable transport connections to and from Whimple to a range of services, facilities and employment opportunities to both the east and west. It would help to maximise opportunities to encourage use of the railway line at Whimple.

9.15 These are points which have been made to the Local Planning Authority during previous Regulation 18 and 19 consultations, as well as separately in writing to Officers and Members of the Strategic Planning Committee in Autumn 2024. Despite this compelling evidence, the Local Planning Authority have chosen not to reconsider the deliverability and developability of the site through their now dated HELAA.

9.16 The treatment of the site through the HELAA process is even more unjustified, when noting that site Whim_04 was considered as being a potential site to accommodate housing, despite it likely requiring pedestrian, cycle and vehicular access onto Lilypond Lane. The treatment of site Whim_12 by the Local Planning Authority is therefore clearly unequitable.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

6. Mitigating Climate Change

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

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

1(b). Does your comment relate to one of the changes listed above?: No

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

-

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

-

3(a). If yes, and you wish to support the soundness of this part of the Mitigating Climate Change chapter, please use this box to set out your comments.: Strategic Policy CC06 requires proposals to demonstrate actions taken to minimise embodied carbon emissions. Major development is required to undertake an embodied carbon assessment as part of a sustainability statement, using a nationally recognised whole life cycle carbon assessment procedure.

7.20 Whilst the principle of the Policy is understood and supported,

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Mitigating Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: the Local Planning Authority will need to consider how practical the implementation of the Policy will be, particularly as many of the emissions associated with development are outside the control of a developer (i.e. material extraction and transportation, demolition and disposal). The Local Planning Authority will also need to consider how they will monitor the implementation of the Policy. They

should also be mindful of the implications that the Policy should have on issues such as housing delivery.

7.21 In addition, the Policy and its supporting text is not clear on what stage of the development process that the embodied carbon assessment is required. Many of the considerations will not be known on submission and determination of an outline application and therefore it may be more effective, in that circumstance, for the outline applicant to establish targets at the outline stage, which could be controlled by condition for a later stage of the planning process. 33

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

6. Mitigating Climate Change

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

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

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Mitigating Climate Change chapter, please use this box to set out your comments.: Strategic Policy CC05 requires that all major developments that are proposed within 1km of an existing heat network connection to connect to the existing heat network, unless justification is provided to demonstrate that it is not feasible. Moreover, proposals above 1,200 homes or 10ha of commercial floor space that do not connect to an existing network, will be required to provide their own network, unless it is demonstrated to not be achievable or that it undermines viability.

3(b). If no, please give details of why you consider this part of the Mitigating Climate Change chapter is not sound. Please be as precise as possible.: The Cherwell Group objects to Strategic Policy CC05. Their concerns are as follows: ? The major heat network within East Devon is the Cranbrook district heat network, which will, potentially, in the future, switch from a gas system, to using residual heat from an energy to waste site, which is located to the east of Marlcombe. In regard to that system, the Energy Assessment Guidance (2022) published by the GLA33 indicates that a connection to existing heat networks should only be encouraged where the energy source can be considered low carbon (e.g. heat pumps), or where a decarbonisation plan is in place and a programme for implementation is confirmed. Connections to a third generation heat network that utilises plant such as combined heat and power has demonstrated to result in increased emissions in comparison to onsite heat pump strategies under current Part L 2021 assessments. Therefore, the requirement to connect to such a network would conflict with Strategic Policy CC02, which seeks to minimise the carbon footprint of a development. The existing Cranbrook network, which utilises combined heat and power for a portion of the heat generation, would therefore have higher associated carbon emissions than those used within the Part L notional building, which could cause a risk of non-compliance with Part L. ? As can, at the present time, be demonstrated with reference to the Cranbrook Expansion Areas, the

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

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Mitigating Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Given the analysis presented above, the emerging Policy is not justified or effective.

7.18 It is suggested that the Policy is modified to include flexibility to only require that the feasibility and commerciality of a connection to a heat network is investigated, but allow for alternative on-plot solutions where it is demonstrated that a connection to a heat network is not the optimal solution

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

6. Mitigating Climate Change

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

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

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Mitigating Climate Change chapter, please use this box to set out your comments.: The Cherwell Group acknowledges the climate crisis and supports East Devon's target of becoming carbon neutral by 2040. They also support the policy framework which seeks new development to contribute to that target. However, this emerging Policy needs to be read in the context of Government guidance and Building Regulations.

