

This file has been cleaned of potential threats.

If you confirm that the file is coming from a trusted source, you can send the following SHA-256 hash value to your admin for the original file.

e3f6e51b5c21cb74e853800fbae0808dbcab63c7f197b80dcf6a228c9fdf6a0e

To view the reconstructed contents, please SCROLL DOWN to next page.

East Devon Local Plan – Regulation 19 Publication Draft (February 2025)

Representations on behalf of **Bloor Homes Exeter** [*Land off Ottery Road, Feniton*]

March 2025

Contents

1.	Introduction and Site Summary	3
2.	Policy Responses	7
Appendix 1: Location Plan		2
Appendix 2: Masterplan		3

Jeff Richards

Client

Bloor Homes Exeter

Our reference

BLOA3060

March 2025

1. Introduction and Site Summary

- 1.1 This response has been prepared by Turley on behalf of **Bloor Homes Exeter** [‘Bloor Homes’], to provide representations to **East Devon District Council** [‘the Council’], in relation to the **East Devon Local Plan [‘EDLP’] Regulation 19 consultation March 2025**.
- 1.2 Bloor Homes have an interest in land off Ottery Road, Feniton. A site-specific location plan is provided at **Appendix 1** of this representation, which confirms the extent of Bloor Home’s land interest. A summary of the site is provided below.
- 1.3 The site within the control of Bloor Homes to promote and develop. Bloor Homes are an experienced national house builder with a proven track record of high-quality design, with the delivery of homes across a range of site scales.
- 1.4 We previously responded on behalf of Bloor Homes the Call for Sites consultation undertaken between April and May 2022 and the Regulation 18 Consultation in January 2023.
- 1.5 On behalf of Bloor Homes, Turley submitted an outline planning application for 85 homes, a community eco-hut and associated infrastructure to the Council in March 2025 (ref. **25/0509/MOUT**). The application is live and currently under consideration. The proposed masterplan is provided at **Appendix 2** of these representations.

Land off Ottery Road, Feniton

- 1.6 The site is located to the west of Ottery Road and extends to approximately 5.43 hectares. It lies to the south west of Feniton. The extent of the site is shown below.

Figure 1.1: Land off Ottery Road Site Location



Site Promotion History

- 1.7 The site has been assessed during the preparation of the Local Plan with reference numbers FENI_04 and FENI_14. Our previous representations to the Regulation 18 consultation provided responses to the key conclusions from the Council's Sustainability Appraisal [SA] and HELAA Site Assessment. In summary:
- The Council's previous HELAA Site Assessment (that was published with the Regulation 18 consultation) concluded the site is available and suitable, but the panel concluded that the site is probably unachievable for housing due to minerals constraints, subject to MRA. A Mineral Resource Assessment (submitted in support of the representations) demonstrated that the site could come forward and the mineral safeguarding objections can be addressed.
 - The SA concluded that Feni_04, is of some landscape prominence. However, the HELAA Site Assessment report concludes that residential development at the Site would not have an unacceptable impact with regards to landscape. Initial technical feasibility work was submitted with the representations to demonstrate that the site has the potential to have a sensitive design with regards to heritage and landscape.

Accessibility and Site Constraints

- 1.8 The site is in a sustainable location. To the north and east of the site lies residential development and the site will form a natural extension to the existing town.
- 1.9 The site is very well located with respect to Feniton railway station, which lies immediately to the North and at a distance of only circa 100m at its nearest point. The existing Feniton railway station provides frequent connections to London Waterloo and Exeter St Davids. This provides excellent opportunities for making journeys by public transport to other higher order settlements for work, education nor other purposes.
- 1.10 The village of Feniton is also served by existing bus services which provide public transport connections to other nearby towns and villages, including Whimple, Sidmouth and Honiton, giving access to various other services and facilities. The nearest bus stop is just 100m north of the Site, located to the south of the railway station.
- 1.11 Existing facilities and services within Feniton are located to the East of the site, and accessible on foot via a railway bridge at Station Road.
- 1.12 The Council's HELAA Site Assessment (that supported the Regulation 18 consultation) confirmed the site is within 1,600 metres of 4 or more different local facilities and within 1,600 metres of a train station or bus route with an hourly or better service.
- 1.13 With regards to flood risk, the site is located in flood zone 1. It is therefore at the lowest risk of flooding – in this respect, it meets the Council's spatial strategy of avoiding development in areas of flood risk. As such, the Proposal Site can provide a significant contribution to housing delivery while avoiding risks associate with flooding.
- 1.14 The site is not located with an AONB (where the East Devon AONB otherwise covers large parts of the District), or any other designated landscape.

