

Agenda for Strategic Planning Committee

Tuesday, 24 April 2018, 2pm



East Devon District Council
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[Members of the Strategic Planning Committee](#)

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Contact: Tabitha Whitcombe, 01395 517542 (or group number 01395 517546): Issued 13 April 2018

- 1 [Public speaking](#)
- 2 Minutes of the Strategic Planning Committee meeting held on 20 March 2018 (pages 3-8)
- 3 Apologies
- 4 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [declarations of interest](#).
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Matters for Debate

- 7 **Consultation on Proposed Changes to the National Planning Policy Framework** (pages 9-29)
This report provides a proposed response, by this Council, to the consultation document: National Planning Policy Framework: consultation proposals.
- 8 **Consultation on Proposed Government Reform to Developers Contributions** (pages 30-45)
This report provides a proposed response, by this Council, to the consultation document: Supporting housing delivery through developer contributions – Reforming developer contributions to affordable housing and infrastructure.
- 9 **Update on Timetable to Produce the Greater Exeter Strategic Plan** (pages 46-48)
This report provides an update on the timetable for production of the Greater Exeter Strategic Plan.
- 10 **Housing: Optional Technical Standards** (pages 49-65)
This report highlights the national system of optional technical housing standards introduced by the Government. The accompanying briefing paper contextualises and identifies issues in East Devon relating to these standards, and options for addressing them.

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 20 March 2018

Attendance list at end of document

The meeting started at 10:00am and ended at 12.36pm.

***28 Public speaking**

Ron Forrest from Rockbeare Parish Council outlined to the committee that the parish was against the Cranbrook Development Plan because of the expansion it proposed. He informed the committee that assurances had been given by the Council in previous years that there would be no expansion south of the old A30. He felt that the proposal was disproportionate and would take over the village of Rockbeare; he also stated that including a gypsy site would impact on neighbouring farms; and that the proposal encroached onto Grade 2 agricultural land.

Ray Bloxham from Cranbrook Town Council, again relating to the Cranbrook Development Plan, commented that there were some positive elements to the proposal, but had concern that because of the objections from the nearby parishes, it would affect the relationship between Cranbrook and them. In relation to the greenspace on the eastern expansion (as outlined on pages 32 and 33 of the agenda for the meeting) he commented that this had originally been assigned for housing and he preferred to see that assignment remain. He asked to see a balance in the mix of housing provided, as this was an expensive town to deliver but was being populated by some of the poorest people in the District – such people could not afford any associated costs of maintaining an expensive area.

Paul Smith, speaking as a member of the public, also spoke to the committee about the Cranbrook Development Plan. He advised that the proposal putting forward option 2 was at variance to the professional advice given to the committee and asked why housing on the triangular wedge shown on the map had been introduced into the plan when the committee had not discussed that parcel of land. There was also no reference in the plan to Rockbeare's emerging neighbourhood plan. The appraisal report highlighted the adverse impact on Rockbeare and existing Cranbrook homes and the SA and SEA reports were also not mentioned in the plan, both of which had advised that option 4 was the best option to minimise impact, use less land and provide less noise impact.

Mr Smith also submitted a petition, to save the green wedge of land bounded to the left of Parsons Lane and London Road, from any form of residential or commercial development, ensuring its future safeguarding as a green community space for leisure and wellbeing activities for the people of Cranbrook and its neighbouring communities. It had been signed by 50 local residents. The Chairman accepted the petition.

***29 Minutes**

The minutes of the Strategic Planning Committee meeting held on 14 December 2017 were confirmed and signed as a true record.

***30 Declarations of interest**

Councillor Geoff Pook – minute 33 – personal interest – construction

Councillor Mike Howe – minute 32 – personal interest - local Ward Member

***31 Housing Monitoring Report to year ending 31 March 2017**

The report provided the committee with a summary of house building data, establishing that there is a greater than five year land supply. Following the implementation of a new database, extracting data could now be done much quicker and therefore more regular reporting could be provided to the committee.

Expected housing delivery was down, but with a number of issues being resolved with larger sites the prediction is that this will rise for 2018/19.

An employment land monitoring report is expected to be produced (for the year ending March 2018) in the summer of 2018. Information and data on employment is being sought to add to that report, but some challenges were highlighted in locating data broken down to specific town and parish areas.

Discussion covered:

- Issue of affordable housing and building balanced communities; needed data on affordable housing element; a report will come forward to the committee on the proportion of affordable housing and how that is balanced against infrastructure;
- Challenges in obtaining data on employment and jobs, with desire to evaluate the delivery of total jobs against the scale of land;
- Continued push of statistics on jobs made to existing policy team that had not, in the opinion of the councillor commenting, been taken into account – such as information from the Office of National Statistics, and HMRC data;
- Lack of CIL receipts and how that affects delivery of schools. In response, the committee were reminded that Devon County Council were not prepared to borrow money to fund building schools and could not prevent residential development if no school was included – but it was a politically sensitive issue of how prepared a local authority was to deliver such infrastructure;
- Request for detail in statistics to show how many homes delivered were affordable, or into council tax banding in order to show how balanced the housing delivery was;
- Request for the Planning Policy Manager to be present when the housing monitoring reports were reported to the committee.