3(c). Please set out the modification(s) you consider necessary to make this part of the Mitigating Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Mitigating Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: In that regard, the Written Ministerial Statement entitled 'Planning: Local Energy Efficiency Standards' confirms that: "In 2015, in reference to an un-commenced provision in the Deregulation Act 2015 which amended the Planning and Energy Act 2008, a written ministerial statement—HC Deb, 25 March 2015, vol 584, cols 131-138WS—stated that until that amendment was commenced, local plan policies exceeding minimum energy efficiency standards should not go beyond level 4 of the Code for Sustainable Homes. Since then, the introduction of the 2021 Part L uplift to the Building Regulations set national minimum energy efficiency standards that are higher than those referenced in the 2015 WMS rendering it effectively moot. A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continues to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes."

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

7.13 This is also reiterated in the PPG,³² which states: “The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building’s sustainability to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability.”

7.14 The Local Planning Authority will need to satisfy themselves that the emerging Policy accords with the position advocated by Government.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

7. Adapting to Climate Change

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

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

1(b). Does your comment relate to one of the changes listed above?: Yes

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

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The Cherwell Group objects to Strategic Policy AR01, as they consider that it is not a justified proposition. Specifically, their concerns are: ? As drafted, the Policy seeks to ensure that space is provided on all developments for the inclusion of surface water drainage systems that are designed to reduce the volume and run off rate to less than greenfield run off rates. The Devon County Council Guidance is highlighted as providing the justification for this requirement. However, it appears that the Guidance has been misunderstood. Instead, the Guidance states that development “runoff rates post development should never exceed greenfield runoff rates for the same return period event³⁴” (our emphasis) rather than ensuring rates are less than the greenfield runoff rate. ? In addition, other than in circumstances where infiltration and soakaways are provided, it will not be practicable to reduce the volume of runoff to below that of a greenfield site. This is reflected in guidance provided by Devon County Council, which states that “for developments on greenfield sites, the volume of surface water runoff discharged off-site in the 1 in 100 year, 6 hour rainfall event, must never exceed the greenfield runoff volume for the same event³⁵.” Such an approach relies upon ‘long term storage,’ which is a very different calculation to the proposed policy wording.

7.23 In addition to the above, the Local Planning Authority should also consider how limb (a) of the emerging Policy accords with para. 175 of the December 2024 version of the NPPF. The paragraph confirms that sequential tests are not required in scenarios where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of

flooding from any source, now and in the future (having regard to potential changes in flood risk). In addition, the Cherwell Group note that the PPG confirms³⁶ that when applying para. 175 of the NPPF “a proportionate approach should be taken.”

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

Please be as precise as possible.: Suggested changes

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

“A. Requiring applicants for development proposed in a flood risk location from any source to demonstrate that there is no sequentially preferable location, unless a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk). If necessary, that development complies with the an exception test will also be required. This Policy will not apply to where unless this has been undertaken through a site allocation in this plan. In applying this Policy, a proportionate approach will be undertaken...” “C. Ensuring that space is provided on all development sites for the inclusion of SuDS designed to ensure rates of runoff do not exceed greenfield rates and that runoff volumes are managed in accordance with the latest guidance issued by the Lead Local Flood Authority.” reduce the volume and rate of runoff to less than greenfield rates, as informed by the ‘Sustainable Drainage System – Guidance for Devon’³¹.

Surface water run-off should be managed as close to the source as possible. Systems should reduce pollution risks and contribute to the conservation and enhancement of biodiversity, water quality and GI where practicable...”

Full name: Matt Frost

Organisation (where relevant): LRM Planning

Other party name (if relevant): 3West Developments Ltd

Proposal:

8. Meeting Housing Needs

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

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

1(b). Does your comment relate to one of the changes listed above?: No

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.: POLICY HN05 : SELF-BUILD AND CUSTOM BUILD HOUSING

7.1 Whilst a few minor changes have been made to this draft policy since the first Regulation consultation Plan, 3W consider the draft Policy is not sound.

7.2 Whilst 3W supports the Council's efforts to deliver a diversified range of housing as part of the Plan, there is insufficient justification provided for the requirement of 5% self-build on sites of 20 dwellings or more. Such justification should consider absolute need moving forward, however, it should also take into account consented supply as well as realistic levels of demand for self-build plot purchase within larger "host" development sites.

7.3 At a practical level, there remains a fundamental conflict between the characteristics that typically attract demand from custom / self-build purchasers and trying to accommodate such plots on a wider "host" development site: ? With the need for at least some design continuity between the "host" site and the self/custom build plots, this takes away the freedom within the self-build plots. ? That being the case, the developer would be able to achieve economies of scale and deliver the same product at a lower price than it would cost a self-builder to achieve a building of the same floorspace. ? Unless a self-build site can have its own separate access (which in most cases is unachievable and unviable), the contracting associated with multiple self-build units, on top of any contractors associated to the "host" site is a significant health and safety challenge.

7.3 3W considers that, if there is demonstrable and viable demand for self and custom-build plots, the delivery of these would be more appropriate on sites specifically

allocated for self-build (i.e. not part of larger host developments), or on sites where an element of self/custom build is expressly supported by the landowner.