Deliverability

- 1.15 The draft Local Plan needs to allocate enough housing sites that can be brought forward at a sufficient rate.
- 1.16 The site is available now and within the control of Bloor Homes to promote and develop. As set out above, Bloor Homes are an experienced developer with a proven track record of high-quality design, and delivery of a range of site scales. As such, importantly there are no land ownership impediments to developing the site and this is a site that is capable of being brought forward for development quickly.
- 1.17 Detailed technical work that accompanies the live outline planning application (particularly in regards to minerals, highways/access, drainage, and landscape/heritage) demonstrates the mineral safeguarding objections can be addressed, a sensitive design with regards to landscape and heritage and a safe access can be achieved.

Unique Benefits

- 1.18 The allocation of the site will also provide unique benefits:
- **Delivery of new market and affordable housing** - This development provides the opportunity to meet identified local housing needs, with proposals including up to 85 homes with affordable housing in line with policy, and properly taking account of site constraints.
 - **Delivering local flood mitigation** - The scheme will safeguarded land for part of the Council's Flood Alleviation Scheme, diverting flood water from Feniton to the stream to the south of the village.
 - **High quality landscaping and POS creation:** the landscape-led layout will be designed to include new areas of publicly accessible open spaces.
 - **Designed to achieve a biodiversity net gain** - The scheme has the potential to provide rich planting to enhance ecology, create new habitats and deliver a biodiversity net-gain for the site.
 - **Community Eco-Hut** – the proposal has responded to previous public consultation and includes a community eco-hut.

Site Summary

- 1.19 Bloor Homes have an interest in land off Ottery Road, Feniton. A live outline planning application for 85 homes at the site is currently being considered by the Council. We consider the site should be identified for housing development when:
- The site is available and capable of early delivery and is of a scale that can come forward quickly, being promoted by Bloor Homes, a house builder with an enviable track record of delivery;
 - Detailed technical work that accompanies the outline application shows that the site can come forward where key considerations (such as mineral safeguarding, heritage and landscape) can be addressed;

- Land off Ottery Road provides site-specific location benefits which can aid and promote sustainability, including the delivery of new market and affordable housing, delivering local flood mitigation and publicly accessible open spaces.

2. Policy Responses

Strategic Policy SP01: Spatial strategy [Object]

- 2.1 The draft policy confirms Feniton as a 'Service Village', where limited development is permitted. We object to this designation as a Service Village rather than (or distinct from) a Local Centre.
- 2.2 Whilst the Council's spatial strategy and settlement hierarchy is based on a review of the role and function of settlements, there is no clear narrative that explains how the different settlements have been apportioned into the final tiers within policy SP01. Indeed, it is noted that the settlements of Lympstone and Woodbury have been designated as Local Centres despite having similar credentials as Feniton.
- 2.3 Supporting paragraph 3.4 set outs the definitions of the settlements:
- **Local Centres:** Settlements with reasonable population levels and a smaller but important selection of strategic and local facilities, playing a crucial role in supporting local community infrastructure.
 - **Service Villages:** Settlements with good local facilities, providing essential services and infrastructure for their immediate rural areas and supporting more localised, sustainable development.
- 2.4 The accompanying Role and Function of Settlements report (GEV-001) confirms:
- **Feniton** benefits from one strategic facility & service (train station) and eight local facilities and services (less than hourly bus service, primary school, convenience shop, community hall, pub, allotments, sports playing pitch and a children's play area).
 - **Woodbury** benefits from one strategic facility & service (hourly bus service) and ten local facilities and services (less than hourly bus service, primary school, convenience shop, post office, GP, community hall, pub, allotments, sports playing pitch and a children's play area). At paragraph 4.8 of the evidence document, it states that "*although it only has one strategic facility, Woodbury can be described as playing an important local role given the presence of 10 out of 11 local facilities*".
 - **Lympstone** benefits from two strategic facilities & services (train station & hourly bus service) and ten local facilities and services (less than hourly bus service, primary school, convenience shop, community hall, pub, allotments, sports playing pitch and a children's play area).
- 2.5 The above clearly demonstrates that Feniton has similar community facilities and services credentials than both Woodbury and Lympstone. In particular, Woodbury only benefits from a bus service, whilst Feniton benefits from a train station that provides a greater number of connections than the station in Lympstone. Indeed, it provides frequent key commuter routes to London Waterloo and Exeter St David's. This provides

excellent opportunities for commuting and for travelling to education facilities. It is considered that the fact Feniton has a train service that provides frequent connections to key commuter destinations should be recognised and given considerable advantage over other settlements in the District.