RESOLVED: that the residential completion data and future projections in the District be noted.

***32 Cranbrook Development Plan Document**

The report presented to the committee outlined the feedback received on the Cranbrook Development Plan Document Preferred Approach consultation. It also set out the intended actions based on that feedback from the public, stakeholders and consultation bodies.

The committee were shown [maps outlining the issues for specific areas of the plan](#).

Issues were highlighted as:

- Access arrangements for the Bluehayes area where alternatives were being reviewed, alongside additional land outlined in red to be considered for inclusion in the plan;

- Access issues also in the Tresbeare area, with work underway with highways officers to find a solution. The triangular parcel of land in this area was that referenced in the petition handed to the Chairman, and other areas had the potential to be visible to Rockbeare. Further testing on this needed to be undertaken, to then consult again with the landscape consultant;
- Cobdens: Additional land put forward adjacent to Southbrook Court and south of Southbrook House, to be examined and considered for allocation;
- Grange had issues with the relationship with Rockbeare, and the use of the green wedge; as well as access issues;
- Gypsy site to be removed from land in Bluehayes and look to allocate to another area within the plan area;
- Second platform at railway station shown as not feasible and so was to be deleted from the plan, but proposals for a second station to remain.

Members discussed concerns over:

- Green wedge changes in plan were not acceptable, and it should be retained;
- Making changes to this green wedge may leave Council open to challenges or changes to other green wedges set out in the Local Plan;
- Access – establishing key entry points across the plan had been introduced early on in the planning process to alleviate concerns about London Road being used as a bypass to the area. Mixed use areas benefitted from passing traffic, so flexibility was required in the routes through the area;
- Devon County Council had revised their view on the location options, and there are ongoing discussions about transport of students to and from the area;
- Some progress made in discussion with health commissioners;
- Recent years have seen a decline in the traditional high street consisting of retail, so a different mix of uses to encourage vitality of the high street was required;
- The peripheral edges of the plan were being examined to determine if single storey builds were a better fit to reduce impact on surrounding area; there was also a demand for single storey homes;
- Request for statistical breakdown on self-build in the plan;
- Reliance on five housebuilders to deliver the development and concern that the intention to build a community was not the reality. Mixed response in Members present on a positive or negative view of the development and its delivery;
- Level of consultation undertaken clarified;
- Need to be specific with developers on what is expected if higher density of housing is needed, so that developers could not haggle over detail when discussing a planning application;
- Open space provision based on the policy set out in the Local Plan and not dissimilar to other settlements;
- Need to have a mix of homes to deliver to all ages and requirements of the community.

A revised draft of the plan, demonstrating how the feedback had been taken into account, was expected to come back to the committee in the autumn. This would also take into account comments made at the meeting.

RESOLVED: that progress on the Cranbrook Development Plan be noted.

***33 East Devon Self-build and Custom Build register, monitoring of lot delivery and options for additional support**

The report outlined the level of interest in self-build in the District. The authority has a duty to provide a supply of suitable sites to meet demand and the existing NPPF requires local planning authorities to consider how they can support self and custom build. The committee were asked what desire there was to undertake such options or if the current light touch approach should continue.

In discussion, debate included:

- Looking at what capacity there was in smaller allocated sites to include an element of self build;
- Demand was expected to be in rural, picturesque sites;
- Look to link up with GESP partners in how can deliver such sites across a wider area;
- Established proactive approach to self and custom build in Teignbridge. Suggestion to hear from Teignbridge at a future meeting to discuss further how this could be developed across the GESP area.

RESOLVED:

1. **that the level of demand shown on the register for self-build and custom build be noted and taken into account in the Council's planning, housing, regeneration and disposal of land functions;**
2. **Further consider the various ways of supporting self-build in East Devon following a presentation from Teignbridge District Council on their approach.**

***34 Protocol for production of Supplementary Planning Documents**

The report set out a protocol for a consistent process for the production of supplementary planning documents. This protocol would also be useful for involved stakeholders to understand the process.

The committee welcomed the clear guidance and that a wide understanding of what was involved in producing such documentation would be beneficial.

RESOLVED: that the protocol for the production of Supplementary Planning Documents be adopted.

***35 Clyst Valley Trail delivery plan**

The report set out the plan, which forms the first component of the Clyst Valley Regional Park (CVRP). The CVRP requires an estimated £5m of capital investment and will take several years to deliver. Whilst the CVRP and the trail delivery plan are

priority 1 projects, there is already a funding gap for that priority and the committee were alerted to the planned bid for CIL funding.

The Chairman and the committee supported the key green infrastructure plan but had concerns about the success of a bid for CIL funding because of the demands for funding in other areas.

Specific comment on the trail itself covered:

- Concern on impact in Lypstone and Ebford in directing the route through the villages on public roads where there was already pressure on the road with parking and through-traffic;
- Route from Clyst St Mary to Topsham passing through the Sandygate roundabout and making use of pelican crossings also needed further consideration in respect of safety;
- Suggesting further work with Ward Members on alternative solutions to narrow and congested areas that the route passes through.