7.4 Given the extensive nature of the comments, 3W does not propose specific wording changes; rather the Council is urged to consider substantive changes to this draft policy HN05 prior to submission.

3(c). Please set out the modification(s) you consider necessary to make this part of the Meeting Housing Needs chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Meeting Housing Needs chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Given the extensive nature of the comments, 3W does not propose specific wording changes; rather the Council is urged to consider substantive changes to this draft policy HN05 prior to submission. Given the extensive nature of the comments, 3W does not propose specific wording changes; rather the Council is urged to consider substantive changes to this draft policy HN05 prior to submission.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

8. Meeting Housing Needs

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN02

1(b). Does your comment relate to one of the changes listed above?: No

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

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

8.1 The Cherwell Group are aware that the Local Planning Authority is currently finalising their fully costed IDP and bespoke viability assessment for Marlcombe. They understand that these elements of work will be available prior to the Examination in Public. As part of the ongoing collaboration with East Devon District Council, the landholder interest group look forward to assisting the Local Planning Authority finalise both documents prior to the Examination in Public.

8.2 The Cherwell Group (and the wider landholder interest group) reserve the right to comment on these documents in due course. However, to aid the preparation of this work, they have commissioned Chesters Harcourt to undertake a review of all the Council's recent plan-making stage viability work and to suggest various methodological inputs that should be incorporated into the Council's ongoing work. This work is provided at Appendix 3. Summarily, it confirms that: ? The Policy aspiration for 40% affordable housing, 65% of which is to be social rent housing, is unlikely to be achievable without significant public subsidy. This conclusion has been reached having regard to:

– Documents CSD-004 and 004a, which conclude that in areas outside Marlcombe and Cranbrook, only 35% affordable housing would be viable. It is likely that sites within these areas will have a significantly lower developer contributions package than will be required at Marlcombe;

- the Committee Report to the 30th September 2025 Strategic Planning Committee, which confirmed that the 40% aspiration would not be met without public subsidy; and
- evidence prepared from the Cranbrook Plan, which confirmed that the expansion areas could only viably support 15% affordable housing. ? As outlined in national planning policy and guidance, there is a need for a viability assessment to be undertaken at the plan-making stage, to ensure that policies are realistic. Moreover, for strategic sites, such as Marlcombe, which are essential for the achievement of the Plan, it may be necessary for specific viability assessments to be undertaken. As a specific viability assessment was undertaken in support of the Cranbrook Plan, the approach being adopted by the Council in respect of Marlcombe is supported. ? As confirmed in the NPPF46, the methodology that should be employed when preparing the bespoke Marlcombe viability assessment is established in the PPG. Put simply, this requires an assessment of gross development value (GDV), an assessment of costs and allowances for benchmark land values (BLV) and developer profit. ? Given the recent experience at Cranbrook, consideration should be given to following the same approach and inputs used in that case, with any variations justified. ? Suggested inputs are provided, including:
 - The evidence base underpinning the emerging Plan suggests a blended GDV figure for Cranbrook of £3,706 psm as at January 2024. This is considered to be optimistic. Moreover, the intent of Strategic Policy WS01, which includes high density levels in certain parts of the new community, may impact on revenue, as a high proportion of apartments and flats will reduce GDV on a £ psm basis.
 - Given the ambitions relating to high-quality design and the use of specific materials, build costs above BCIS Lower Quartile figures for schemes of 250 or more homes should be considered. There is a suggestion to adopt the lower quartile construction rate, but to make 46 Para. 58. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 59 explicit allowances for the additional costs associated with meeting elevated levels of design or construction quality. Such an approach has been adopted in Documents CSD-004 and 004a in relation to other matters.
 - Other build costs, such as garages should also be allowed for in line with the approach adopted in Documents CSD-004 and 004a. However, it is recognised that Policy TR04 confirms that garages will not be counted as parking provision. This may also have a cost implication though, with higher levels of external work allowances likely to be required.
 - As at Cranbrook, a costs assessment is likely to be required. The work undertaken at Cranbrook suggested an allowance of 6% of costs for professional fees was made.