- 2.6 It is considered that Feniton be designated as a Local Centre on the basis that it benefits from a train station with connections to key commuter destinations and provides a similar number of local facilities and services than Woodbury Lympstone. At present, the Council has implemented an inconsistent approach to the settlement hierarchy that needs to be addressed.
- 2.7 The current failure to recognise Feniton as a local centre results in opportunity for sustainable development at the settlement not being maximised or realised. Indeed, the current designation as a Service Village has influenced other aspects of the plan, including the distribution of housing and selection of sites for development.
- 2.8 The delivery of just 109 homes over the 15 years of the plan period at Feniton (as housing trajectory at Appendix 2 of HOU-001) will unlikely be sufficient to meet local needs across the same period and is not a proportionate response to the role and function of Feniton as a local centre within East Devon. It will impede the future vitality and viability of the village and will impede the provision of much needed affordable homes for the village.
- 2.9 The Council has within the plan acknowledged that further land (located within designated landscapes, including the National Landscape) will need to be released for residential development. Feniton is not located with an Area of Outstanding Natural Beauty (where the East Devon AONB otherwise covers large parts of the District), or any other designated landscape. It therefore represents an opportunity for the Council to deliver sustainable development on unconstrained land.

Strategic Policy SP02: Levels of future housing development [Object]

- 2.10 Paragraph 3.9 within the plan states that the policy “responds to the Council’s priority of addressing housing needs by establishing a clear housing requirement based on the Standard Method using latest ONS statistics”. This does not seem to be the case as the Council is seeking to progress its plan using the transitional arrangements available as part of the NPPF (December 2024), by making provision for only 80% of the housing need which is now identified by the latest version of the Standard Method. The approach being taken by the plan (and specifically **Policy SP02**) is not consistent with the Council’s stated aim and approach as recorded at Paragraph 3.9. This in turn is not consistent with national planning policy that seeks to boost significantly the provision of new housing.
- 2.11 The level of housing being planned for by the plan is not consistent with latest national policy on need (as reflected in the up-to-date standard method for Local Housing Need), with even the annual provision in the later years of the plan (1,070dpa based on a stepped trajectory) less than the new minimum figure of 1,118dpa which is derived from the latest version of the Standard Method, and which is the basis for the 80% minimum threshold to progress using transitional arrangements.
- 2.12 Although no specific unmet need has yet been identified to exist, the Council’s approach also makes no provision for any unmet needs for housing, that may arise within the City of Exeter, and where East Devon District may be well placed to meet those needs. The preparation and examination of the Exeter Local Plan will be occurring in parallel with that in East Devon and so there will remain a need to retain flexibility and act responsively in the interests of planning for this important part of Devon and wider South West.

Strategic Policy SD18: Development allocations at Feniton

- 2.13 There is clear potential for more development to be accommodated at Feniton to meet local needs and support village vitality, where the plan for East Devon could and should be doing more to deliver elevated levels of new housing, including much needed affordable housing.
- 2.14 The delivery of just 109 homes over the 15 years of the plan period at Feniton (as housing trajectory at Appendix 2 of HOU-001) will unlikely be sufficient to meet local needs across the same period and is not a proportionate response to the role and function of Feniton as a local centre within East Devon.
- 2.15 The Council has within the plan acknowledged that further land (located within designated landscapes, including the National Landscape) will need to be released for residential development. Feniton is not located with an Area of Outstanding Natural Beauty (where the East Devon AONB otherwise covers large parts of the District), or any other designated landscape. It therefore represents an opportunity for the Council to deliver sustainable development on unconstrained land.
- 2.16 The evidence that supports the plan has shown that development on greenfield sites at and around the town of Feniton is necessary and justified in order to meet needs arising in the District during the plan period.
- 2.17 At Feniton the draft plan has chosen to allocate two sites for new housing at the town (representing a total of 102 homes, at a capacity of 42 and 60 homes respectively). A range of other sites have been discounted as being unsuitable, or less preferable, than those that have been selected.
- 2.18 The excluded sites include land being promoted by Bloor Homes to the west of the settlement (off Ottery Road), comprising FENI_04 and FENI_14. The Sustainability Appraisal [CSD-003] that forms part of the evidence base states the site is rejected due to adverse effect on the listed building to the south and adverse landscape impact; there are other, more preferable, sites at Feniton and this site in addition would not be consistent with the spatial strategy; and loss of best and most versatile agricultural land (Grade 2).
- 2.19 As set above, a live outline planning application for 85 homes at the site is currently being considered by the Council. Considering the concerns raised in the Council's Sustainability Appraisal above, it worth noting that the detailed technical work accompanies the planning application demonstrates:

- **Heritage:** An Archaeological and Heritage Assessment prepared by EDP accompanies the application. It assesses the impact on the Listed Building.

The only designated asset that would receive any adverse effects by the proposed development of the site is the Grade II listed building Sweethams. The site forms an element of the agricultural setting of the 17th Century cottage and, as such, makes some limited contribution to its significance by allowing it to be best appreciated within its original rural context. However, it is considered that only the southern portion of the site is considered to be sensitive in this regard.

The Illustrative Layout accompanying the application illustrates how mitigation has been incorporated into the design to successfully reduce the potential adverse impact of the Proposed Development on the setting of Sweethams through the retention of the southern portion of site as open space, as well as implementation of tree planting and garden landscaping at the southern edge of the built development. This landscaping not only filters any views of the development from the asset, but also maintains a rural landscape immediately north of the asset.

As such, when mitigated, there is predicted to be no harm to the significance of Sweethams.

- **Landscape:** A Landscape and Visual Appraisal [LVA] prepared by EDP accompanies the application. The report concludes that, whilst the proposals would result in adverse effects on the site-wide landscape character and close-range views from the site's surroundings, this is inevitable when developing a green field site, but it would read as part of Feniton and would not be incongruous with the existing local context of residential built form. The proposed development is considered to accord with local planning policy and would sensitively and appropriately integrate existing landscape features into the proposed layout. The proposed landscape strategy would enhance existing vegetation and would provide a new, well-vegetated settlement edge that softens the transition towards the countryside in the west and filters views of the settlement. Indeed, given the allocation of many sites in sensitive landscape areas, including AONBs in the plan, the development of this site is sequentially preferable from a landscape sensitivity and impact perspective.
- **Agricultural Land:** A desktop review of the site shows it as Grade 2 Agricultural Land. It is noted that proposed allocation FENI_08 (Land adjacent to Beechwood) is Grade 1 Agricultural Land. The proposed allocation of FENI_05 (Land at Burlands Mead) is also Grade 2 Agricultural Land. Given the proposed allocations have either the same or improved agricultural land classifications than the proposal site, it is unclear why this has been raised as a reason to reject the site from allocation.

2.20 In summary, it is not clear why Land off Ottery Road (FENI_14) has not been considered suitable for residential development when:

- Feniton is clearly a sustainable location for growth, with the rail station a significant asset in respect of sustainable travel. The village of Feniton should be classified as a Local Centre, as opposed to a Service Village.
- Detailed technical work that accompanies the outline application shows that the site can come forward where key considerations (such as heritage and landscape) can be addressed.
- The site is available and capable of early delivery and is of a scale that can come forward quickly, being promoted by Bloor Homes, a house builder with an enviable track record of delivery;

- Land off Ottery Road provides site-specific location benefits which can aid and promote sustainability, including the delivery of new market and affordable housing, delivering local flood mitigation and publicly accessible open spaces.

Strategic Policy HN01: Housing to address needs [OBJECT]

- 2.21 **Policy HN01** seeks to provide an “appropriate mix” of homes across East Devon during the plan period. Whilst this aspiration is supported overall, as drafted the policy is not clear and will not be effective, as the way in which the mix for developments will be prescribed, assessed or controlled is not clear.
- 2.22 If it is intended that the provisions of the mix suggested by Parts A-E will be derived via other policies of the plan (including where relevant site allocations) then this should be clearly stated, with other aspects of housing mix (for the open market element of standard major housing proposals) having regard to available evidence of need, but fundamentally information available to developers in respect of local housing demand and supply, where those delivering housing are best able to assess the types of housing that are appropriate at different sites and different stages of phased developments.
- 2.23 As drafted **Policy HN01** is not clear, nor justified and should be modified to ensure that it is effective.