The committee also wished to see further consultation with the County Council and the Sustrans project.

1. **RESOLVED:**
that the Clyst Valley Trail Delivery Plan be endorsed subject to further consideration of the route on grounds of safety, in consultation with Devon County Council and the Sustrans project;
2. **that a bid for £1million from CIL funding for the project will be made, be noted.**

***36 Strategic Planning Forward Plan**

The forward plan set out expected work for the committee in the coming months. The April meeting would include a report on the draft NPPF and consultation on changes to CIL. The Inspector's report on the Villages Plan may not be available in time for the April meeting, so may fall to May. In response to a question on lifetime homes, the Housing Standards briefing paper would be expected to include that topic.

Attendance list

Committee Members:

Councillors
Phil Twiss - Chairman
Graham Godbeer – Vice Chairman
Mike Allen
Colin Brown
Mike Howe
Philip Skinner
Mark Williamson
Jill Elson
Rob Longhurst
Geoff Jung
Geoff Pook

Also present (present for all or part of the meeting):

Councillors:
David Barratt
Paul Diviani
Ian Thomas
Megan Armstrong
Andrew Moulding
Peter Faithfull

Officers present (present for all or part of the meeting):

Ed Freeman, Service Lead – Planning Strategy and Development Management
Andy Wood, East of Exeter Projects Director
Chris Rose, Development Manager
Simon Bates, Green Infrastructure Project Manager
Thea Billeter, Cranbrook New Community Manager
Shirley Shaw, Planning Barrister
Mark Williams, Chief Executive
Debbie Meakin, Democratic Services Officer
Tabitha Whitcombe, Democratic Services Officer

Apologies:

Councillors
Susie Bond
Ian Hall
Brenda Taylor
Tom Wright

Chairman Date.....

Report to: **Strategic Planning Committee**

Date of Meeting: 24 April 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 7

Subject: **Consultation on Proposed Changes to the National Planning Policy Framework**

Purpose of report: The Ministry of Housing, Communities and Local Government has issued a consultation document called: **National Planning Policy Framework: consultation proposals** - it is dated March 2018 with consultation running until 23.45 on Thursday 10 May 2018. This report provides a proposed response, by this Council, to the consultation document.

Recommendation: **That committee endorse submission of the proposed response to the Government consultation on the National Planning Policy Framework: consultation proposals.**

Reason for recommendation: To ensure that this Council play an active part in influencing future Government policy.

Officer: Ed Freeman, Service Lead, Planning Strategy and Development Management

Financial implications: No additional financial implications

Legal implications: No legal implications arise from this consultation response

Equalities impact: Low Impact
There are low impacts associated with the response to the consultation document.

Risk: Low Risk
The risk considerations associated with this report are low.

Links to background information:) The government consultation document can be viewed at: <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

Link to Council Plan: The report and changes to National Planning Policy could impact upon the priorities of the Council.

1 Introduction

1.1 Alongside proposed amendments to, and consultation on, 'Supporting housing delivery through developer contributions' the Government has also issued a consultation document on proposed changes to the National Planning Policy Framework (NPPF). The consultation document was issued in March 2018 by The Ministry of Housing, Communities and Local Government and is called:

National Planning Policy Framework: consultation proposals

1.2 It is highlighted and relevant to note that the draft NPPF incorporates policy proposals previously consulted on in the Housing White Paper and the Planning for the right homes in the right places consultation last year. The Introduction to the consultation document makes it clear that the housing market is failing for many and that the Government is clear that 'the country needs radical, lasting reform that will allow more homes to be built'. The Introduction confirms the Governments Strategy to reach 300,000 net additional homes a year alongside reforming housing and planning policy to improve the supply of homes and 'ensure that more land is brought forward for development and that permissions are turned into homes as soon as possible.'

1.3 The consultation proposals are supported by the following documents:

- National Planning Policy Framework: draft text for consultation.
- Draft planning practice guidance; and
- Housing Delivery test: draft measurement rule book.

1.4 The Summary of Proposals within the consultation document states that there is 'much continuity – the presumption in favour of sustainable development remains at the heart of the Framework, and more text has remained the same than changed. Its length, in terms of the number of words, has been reduced.' It also states that the revised Framework:

- Makes a number of structural changes, in particular dividing the document into clear chapters;
- Incorporates policy proposals on which the Government has previously consulted; and
- Incorporates additional proposals on which this document is consulting.

1.5 The consultation document also clarifies that the Government is also considering further planning reforms that would be subject of the outcomes of Sir Oliver Letwin's review of barriers to building review and include:

- A new permitted development right for upwards extensions; and
- More effective ways of bringing agricultural land forward for housing.

2 The Proposed Response by this Council

- 2.1 The consultation document includes a series of questions which are reproduced in this committee report. The Government request that responses are made through an on-line consultation form and the intent is that the draft answers provided will be used to populate the on-line form.
- 2.2 The consultation document raises questions for each chapter of the NPPF and the responses below detail the relevant chapter, outline the main proposed changes, and then provide a response to the changes under the relevant question. It is stressed that the consultation document should be viewed alongside the questions and proposed responses to see the documentation in full context.
- 2.3 The following responses have also included where relevant comments from the Members Think Tank held on the 21st March which considered the proposed changes to the NPPF.