- Appropriate allowances for any site profiling and cut and fill that will be required. This will be important, for instance, given the approach adopted in relation to the education campus.
- A complete and fully costed list of infrastructure required from the development should be accounted for. Depending on the outcome of the initial viability work, it may be necessary to undertake a review of this list and identify items of infrastructure that are of a lesser priority. Such an approach was adopted at Cranbrook.
- Strong consideration should be given to establishing a new CIL rate at Marlcombe of £zero psm. This would provide the opportunity for contributions to be timed to match requirements on a bespoke basis, aiding cashflow.
- An allowance should be made for the Building Safety Levy.
- The funding of any Master Developer should be accounted for.
- Other costs that should be accounted for include: TABLE 2: SUGGESTED VIABILITY INPUTS TYPE ALLOWANCE Finance rate 7% Marketing fees 3% Agents and legal fees 1.75% SDLT Prevailing tax rate Developer profit 15-20%
- an existing use value of between £25,000 and £35,000 per hectare. Using the approach adopted in the Council's published viability work, this would generate a BLV of between £250,000 and £700,000 per hectare. It is noted that the rate applied at Cranbrook was £300,000 per hectare. This should be applied on the gross land area.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

8. Meeting Housing Needs

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

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

1(b). Does your comment relate to one of the changes listed above?: No

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

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

7.40 The PPG states³⁸ that local planning authorities should set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and/or M4(3) (wheelchair user dwellings). It suggests a range of factors which should be taken into account, and which include: ? the likely future need for housing for older and disabled people (including wheelchair user dwellings); ? size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes); ? the accessibility and adaptability of existing housing stock; ? how needs vary across different housing tenures; and ? the overall impact on viability.

7.41 The evidence base supporting the Plan³⁹ suggests that the combined need for both Category M4(2) and M4(3) housing is between 3,357 and 8,343 homes. The upper limit assumes that no households are able to adapt their own home, or to move to a home in the existing housing stock to meet their needs. This represents between 16% and 40% of the overall housing requirement. ³⁸ MHCLG, Planning Practice Guidance, Housing: optional technical standards , Paragraph: 007 Reference ID: 56-007-20150327. ³⁹ ORS , Local Housing Needs Assessment (2025), para. 7.60. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 53

7.42 Assuming that no M4(2) or M4(3) units have been secured in the period between 1st April 2020 and 31st March 2025, then the requirement for accessible and adaptable housing would be between 20% and 50% of the residual housing requirement (16,705).

7.43 As such, the only way that the emerging target for accessible and adaptable housing proposed within Policy HN04 (50%) is justified, is on the basis that no such housing was secured in the period 2020 to 2025 and no existing household in the period up to 2042 will be able to adapt their home, or are not able to move to an existing home to meet their needs. As Strategy 36 of the 2016 Local Plan requires, on developments of 10 homes or more, that all affordable homes and 20% of open market housing to be constructed to Category M4(2) standards, this seems unlikely.

7.44 Consequently, the Cherwell Group consider that the Policy is not justified.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

8. Meeting Housing Needs

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN03

1(b). Does your comment relate to one of the changes listed above?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Meeting Housing Needs chapter, please use this box to set out your comments.: For developments of 200 dwellings or more, emerging Policy HN03 requires at least 10% of the dwellings provided within the development to be specialist older person dwellings. Over the longer term, this could equate to 1,000 homes within the second new community.

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.: Whilst potentially having a significant impact on its delivery and viability, the Cherwell Group is also concerned that the application of Strategic Policy WS01 and emerging Policy HN03 could create 'mutually irreconcilable' policy tensions.

7.38 For instance, at present, the Council's masterplan does not propose a local or neighbourhood centre within the Axehayes Farm element of the new community. Should that distribution of land uses be taken forward into the site wide masterplan to be agreed during the development management process, then any proposal that included such services and facilities within Axehayes Farm would conflict with Strategic Policy WS01. However, equally, there will remain a requirement for the development proposals to provide housing for the elderly, which, as stated within limb B of the Policy, will need to be within 400m walking distance of local facilities and shops.

3(c). Please set out the modification(s) you consider necessary to make this part of the Meeting Housing Needs chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Meeting Housing Needs chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: To remedy the effectiveness of the Policy, either: ? a greater flexibility should be included within the Policy or its supporting text; or ? the Local

Planning Authority should consider specifically allocating specialist accommodation in the right locations, rather than relying on all housing allocations to make a contribution to meeting needs; or ? in the case of the new community, Strategic Policy WS01, or its supporting text, should confirm that such provision should be located within 400m of the town and local centres.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

8. Meeting Housing Needs

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN02

1(b). Does your comment relate to one of the changes listed above?: Yes

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

3(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not sound. Please be as precise as possible.: The Cherwell Group object to Strategic Policy HN02. They have three principal concerns, as follows: ? consistency with Strategic Policy WS01; ? ambiguity; and ? viability.

7.26 Their concerns are set out below. Consistency with Strategic Policy WS01

7.27 For the Marlcombe new community, the Policy confirms that there is an aspirational target of 40% affordable housing, subject to grant funding and bespoke viability work. Reference to grant funding, however, is not made within Strategic Policy WS01.