Strategic Policy HN02: Affordable housing [Comments]

- 2.24 It is agreed that relevant affordable housing provisions should be made within the plan as part of supporting communities across East Devon and to meet needs arising during the plan period.
- 2.25 To complement the approach being taken by **Policy HN02** it would be useful if the policy or the supporting text (associated with this policy) clarified the level of affordable housing provision which is being targeted via the plan (and its associated policies) and how this is meeting the evidenced levels of need arising via the Council's Local Housing Needs Assessment (HOU-002).
- 2.26 Elsewhere in the plan (at Paragraph 3.10) it is stated that the affordable housing target for the plan is some 4,400 new affordable homes; however, this is significantly short of the stated need (from HOU-002) at around 8,000 affordable homes or around 400 new affordable homes per year.
- 2.27 The plan as drafted is unlikely to be making provision to meet all of the identified affordable housing needs via **Policy HN02** and accounting for other mechanisms for affordable housing delivery. This points to the plan needing to provide for higher levels of housing growth overall, consistent with the objective stated elsewhere to "*maximise the delivery of affordable housing across East Devon*" and this should be reviewed further by the Council.

Policy HN05: Self-build and custom build housing [OBJECT]

- 2.28 There is not sufficient evidence to support the Council's approach to **Policy HN05** and it needs to be deleted or substantially modified. By providing 5% of new dwellings on all developments over 20 homes as self or custom build housing, the policy would be seeking to deliver far more self and custom build homes than evidence suggested is needed. The Council's self-build and custom build monitoring information (lined as footnote 45 within the plan and document HOU-017) is out of date and in any event show only around 200 entries for people interested in self and custom build housing options. This is significantly less than the level of provision that would be secured from the 5% requirement being suggested by **Policy HN05**.
- 2.29 Rather than a blanket approach to self and custom build provision as part of all larger residential developments, the plan should be taking a more refined approach to identifying those sites that are most suitable to the types of self and custom build homes that are attractive and valuable for those interested in this provision, including projects that would be attractive to Community Led Housing Groups, Community Land Trusts and Cohousing groups (as identified in the supporting text at 8.21 of the plan).
- 2.30 There is no evidence to show that the generic approach being proposed by **Policy HN05** would meet the needs of those interested in self and custom housebuilding options, either in respect of the total quantum, or the types of sites (plots) that may be made available.
- 2.31 If there is intended to be provision as part of larger strategic development sites (which often results in limited take up), then this can often only be meaningfully achieved via the provision of "shell homes" following a 'custom build' model, where future occupiers have the option to significantly influence the internal layout and fitout of these buildings including the way in which internal works are procured and progressed. Other options for fully self-build plots often result in significant phasing, completion, infrastructure and health and safety issues, where the timing and rate of construction is not able to be controlled alongside the build out of the other parts of the development.
- 2.32 In all cases where self or custom homes or plots are secured as part of any planning permission, then there should always be 'cascade' mechanisms included to ensure that these homes/plots can revert to standard models of provision after an appropriate marketing period (not more than 12 months).
- 2.33 As drafted **Policy HN05** is not sound as it is not supported by appropriate robust evidence and is not justified. If the policy is to be retained then it should be substantially modified to better reflect evidenced levels of need in East Devon for self and custom build housing, and how this can be provided in a way that meaningfully contributes to meeting those needs, and not adversely impacting on the capacity and delivery of all major housing sites.

Strategic Policy DS01: Design and local distinctiveness [OBJECT]

- 2.34 **Policy DS01** (part D) requires that new development is designed to meet “*nationally and locally described space standards*”. There is no in principle objection to this requirement for development designed to meet Nationally Described Space Standards [“NDSS”], which is in alignment with the approach to a clear single national standard advocated in government policy/guidance.
- 2.35 However, it is not clear from the plan what other locally described space standards are intended to apply and if/how these differ from NDSS. The plan policy, supporting text and associated evidence base documents contain no details in respect of what additional locally described standards might apply and what these standards are. There would be no way for an applicant to know what local standards are expected and no opportunity for the Council to test the viability implications of this standard, if it is not clearly defined. On this basis the policy is not justified and not effective (so not sound) and this element should be deleted.