3. Responses to questions in the consultation document

3.1 CHAPTER 1 INTRODUCTION

The revised text reflects previous announcements or consultation proposals and clarifies that endorsed recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications. This simply reflects the current legal position.

Q1 Do you have any comments on the text of Chapter 1?

No.

3.2 CHAPTER 2 ACHIEVING SUSTAINABLE DEVELOPMENT

The revised text replaces the three dimensions to sustainable development with 3 objectives: an economic objective, social objective and environmental objective.

The wording of the presumption in favour of sustainable development (paragraph 11) has been reordered and the draft text also sets out an expectation for objectively assessed needs to be accommodated unless there are strong reasons not to.

The current Framework includes examples of policies which provide a specific reason for restricting development but this is amended to a defined list in the footnote that includes AONB's, Heritage Coast, designated heritage assets etc. This approach does not preclude other policies being used to limit development if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The consultation also clarifies that 'Major' development in the AONB is the same as 'Major' in planning application category terms.

The decision-making part of the presumption has also been changed to provide greater clarity, so that it refers to circumstances where “there are no relevant development plan policies, or the policies most important to determining the application are out of date”; and to “refusing” rather than “restricting” development. These changes are intended to improve the application of the presumption, by addressing aspects that have been subject to litigation about their scope or meaning.

Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Yes, although it is not clear whether objectively assessed needs for housing and other development can only be met within a single plan/authority area or whether they can be shared across two or more plans/areas (as is proposed with the joint Greater Exeter Strategic Plan that is proposed to cover 4 local authority areas). Clarification that needs can be covered across two or more plans/authorities areas is required and clarity over how they should be distributed.

Clarification on the definition of ‘Major’ development in AONB’s is welcomed.

Paragraph 14 provides certainty for neighbourhood plans in certain circumstances, including where there is substantial under-delivery of housing. It allows for planning applications to be refused when the neighbourhood plan was passed at referendum within the last two years and contains policies and allocations related to housing requirements and where the adverse impact outweigh the benefits. This is as long as the LPA has a least three years supply of housing and delivery is at least 45% of that required.

It is proposed that the ‘core planning principles’ section in the existing Framework is deleted, to remove duplication with other chapters. The content of the core principles has been retained, and been moved to the most appropriate parts of the revised Framework.

Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

No. It is helpful to have these easily assessable in one location and then referenced elsewhere. Core principles can apply across chapters so inclusion upfront is helpful.

Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

The approach to give more weight generally to neighbourhood plans is supported. However, if the approach can only be applied for two years post the referendum on the plan, this will make the neighbourhood plan out of date within 2 years and discourage communities from preparing them. The period should be extended from 2 to 5 years as this gives more certainty.

Will this not lead some Neighbourhood Plan allocating one 1 dwelling so that they can resist development but also benefit from the 2 year exemption from being out of date?

3.3 CHAPTER 3 PLAN-MAKING

Proposed changes include:

- a new plan-making framework which defines strategic priorities and allows authorities to plan for these in the most appropriate way e.g. a strategic plan produced by local authorities working together allocating strategic sites;
- a requirement for authorities to review plan policies every five years following the date of adoption, with updates, if necessary;
- tightening the evidence which is expected to support a 'sound' plan, to allow for a more proportionate approach;
- To meet the test of soundness authorities will need to prepare and maintain a Statement of Common ground, as evidenced by the duty to cooperate;
- a new approach to viability, through which plans are expected to be clear about developer contributions expected in association with particular sites and types of development;
- make better use of digital tools when consulting and preparing plans;
- Neighbourhood Plan policies will have more weight than older non-strategic policies in a Local Plan.

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

The support for the production of joint strategic plans with allocations is supported, along with a tightening of the evidence required to support a 'sound' plan.

The requirement to carry out a full review of plans within 5 years (rather than considering a review) is questioned. How much of a change in the housing need figure will trigger a review? 1%, 5%, 10%, 100-102 dwellings per year? This needs further clarification.

There is support for providing increased clarity of the expected developer contributions at the Local Plan stage but it is impossible to fully understand all of the different factors and costs associated with bringing forward a development on a given site at allocation stage. Site viability issues also change over time due to outside influences (such as recessions, Brexit, skills shortages). It is therefore unclear how the proposed changes will prevent viability appraisals being submitted with planning applications to justify reduced developer contributions once a local plan is adopted. These changes will not succeed in removing viability issues from the planning application stage.

Q6 Do you have any other comments on the text of Chapter 3?

The Chapter needs to make it clearer whether individual authorities housing needs can be assessed jointly under a Strategic Plan with other authorities or needs to be assessed individually. Assuming that they can be considered jointly then the NPPF should give guidance about how this should be done particularly the extent to which a joint strategic plan should have regard to the geographical spread of housing needs when making allocations.