7.28 It is the Cherwell Group's strong view that there should be no need for Strategic Policy WS01 to confirm expected levels of affordable housing within Marlcombe, for this duplicates Strategic Policy HN02. However, if the Local Planning Authority proceed with expected levels of affordable housing from Marlcombe being confirmed in both policies, then a consistent wording between both should be adopted. Ambiguity

7.29 As set out in the response to Strategic Policy WS01, as drafted, it is not considered that an "aspiration" of 40% affordable housing is sufficiently clearly written and unambiguous, for it does not confirm the precise quantum of affordable housing that is required, which is expressed as a requirement in the PPG. Viability

7.30 There is a need, in line with national planning policy, for the emerging Local Plan to establish contributions expected from development, including the levels of affordable housing provision, along with other infrastructure. This assessment work should take into account all relevant policies, local and national standards, including the cost

implications of the Community Infrastructure Levy and Section 106 obligations. The PPG confirms that affordable housing requirements should be set as a single figure, rather than a range³⁷, which in effect, is how the Policy is currently written (it could be any level of affordable housing from 0% (although noting para. 66 of the NPPF, 10%), through to 40%).

7.31 Neither Document CSD-004 or 004a provide an assessment of viability for Marlcombe. Consequently, at the time of writing, there is no evidential basis to establish an affordable housing requirement for the new community. We understand that this is being prepared by the Local Planning Authority and will be available by the Examination in Public.

7.32 However, the viability work provided at Appendix 3 confirms that it is unlikely that the 40% level of affordable housing proposed within the emerging Local Plan will be achieved, without substantial public subsidy. This conclusion has been reached having regard to: ? Documents CSD-004 and 004a, which support the conclusion of 35% affordable housing on areas outside Marlcombe (and Cranbrook) and will relate to sites with a significantly lower developer contributions package than will be required at Marlcombe; 37 MHCLG, Planning Practice Guidance, Viability, Paragraph: 001 Reference ID: 10-001-20251216. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 51 ? the Committee Report to the 30th September 2025 Strategic Planning Committee, which confirmed that the aspiration would not be met without public subsidy. It also suggested that lower levels of affordable housing would also be unviable; and ? evidence prepared from the Cranbrook Plan, which confirmed that the expansion areas could only viably support 15% affordable housing.

7.33 It is therefore likely that, in respect of the Marlcombe new community, a modification will be required to Strategic Policy HN02.

7.34 The Cherwell Group have suggested that a more justified and effective strategy for the emerging Policy to adopt in relation to the expectations of affordable housing at Marlcombe, would be to establish a minimum quantum of affordable housing that could be viably delivered from the new community, and then to require developers to seek public subsidy up to the aspirational level of affordable housing. This would also provide a better fit with national planning policy.

7.35 Additional benefits would also result, including it: ? providing a more precise assessment of the levels of affordable housing that would be delivered from the Local Plan (without reliance on public subsidy), from which an assessment could be made of the extent to which affordable housing need within the District would be addressed; and ? would not delay developments from coming forward, whilst viability assessments were considered. This is particularly important given Document HOU-001(rev) envisages first completions at Marlcombe in 2029/30, whilst para. 74 of the NPPF

requires local planning authorities to identify opportunities for supporting rapid implementation when considering larger scale development, such as new settlements.

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

LOCATION Marlcombe AFFORDABLE HOUSING AS A PERCENTAGE OF THE SITE TOTAL- XXX% [to be determined via the viability assessment underpinning the emerging Local Plan] Applicants for development within the new community will be required to seek public subsidy to increase levels of affordable housing provision from XXX%, up to 40%. - TENURE MIX OF THE AFFORDABLE HOUSING -[to be determined via the viability work]

4(a). If yes, and you wish to support this part of the Meeting Housing Needs chapter's compliance with the duty to co-operate, please use this box to set out your comments.:

-

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

8. Meeting Housing Needs

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

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: HN01

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here::
Whim_12

2. Do you consider that this part of the Meeting Housing Needs chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Meeting Housing Needs chapter is not legally compliant. Please be as precise as possible.: he plan period and the length of time for its preparation - Object 4.1 As set out in national planning policy⁴, strategic policies should look ahead over a minimum 15-year period from the date of the adoption of the Local Plan. In addition, planning law requires the preparation of a Local Development Scheme, which must specify the development plan documents that, once prepared, will comprise the development plan for the area. The same section of the 2004 Planning Act requires local planning authorities to provide a timetable for the preparation and revision of development plan documents and for local planning authorities to provide up-to-date information showing the “state of the authority’s compliance (or noncompliance) with the timetable...” 4.2 The latest Local Development Scheme (October 2025) forecasts adoption of the Plan in 2027. No specific month in 2027 is identified. However, if the Plan is forecast to be adopted any later than the 31st March 2027, then the Plan will not provide the “minimum 15 year period from adoption.” 4.3 DWH consider that it is highly ambitious to consider that the emerging Local Plan will be adopted in 15 months, particularly when there are the following likely stages of plan preparation: ? the processing of the Second Regulation 19 consultation responses; ? the completion of the outstanding elements of the evidence base underpinning the emerging Local Plan, including an assessment of the viability of the Marlbcombe new community; ? the appointment of the examining Planning Inspector(s) and the Programme Officer by the Planning Inspectorate; ? the scheduling of the Hearing Sessions; ? the preparation of Hearing Statements; ? the Hearing

Sessions; ? the proposed Main Modifications (likely to be required), with supporting technical information; ? the publication of the Inspector's Report; ? to seek the recommendation of the Strategic Planning Committee for the Plan to be Adopted; and ? the Plan to be adopted by Full Council.