Policy DS02: Housing density and efficient use of land [OBJECT]

- 2.36 As drafted **Policy DS02** is not justified and will not be effective. Not all major development schemes would require the production of a design code, as is stated by the policy. The plan does not, either via the policy or the supporting text, provide justification for the requirements that are contained within the policy.
- 2.37 Major developments are (as is referenced elsewhere in the plan) those which (in respect of residential development) propose 10 or more dwellings or are on a site of greater than 0.5ha. There are many instances where developments of this scale would not require a design code to have been produced in order to be granted planning permission (such schemes may be proposed via full planning application which enable the Council to fully assess the detailed design of the development). Additionally, there are instances where larger scale development may come forward as part of a large major development, but where a design code is not necessary, such as the delivery of infrastructure or larger scale employment development which might be part of a mixed use development allocation.
- 2.38 Whilst the intent of **Policy DS02** around density and the efficient use of land is supported, the detailed around design codes is poorly constructed and won't be effective. Alternative policy provision should be made around the use of Design Codes if this is necessary to support the implementation of the plan as a whole, where there should be greater clarity about how design codes are to be used and the types and scales of development that are relevant. The plan should also clarify the Council's intentions in respect of District wide design codes that it will produce in order to support the policies in the plan (there is no clarity on this point currently within the text that supports **Policy DS02**, although there are references to the intention for a District Design Guide linked to **Policy DS01**).

Strategic Policy PB05: Biodiversity Net Gain [OBJECT]

- 2.39 The proposed policy requirement for all major development proposals to deliver Biodiversity Net Gain ["BNG"] of at least 20%, as per **Policy PB05**, is fundamentally inconsistent with the national approach on this matter as set out within National Planning Policy, Guidance and Legislation. There is no compelling evidence to support the need for East Devon to target gains at this elevated level where development proposals would otherwise be mandated to demonstrate and secure measurable net gain for biodiversity at the level of at least 10%. There may be instances where additional gains can be achieved, but this should not be set as a requirement for all major developments, and there will be other ways that the District Council is able to pursue its aims in respect of nature recovery (in a way that is complementary to and in parallel with the controls that are imposed on new major development projects).
- 2.40 Planning Practice Guidance is very clear and states (at Paragraph: 006 Reference ID: 74-006-20240214) 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."*
- 2.41 The Council has provided no compelling or thorough justification to support a policy requirement that seeks a higher percentage than the statutory minimum of at least 10% (either in respect of need, opportunity or viability impacts) and so this policy is fundamentally unsound.
- 2.42 Whilst it is acknowledged and positive that development can and should make contributions to addressing biodiversity decline and nature recovery (as is required by national policy) the Council has not produced compelling evidence of need that is specific to East Devon and justifies the proposed policy requirement. The need to contribute at least 10% BNG via new major development proposals is established via the statutory BNG framework and there is not any need to go further via the policies in this Local Plan.
- 2.43 The viability impacts of providing elevated minimum levels of BNG have also not been robustly assessed, where the higher costs (stated as 19% within the Council's Viability Assessment) to achieve 20% BNG will have a significant impact on the viability and delivery of development sites across East Devon (including the key site allocations within the plan on which the Council relies to meeting housing and other development needs). As noted within the Council's assessment the ability to deliver high levels of BNG, and also the potential for additional costs arising, are site specific *"depending on both the existing site characteristics and the ability of development form to both mitigate and provide additional gain"*, with the conclusion that it is therefore *"difficult to gauge a suitable allowance for meeting the requirements"*.
- 2.44 Not only is it clear that the possible cost and viability impacts of this policy have not been robustly assessed (so as to be shown to be soundly based and compatible with the plan as a whole), it is not clear how the policy requirement has been considered and tested as part of the process of identifying the various development site allocations that form

a fundamental component of the plan. Given that at this stage there is not detailed baseline assessment available of all of these sites, the land or other requirements to achieve this policy, whilst meeting the capacity expectations for development from these sites is far from clear. It is possible that in many cases requirement to provide at least 20% BNG on an allocated development site would have the effect of either significantly reducing the capacity for development (where this requirement is being met on site), or an off-site solution is proposed (via an offsetting solution and the use of credits) an additional financial cost that puts further pressure on the timely delivery of development and the provision of other planning obligations.