With regard to paragraph 34 and plans setting out the expected contributions on sites and types of development, there is a danger that a much more detailed assessment of sites has to be carried out and in some cases a master planning exercise in advance of allocation in order to fully understand the viability of the site. This will be resource intensive and is likely to delay plan making. It will also lead to allocations having to be

quite prescriptive to ensure that assumptions made at allocation stage are followed through at the application stage.

3.4 CHAPTER 4 DECISION-MAKING

Proposed changes include:

- Making clear that where a viability assessment is needed, because a proposed development cannot accord with all relevant policies in a plan, that this should reflect the recommended approach in national planning guidance, including standardised inputs and should be made publicly available
- New paragraphs setting out the weight that may be given to policies in emerging plans (previously in the Annex) and puts into policy the approach to ‘prematurity’ previously contained in national planning guidance
- Additional references to highlight the role of non-statutory and statutory consultees at pre-application stage and also encourage early discussions about infrastructure and affordable housing.

Q7 The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

No. The documents should be made available so that a fully transparent decision can be made with input from third parties and so that comparison can be more easily made. However appraisals are often considered to be commercially sensitive by the developer and they will continue to argue this. Paragraph 58 should be clearer and say that they “....must be made publicly available” rather than using the word “should”.

The draft national planning guidance says that plans should define circumstances in which viability assessment is carried out at the decision making stage.

Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

Yes A full list of what factors should be considered to be abnormal costs would be helpful. However whilst a bit more guidance would be helpful, ultimately the requirements/methodology should be set out within Local Plan taking into account local circumstances.

The guidance says plans can set out when and how review mechanisms may be used and can set out how review mechanisms will be used to identify any significant increase in the overall value that occurs over the lifetime of a large or multi-phased development.

Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

This could enable LPA’s to capture increase in values that would otherwise be lost, but it could become very time consuming and costly to carry out. If this is to be considered, clear guidance on its use and implementation would be required.

Review/overage should be standard on all applications that do not meet the policy requirements but are otherwise acceptable.

This could help development continue when times are difficult but also enable the mitigation to be maximised at times when the economy is stronger.

An additional reference to non-statutory and statutory consultees has been included in paragraph 41 to highlight their role and encourage local planning authorities to refer applicants to them for pre-application advice where appropriate.

New paragraphs 48 to 51 set out the weight that may be given to policies in emerging plans (previously in Annex 1), and puts into policy the approach to 'prematurity' previously contained in national planning guidance.

Q10 Do you have any comments on the text of Chapter 4?

Paragraphs 40 – 47 provide some useful guidance on pre-application engagement but there is a significant link across to the viability issues referred to elsewhere that needs to be established. This is because good pre-application engagement should enable a developer to understand the likely planning obligations and costs associated with a site and take these into account when negotiating the land value. There should be a penalty for developers who do not engage at pre-application stage and then seek to argue viability having not understood the issues and likely planning obligations beforehand.

The NHS and/or CCG should be made a statutory consultee on major housing developments to ensure that they engage in the planning process and that implications for health care provision are fully considered. It has previously been hard to get either party to engage through the planning process and this has caused significant problems.

Paragraphs 50 and 51 deal with prematurity but states that refusal on the grounds of prematurity will seldom be justified where a plan is yet to be submitted for examination. However, it is often at this stage that a proposal would be premature in terms and could impact upon the plan-making process. This wording needs revisiting.

Whilst the use of standardised inputs to viability appraisals mentioned under paragraph 58 are welcomed. There needs to be sufficient flexibility to enable an assessment to use different inputs in exceptional circumstances that could be identified by local authorities.

There needs to be a greater recognition that developer's sign up to policy compliant proposals to gain a planning consent without being subject to viability and then come back later and argue viability. It is then difficult to resist the delivery of the housing, and difficult to explain to the public why the developer can now provide less obligations when a previous consent was granted and mitigation offered that may have led to support for the application by the public in the first instance. This needs to be addressed to give people more confidence in the viability appraisal process – maybe by preventing a further submission within 3 years?

3.5 CHAPTER 5 DELIVERING A WIDE CHOICE OF HIGH QUALITY HOMES

Proposed changes include:

- The requirement for strategic plans to be based upon the new standard method of calculation of local housing need (unless there are exceptional circumstances that justify an alternative approach)