4.4 The most obvious benchmark is the recently adopted Cranbrook Plan. In that case, the Local Planning Authority submitted the Plan to the Secretary of State for Examination on 2nd August 2019. The Hearing Sessions, which were divided into two stages, commenced on 21st January 2020 and ended on 20th November 2023. A further consultation concerning viability was undertaken in July and August 2021, with the Proposed Main Modifications published in January 2022. The Inspector's Report was published in August 2022, with the Development Plan Document being adopted on 14th September 2022. Consequently, it took over three years from the Submission of the Cranbrook Plan to its adoption. Even allowing for the delays resulting from the Covid-19 pandemic, the period from the Submission of the Plan took significantly longer than the timeframe that has been allowed by the Local Development Scheme.

4 Para. 22 of the NPPF. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 15

4.5 Another recent example is the Teignbridge Local Plan, which was submitted for Examination in March 2024 and nearly two years later, has not been adopted.

4.6 The implications of not complying with this national planning policy requirement were considered at the Wiltshire Local Plan Examination, which is currently ongoing. In relation to this matter, in their letter dated 22nd December 2025, the Inspectors concluded that: "As discussed during the hearing sessions, paragraph 22 of the NPPF - September 2023, amongst other things, requires that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements to infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery. Given the extent of work required in this letter, together with the remainder of the hearings programme and consultation process that would likely follow, we consider it unlikely that the Plan would be adopted until 2027. The Plan period may, therefore, need to be extended by at least a further four years to 2042 to ensure that the Plan is consistent with national policy and effective. The implications of extending the Plan period by a further four years would be that the housing and employment requirements would need to be recalculated as previously stated. Further main modifications may also be required to identify sufficient land to ensure that needs could still be met" (our emphasis).

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

3. Do you consider that this part of the Meeting Housing Needs chapter is sound?:

No

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

he plan period and the length of time for its preparation - Object 4.1 As set out in national planning policy⁴, strategic policies should look ahead over a minimum 15-year period from the date of the adoption of the Local Plan. In addition, planning law requires the preparation of a Local Development Scheme, which must specify the development plan documents that, once prepared, will comprise the development plan for the area. The same section of the 2004 Planning Act requires local planning authorities to provide a timetable for the preparation and revision of development plan documents and for local planning authorities to provide up-to-date information showing the “state of the authority’s compliance (or noncompliance) with the timetable...” 4.2 The latest Local Development Scheme (October 2025) forecasts adoption of the Plan in 2027. No specific month in 2027 is identified. However, if the Plan is forecast to be adopted any later than the 31st March 2027, then the Plan will not provide the “minimum 15 year period from adoption.” 4.3 DWH consider that it is highly ambitious to consider that the emerging Local Plan will be adopted in 15 months, particularly when there are the following likely stages of plan preparation: ? the processing of the Second Regulation 19 consultation responses; ? the completion of the outstanding elements of the evidence base underpinning the emerging Local Plan, including an assessment of the viability of the Marlcombe new community; ? the appointment of the examining Planning Inspector(s) and the Programme Officer by the Planning Inspectorate; ? the scheduling of the Hearing Sessions; ? the preparation of Hearing Statements; ? the Hearing Sessions; ? the proposed Main Modifications (likely to be required), with supporting technical information; ? the publication of the Inspector’s Report; ? to seek the recommendation of the Strategic Planning Committee for the Plan to be Adopted; and ? the Plan to be adopted by Full Council. 4.4 The most obvious benchmark is the recently adopted Cranbrook Plan. In that case, the Local Planning Authority submitted the Plan to the Secretary of State for Examination on 2nd August 2019. The Hearing Sessions, which were divided into two stages, commenced on 21st January 2020 and ended on 20th November 2023. A further consultation concerning viability was undertaken in July and August 2021, with the Proposed Main Modifications published in January 2022. The Inspector’s Report was published in August 2022, with the Development Plan Document being adopted on 14th September 2022. Consequently, it took over three years from the Submission of the Cranbrook Plan to its adoption. Even allowing for the delays resulting from the Covid-19 pandemic, the period from the Submission of the Plan took significantly longer than the timeframe that has been allowed by the Local Development Scheme. 4 Para. 22 of the NPPF. SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 15 4.5 Another recent example is the Teignbridge