- 2.45 Given the above **Policy PB05** should be significantly modified to ensure that it is sound. This is primarily on the basis that a requirement for at least 20% BNG is not justified in terms of being necessary, viable and in terms of the impact it may have on how the plan will secure other sustainable development objectives. As part of any modification to Policy PB05 there should also be a further critical review to ensure that any elements of the policy that may remain, only do so on the basis that they complement rather than duplicate the statutory framework for BNG. Beyond the headline objective of seeking an elevated level of minimum BNG, much of Policy PB05 is unnecessary as it duplicates aspects of the statutory regime for BNG and matters that would be covered through the submission, approval and implementation of Biodiversity Gain Plans (linked to relevant planning permissions).
- 2.46 Unmodified **Policy PB05** would have a significant impact on the potential for East Devon to deliver the development requirements and other policy objectives set in the plan. The statutory framework now exists to ensure that all qualifying new developments make a meaningful contribution to address nature recovery goals by contributing at least 10% BNG. The Council can do more to go further, including encouraging higher levels of BNG where this is both feasible and viable, but this should not be linked to major development proposals via Development Plan policy in the way suggested by this policy.

Policy PB07: Ecological enhancement and biodiversity in the built environment [OBJECT]

- 2.47 There are two parts of **Policy PB07** which are of concern as drafted and should be modified or deleted to ensure that the policy is justified, effective and sound.
- 2.48 Part C of the policy requires that all major planning application should provide an integrated bat loft, if ecologically relevant. The basis for this policy (to require one integrated bat loft on any size major development, from two houses on a site area over 0.5ha or 1,000s of new homes proposed as a major development, seems to be irrational and not clearly justified. There is also a lack of clarity around how, where and why this feature might be considered to be “*ecologically relevant*”. The potential delivery implications of this feature, including ongoing management/maintenance (and enforcement of this), does not seem to have been considered as part of devising the policy wording. It would seem preferable to omit this element and use Part B in order to secure appropriate features for the use of bats within new development. This part of the policy could even possibly be strengthened to prescribe the rate at which new bat box provision should be made.
- 2.49 Part E of the policy requires that all major developments should provide overhanging eaves suitable for nesting house martins. This requirement provides no flexibility and assumes that all developments (or all scales and typologies) will be able to provide this feature and that it would be architecturally appropriate to do so. This will not always be the case and so the requirement needs to be omitted as it is not justified. In any event the provision of integrated bird boxes is dealt with by Part A of the policy.

Policy PB09: Monitoring requirements for new planting schemes [OBJECT]

- 2.50 **Policy PB09** as drafted introduces a requirement on major developments for the placement of a financial bond (prior to the commencement of construction), equal to 25% of the calculated planting cost for the scheme (or agreed phase). The bond would be released only following the certified completion of relevant planting works and following 5 years of monitoring by a landscape architect. This requirement is onerous and unjustified and presents a potentially significant financial burden on development that has not been accounted for in the Council's viability assessment.
- 2.51 On very large or even moderately sized major development schemes, the financial bonds required could be sizeable – many hundreds of thousands of pounds. Whilst the Council's financial viability assessment seems to have accounted for the need for planting schemes as part of the standard landscaping (plot or site infrastructure) costs (as would be expected), the additional costs associated with bonds have not been.
- 2.52 Bloor Homes is an experienced developer of new homes and major new developments across various parts of the South West and rest of England. There are nearly always controls imposed on the grant of relevant planning permissions to ensure that the design, implementation and maintenance of new landscape planting is secured. However, in no locations has Bloor Homes experienced the need to provide a financial bond to underwrite this provision.
- 2.53 Notwithstanding issues relating to cost/viability (and the robust assessment and testing of this), the supporting text for **Policy PB09** does not seek to provide any reasoned justification for the requirement in the policy for a financial bond. The use of planning conditions can appropriately secure the implementation of landscaping as part of new development, with provisions identified (where necessary) for the longer-term management and maintenance of new landscaped spaces (either via transfer for adoption to relevant public authorities, or the use of appropriate management companies). There is no supporting evidence or justification for the Council's proposed policy requirement for financial bonds to secure the implementation of planting schemes.
- 2.54 **Policy PB09** should be deleted or substantially modified in order to be sound, it is not necessary (so not positively prepared or effective) and not justified.

Appendix 1: Location Plan

Appendix 2: Masterplan

Turley Office