- A requirement for plan policies to address the housing requirements of groups with particular need – students and people who rent their homes have been added, as well as travellers (who do not fall under the definition of ‘traveller’ in the Planning Policy for Traveller Sites because they have stopped travelling)
- Inclusion of content from Written Ministerial Statement (November 2014) to state that provision of affordable housing contributions should not be sought for developments that are not on major sites (other than in designated rural areas)
- 10% of homes on major sites should be available for affordable home ownership (with certain exceptions)
- An expectation that local authorities should provide a housing requirement figure for designated neighbourhood areas
- Requirement to ensure that at least 20% of sites allocated for housing in plans are of half a hectare or less
- Policy consequences of the Housing Delivery Test. This includes a requirement for a local planning authority to produce an action plan where delivery has fallen below 95% of its’ housing requirement over the previous three years. From November 2018, councils will need to provide a 20% buffer on top of its five year supply of deliverable sites, where delivery in previous three years was below 85% of the housing requirement. From 2020, the presumption in favour of sustainable development will apply where delivery is below 75% of the authority’s housing requirement. Whilst not included in the revised NPPF draft, the consultation document clarifies that the application of the presumption will also apply where delivery is less than 25% of the housing requirement in 2018 and 45% in 2019.
- Allowing development of exception sites for entry-level homes (suitable for first-time buyers or those looking to rent their first home) on sites outside existing settlements, on land not already allocated for housing – unless the need for such homes is already being met within the authority’s area
- that the 5 year land supply position should be capable of being agreed for a one year period. The policy proposes that this should be demonstrated either through a recently adopted plan, or through a subsequent annual position statement.
- that authorities should consider imposing a planning condition to bring forward development within two years, except where a shorter timescale could hinder the viability or deliverability of a scheme. It also encourages local planning authorities to consider why major sites have not been built out when considering subsequent planning applications.
- Paragraph 72 reflects the announcement at Budget 2017 that the Government would consult on allowing the development of exception sites to provide entry-level homes suitable for first-time buyers, where a local need is identified.
- Local Authorities will be able to apply to PINS for a yearly ‘Fix’ of their 5 year housing land supply. LPA’s will need to demonstrate 5 years plus a 10% buffer.

For Members information, the 75% figure is proposed to be applicable from November 2020 onward with much lower percentage thresholds of 25% and 45% respectively applying to the years of 2018 and 2019 respectively. The East Devon Local Plan has an objectively defined housing target of 950 homes per year, with this figure being informed, amongst other matters, by job growth expectations in East Devon and seeking to ensure a resident population of sufficient size to match projected employment levels. In November 2017 the Planning Advisory Service undertook work on housing need levels that showed a need in East Devon, applying the Government methodology, of 844 homes per year. It should be noted that the lower 844 figure is based on an Office for National Statistics (ONS) trend based projected housing need level of 630 homes per year with an additional indexed factor built in, an extra 214, to reflect affordability (derived from the relationship between income levels and house prices in East Devon). This lower level does not, therefore, factor in job growth expectations or aspirations.

In the three years from 2014/15 to 2016/17 (the last three years for which data is available) there were 2,780 new homes built in East Devon. The percentage test for delivery is based on a three year need divided by a three year delivery level and on this basis, measured against a 950 homes per year figure, there is a 97.5% delivery, we would therefore be delivering just below expectations but still well above a 75% level. It should be noted that against the 844 figure we achieve a 109.8% delivery, i.e. we are some way ahead of test levels. Concern arises, however, if housing delivery dips in future years and that by 2020 at current figures East Devon would fail the Test and need to prepare an Action Plan to address the position. Projected house building levels in 2017/18 are at 814 completions and applying this figure in the three year assessment would show a housing delivery percentage of 90% against the 950 homes per year target and 101.3% against the 844 target.

It should be noted that the Housing Delivery Test will be an in addition to the five year land supply assessment. The delivery test can be seen as a 'looking-back' exercise on what has been built whereas the five year land supply assessment has a partial 'looking back' element but more importantly is a 'looking forward' to what is predicted to be built exercise.

Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

The principle of supporting small and medium sized development sites, in addition to and where appropriate strategic sites, is supported, although the use of the word 'Encouraging' sub-division of large site should be strengthened to ensure it happens. It is recognised that smaller and medium sized sites can be especially relevant to meeting needs in many town and village locations and such sites can be more readily developable than larger sites and can more sympathetically integrate with existing built development. Provision of smaller sites is also likely to be critical in respect of furthering objectives of promoting a greater range and number of opportunities for smaller scale developers and houses builders.

Consideration should be given to potential options to require that, or otherwise create mechanism (perhaps outside of the planning system), to strongly support or encourage smaller sites to actually be developed by smaller scale developers. There is clear and real concern that local plans may allocate smaller sites but that these could be bought up by the larger scale volume housebuilders (or subsidiaries thereof) who will outbid or otherwise 'out-manoeuvre' smaller scale developers.

It is unclear what logic (if any) underpins or justifies the 20% or half hectare size thresholds in respect of smaller site allocations or why not use actual allocation dwelling numbers instead of these figures? If the figures are to be used they should be robustly justified and if not then more guidance and greater flexibility should be provided to planning authorities to determine relevant figures or levels for their local area, albeit with a context of an objective of encouraging greater levels of activity of smaller scale developers. The 20% should be a target and not a requirement.

A further concern relates to whether all plans that allocate land for development will need to meet these tests; it is suggested that strategic scale plans (especially when produced jointly by a number of authorities) should be able to designate large strategic scale sites but to 'delegate' the role of small scale site allocation to the subsidiary local plan making level, whether done by a local planning authority or through a neighbourhood plan.

Finally there is concern about how the small and medium sized sites are to be identified at plan making stage. Most sites of this scale in the past in East Devon have come forward as windfall sites and have not been put forward through a SHLAA or HELAA. These are generally sites where the land owner is not thinking that far ahead and so identifying sufficient genuine small and medium sites at plan making stage will be problematic.