Local Plan, which was submitted for Examination in March 2024 and nearly two years later, has not been adopted. 4.6 The implications of not complying with this national planning policy requirement were considered at the Wiltshire Local Plan Examination, which is currently ongoing. In relation to this matter, in their letter dated 22nd December 2025, the Inspectors concluded that: “As discussed during the hearing sessions, paragraph 22 of the NPPF - September 2023, amongst other things, requires that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements to infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery. Given the extent of work required in this letter, together with the remainder of the hearings programme and consultation process that would likely follow, we consider it unlikely that the Plan would be adopted until 2027. The Plan period may, therefore, need to be extended by at least a further four years to 2042 to ensure that the Plan is consistent with national policy and effective. The implications of extending the Plan period by a further four years would be that the housing and employment requirements would need to be recalculated as previously stated. Further main modifications may also be required to identify sufficient land to ensure that needs could still be met” (our emphasis). 4.7 Consequently, and drawing on the experience of Wiltshire Council, to ensure that the Plan is consistent with national policy and is therefore a sound proposition, the Local Planning Authority must ensure that the plan period covers a full 15-year period from the date of adoption. This is likely to require, for the reasons set out above, the plan period to be extended by at least a further year (i.e. to 2043).

5. 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 latest Local Development Scheme (October 2025) forecasts adoption of the Plan in 2027. No specific month in 2027 is identified. However, if the Plan is forecast to be adopted any later than the 31st March 2027, then the Plan will not provide the “minimum 15 year period from adoption.”

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

9. Supporting the Economy and Town Centres

1. To which part of the Supporting the Economy and Town Centres chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SE05

1(b). Does your comment relate to one of the changes listed above?: No

3(a). If yes, and you wish to support the soundness of this part of the Supporting the Economy and Town Centres chapter, please use this box to set out your comments.: PO LIC Y SE 05 : E MP L OYME NT AND SK ILL S ST ATE ME NT S – MOD IFI C ATI ON REQUI RE D

7.45 The Cherwell Group are supportive of the use of employment and skills statements being required to be approved and implemented alongside development. This will ensure that social value and economic development is realised at a local level from the construction phase.

3(c). Please set out the modification(s) you consider necessary to make this part of the Supporting the Economy and Town Centres 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 Supporting the Economy and Town Centres 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.: Notwithstanding this in principle support, it is noted that as currently drafted, Policy SE05 requires employment and skills statements to be “submitted with the planning application.” However, often in the case of strategic development, applications will be submitted in multi-stages, with the principal decision often not providing exact certainty over the quantum of development that will ultimately be approved at the subsequent stages of the planning process. This is important as Guidance produced by the National Skills Academy for Construction and the Construction Industry Training Board requires an understanding of the construction value of the development, which may only be known once reserved matters have been approved.

7.47 It therefore may be a more justified proposition to advocate an approach where the requirement for employment and skills strategies is a conditional requirement of a

principal permission, with the requirement for the work to be prior to the commencement of development.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal: Sustainability Appraisal

If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.: SUSTAINABILITY APPRAISAL – CSD-003(REV)

9.22 DWH have a number of concerns relating to the Sustainability Appraisal. These concerns relate to: ? the approach taken in the Sustainability Appraisal regarding assessing options for the housing requirement to be set closer to the local housing need; and ? the failure to assess land to the west of Lilypond Lane as a reasonable alternative.

9.23 Their concerns are set out in turn below. Assessment of alternative levels of housing provision

9.24 As set out in Section 6 above, three options were tested for the most appropriate housing requirement, as follows: ? Option A – 950 dwellings per annum (20,909 dwellings over the plan period); ? Option B – 1,045 dwellings per annum (22,990 dwellings over the plan period); and ? Option C – 1,188 dwellings per annum (26,136 dwellings over the plan period).

9.25 Option A represents the housing requirement contained within the emerging Local Plan, whilst Option C represents the local housing need figure at the time the Regulation 19 Plan was published. Despite, at the time of the first Regulation 19 consultation, the Local Planning Authority assessing the then local housing need figure calculated by the standard method (and again in Document 36 East Devon District Council, Site Selection Report Whimble (February 2025), para. 1.6.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 55 CSD-003(rev)), the current and up-to-date local housing need figure (1,156 dwellings per annum), was dismissed as being a reasonable alternative, as: “...the Local Plan is not changing significantly between the two Regulation 19 stages, to comply with government guidance on Local Plan transitional arrangements³⁷.”