Q12 Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

It is unclear where a (falling below) 75% figure is derived from? If this or an alternative percentage is used there should be robust logic to justify the percentage. However the use of Action Plans to support and encourage appropriate house building is endorsed and good practice could see relevance of adoption irrespective of actual delivery test levels. However there could usefully be guidance on factors that an Action Plan may include. Furthermore national policy should be more encouraging of housing delivery and should explicitly create more and greater incentives for local planning authorities to secure appropriate higher and stable levels of housing delivery. “Stable” is of some importance because house building levels can fluctuate considerably over the years and such fluctuations may have little or nothing to do with the planning system, for example economic recessions typically see house building levels fall, yet granting extra permissions under such circumstances may result in little or no extra actual house building, especially not in the short term.

Q13 Do you agree with the new policy on exception sites for entry-level homes?

No. What is an entry level home and how will this be assessed and monitored? Such provision should be as a result of a justification and assessment of need coming through the Local Plan. As such each authority should address this where necessary within their Local Plan rather than being a national requirement.

In respect of the Annex 2 definition of starter homes we would have considerable concerns about their inclusion in the affordable housing definition. In Annex 2 it is stated that starter homes can be a product for those with a household income of up to £80,000. In East Devon (and for the vast bulk of England) this £80,000 figure is way above the level of household income that the overwhelming majority (if not all) households in housing need will see coming in; if it has a relevance (and this is questionable) it would appear to be in London, some parts of the south-east and perhaps a limited other areas relevant. Furthermore for most of England a household income of £80,000, and considerably less than this amount, would be sufficient to purchase a house, appropriate for most households needs, in the open market.

In East Devon average annual household incomes are around £26k and about a tenth of average house prices. As a result the greatest concentration of people in housing need will not be able to afford a starter home and the real concern is that they will become a housing product used by developers to avoid providing a genuinely affordable home that actually meets the needs of those requiring affordable housing.

Whilst it is positive to enable younger generations to live in villages, is this the correct location for people more likely to require access to a range of services and facilities.

Would this not be more appropriately determined through Neighbourhood Plans?

Q14 Do you have any other comments on the text of Chapter 5?

Applying a requirement for 10% of all new homes to be for Affordable Home ownership across the country is welcome as a minimum but ultimately this should be part of a wider provision of affordable housing on each site which depending on local circumstances may not lead to a prioritisation of affordable home ownership products. In locations where there is a greater need for affordable homes to rent local authorities the NPPF needs to make it very clear that local authorities have the freedom to prioritise this type of affordable housing to meet local needs rather than being tied to a requirement for affordable home ownership products when there may not be a local need for such units.

Paragraph 65b) excludes purpose built elderly accommodation from the requirement for affordable housing but certain types of these developments could be viable with affordable housing and are often constructed on housing sites limiting the land available for affordable housing. The exceptions from affordable housing for specialist accommodation should be determined locally based upon viability and the exact nature of the proposal. How would the exception at paragraph 65c) for self-build be administered and assessed?

Paragraph 64 moves Vacant Building Credit from the NPPG to the NPPF therefore removing the discretion from local authorities regarding whether to apply it. Given that viability differs with and across local authority areas, it is considered that the application of vacant building credit be at the discretion of the local authority based upon local circumstances and affordable housing need.

Paragraph 66 places a requirement on strategic plans to set the housing requirement for neighbourhood areas. It is understood that this only applies where the neighbourhood plan is looking to allocate for housing but that where they are they would have to accommodate the prescribed number. This would appear to undermine the purpose of people preparing Neighbourhood Plans as they will be less able to influence the type and location of housing in their areas through local consultation and evidence gathering. It will also potentially lead to fewer homes coming forward through neighbourhood planning as groups may decide that they would rather have none than be tied to meeting the housing requirement figure. In East Devon our approach has been to allocate sufficient to meet identified needs through the Local Plan so that any homes coming forward through neighbourhood plans are additional. This gives neighbourhood plan groups complete choice but has still led to new homes being allocated in the plans that have come forward thereby boosting housing supply more than the proposed approach while maintaining the communities ability to choose.

The inclusion of both the 5 year housing land supply assessment and the housing delivery test is unnecessarily confusing with two tests fulfilling similar roles but with different consequences for not complying. These should be combined into a single housing delivery test for simplicity and transparency.

Paragraph 81 permits an essential need for a rural workers dwelling where they take majority control of a farm. There should still be a requirement to demonstrate a functional need to live on site rather than simply owning the farm.

Paragraph 81 has introduced the sub-division of an existing residential property in a rural area as being a situation where isolated homes in the countryside would be acceptable. Whilst there is no objection to this in principle, clarity is needed over how this can be interpreted. There should be clarity over what constitutes a residential property as the current drafting could lead to outbuildings and garages being included rather than the subdivision of a house into two which appears to be the intention. Furthermore it raises a question over whether there should be a limit on the number of additional homes created through any conversion as a large country residence could be converted to a large number of units which may not be desirable.

There is a concern about how 20% of small sites of half a hectare or less are dealt with in a joint Strategic Plan. It is acceptable to deal with the 20% through Local Plans rather than through the Strategic Plan?