9.26 As set out in Government guidance, “reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan³⁸.”

9.27 The current local housing need figure is clearly a realistic option that should have been considered by the plan-maker, particularly as national planning policy confirms

that the emerging Local Plan should, in order to be considered to be positively prepared and consistent with national policy, meet objectively assessed development needs, unless the application of the tests outline in para. 11 of the NPPF suggest that it is unachievable. Such evidence has not been provided by the Local Planning Authority. It would have also provided a strong fit with Objective 3 of the emerging Plan.

9.28 The lack of consideration of such an obvious reasonable alternative strengthens DWH view that the second consultation has been more focused on exploiting the opportunity provided by the transitional arrangements contained within the December 2024 version of the NPPF and less concerned about making a conscious effort to meet local housing needs.

9.29 Consequently, DWH do not consider that at present, the Plan has assessed all reasonable alternatives to Policy SP02 of the emerging Plan. It is therefore unjustified.

9.30 Notwithstanding the above, having undertaken an assessment of the options against the SA Objectives, the Sustainability Appraisal concludes that Option A is the preferred option. However, DWH note that there are a number of technical deficiencies with this approach. These concerns are set out in detail in Section 6 of this representation and for brevity, are not repeated here.

9.31 A re-assessment of the Options is provided at Appendix 5 of these representations, albeit Option C has been updated to reflect the current local housing need figure (1,156 homes). This analysis would suggest that revised Option C is preferable. Land to the west of Lilypond Lane

9.32 The Sustainability Appraisal does not consider the development potential of land to the west of Lilypond Lane. It is assumed that this is because of the conclusions presented within the HELAA; that the site is probably unachievable.

9.33 For the reasons set out above, this is an incorrect conclusion. The reasonable alternative presented by the site has not therefore been considered, which means that the Plan is unjustified. Accordingly, the site should be subject of assessment in future versions of the Sustainability Appraisal.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

3. The Spatial Strategy

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

Policy

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

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

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

9.34 Disappointingly, para. 3.17 of the 'Role and Function of Settlements' background paper describes Whimble as being a dormitory settlement and a "relatively unsustainable" place to live. This conclusion is made after an assessment of the jobs to homes balance, wherein it is identified that the settlement has nearly three times as many residents available to work than the number of jobs available in the settlement. 37 Page 190 of DocumentCSD-003(rev). 38 MHCLG, Planning Practice Guidance, Housing and Economic Needs Assessment, Paragraph: 018 Reference ID: 11-018-20140306.

SECOND EAST DEVON LOCAL PLAN PUBLICATION DRAFT CONSULTATION 56

9.35 This conclusion, as indicated at para. 3.34 of the same document, has influenced the Local Planning Authority's views on the levels of residential development that Whimble could accommodate, as it was considered that "residential development in isolation is likely to perpetuate unsustainable travel to work patterns."

9.36 However, such analysis ignores the significant existing active and sustainable transport opportunities provided at Whimble and the potential for them to be enhanced. Indeed, Whimble is located within a reasonable cycling journey time of Cranbrook and the employment opportunities clustered at that settlement and the surrounding areas. Other than one other road, Cranbrook is linked to Whimble by London Road. The Cranbrook Plan has secured significant funding for environmental enhancements to London Road. Those improvements, which are to be delivered by Devon County Council, will have a design speed of 20mph and are likely to include segregated

pedestrian and cycle links. Cycling could therefore become even more of a realistic mode to travel to work for Whimble's residents.

9.37 Moreover, as outlined elsewhere in these representations, Whimble has a railway station, which is described in the Role and Function of Settlements background paper as being a strategic facility. The station is located on the West of England Railway Line and therefore services are provided to a range of destinations including Cranbrook and Exeter to the west and Axminster, Honiton, Crewkerne, Yeovil, Salisbury, Basingstoke and London to the east. The station is served by a total of 12 services a day in a westerly direction and 14 to the east. Services are also to improve as a result of planning infrastructure works on the line (see project TRA-1 of Document KSD-001).

9.38 The railway station is relatively well-used and proportionally more residents travel to work by the railway than in other areas of the District. Further growth around Whimble has the potential to encourage further patronage.

9.39 As well as reducing congestion on the highways network, the promotion of such sustainable modes of travel would reduce greenhouse gas emissions associated with the private vehicle, whilst health benefits would also result.

9.40 The conclusion presented in the assessment work also ignores more modern methods of working, especially since the Covid-19 pandemic. In this regard we note that superfast broadband is available in Whimble.

9.41 For the above reasons, DWH considers that the evidence base document is deficient. It has resulted in an unjustified strategy that has constrained levels of development at Whimble to an unreasonable level.

9.42 Future versions of the evidence base document and the other documents that the work has influenced, including the emerging Local Plan, should reconsider the role that Whimble could play in accommodating development, particularly given the need, for the reasons set out within these representations, to identify further housing allocations within the District.