It is unclear whether a joint Strategic Plan will need to set the affordable housing percentage for non-strategic sites coming forward in a separate Local Plan? This would be problematic as there is a need for this to be dealt with at local level where varying viability profiles, housing markets and other factors have an influence.

3.6 CHAPTER 6 BUILDING A STRONG, COMPETITIVE ECONOMY

The chapter makes more explicit the importance of supporting business growth and improved productivity whilst the rural economy section in the existing Framework has been brought within this chapter.

There is a new policy at paragraph 85 on the potential need for planning policies and decisions to accommodate sites for local business and community needs outside existing settlements. This approach reflects the fact that the availability of sites to accommodate appropriate development in rural areas may be limited, particularly within existing settlements.

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Yes. Although it should be clarified that the significant weight to be given to supporting economic growth has to be balanced with other environmental and social objectives.

Paragraph 85 with regard to meeting community and business needs in rural areas outside of existing settlements where necessary is supported there should be greater clarity over the circumstances where this is appropriate. It is considered that a sequential test should be applied whereby it should be demonstrated that the identified needs cannot be met within the nearest settlements before sites outside of settlements are considered and then sites abutting the settlement should be considered ahead of sites that are detached from settlements. If such a test is not applied then there is a danger that these section could be seen to endorse remote development in the open countryside without appropriate justification in conflict with requirements detailed elsewhere in the NPPF and PPG.

Q16 Do you have any other comments on the text of chapter 6?

There should be greater reference to the importance of the provision and protection of employment land. There is high demand for housing sites in East Devon which often puts pressure on existing and allocated employment sites to be brought forward for housing which are much more viable. It is however important that we maintain an adequate supply of employment land as well as housing land to ensure that there are jobs for those occupying the new homes that are being erected. The NPPF should provide a clear policy base for allocating sufficient employment land and protecting existing and allocated sites from other uses.

3.7 CHAPTER 7 ENSURING THE VITALITY OF TOWN CENTRES

Proposed changes include:

- Clarification that in allocating sites for town centres, policies should look at least ten years ahead
- Strengthening of the sequential test to planning applications for main town centre uses, to make clear that out of centre sites should be considered only if suitable town centre or edge of centre sites are unavailable *or not expected to become available within a reasonable period.*
- Removal of expectation that office developments outside town centres are subject to an impact assessment, where the development is over 2,500 sq m

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Chapter 7 should make provision for the sequential test and impacts assessment for town centre uses proposed outside of centres to be applied to proposed centres as well as those existing and identified in development plans. The delivery of a town centre at Cranbrook new town is currently being impacted by a series of out of town retail parks on the edge of Exeter some of which are openly seeking to address needs arising from Cranbrook. The sequential and impacts tests are not being applied by the developers in relation to Cranbrook because it is only a proposed town centre with no primary retail frontage or other designations at this stage. This is because the wording in the NPPF does not explicitly require planned future town centres to be considered. This could not just affect Cranbrook but also other planned new settlements and so it is important that this is changed.

Q18 Do you have any other comments on the text of Chapter 7?

No.

3.8 CHAPTER 8 PROMOTING HEALTHY AND SAFE COMMUNITIES

Proposed changes include:

- Clarifying that planning policies and decisions should consider the social and economic benefits of estate regeneration, and that authorities should use their planning powers to help deliver estate regeneration to a high standard
- Additional recognition to the role that planning can play in promoting social interaction and healthy lifestyles

- New policy on the ways in which planning policies and decisions can help to counter malicious or natural threats, especially in crowded places and should take into account wider defence and security requirements

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

No.

Q20 Do you have any other comments the text of Chapter 8?

The greater emphasis on promoting healthy and safe communities is welcomed.

3.9 CHAPTER 9 PROMOTING SUSTAINABLE TRANSPORT

Proposed changes include:

- A new introduction to explain the variety of ways in which transport should be considered as part of the planning process
- New policy to recognise the importance of maintaining a national network of general aviation facilities
- Policy on assessing the transport impact of proposals has been amended to refer to highway safety as well as capacity and congestion
- In setting parking standards, policies should now also take into account the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles
- Removal of section that says councils should set appropriate parking charges that do not undermine the vitality of town centres.
- New policy that maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.

Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Yes.

Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?

Yes – this change is particularly welcomed given the importance of Exeter Airport to the area.

Q23 Do you have any other comments on the text of Chapter 9?

Support is given to paragraph 110 and the need to give priority to pedestrian and cycle movements.

Paragraph 110 should require, not enable, the provision of electric charging facilities within developments.

Paragraph 109 should be written more clearly to clarify that severe road safety or road network issues are highways grounds for refusal. The use in the wording of both “residual” and “cumulative” is confusing – surely it should be one or the other.

3.10 CHAPTER 10 SUPPORTING HIGH QUALITY COMMUNICATIONS

Changes include a new paragraph indicating that plan policies should set out expectations in relation to the delivery of high quality digital infrastructure, including next gen mobile technology and full fibre broadband.

Q24 Do you have any comments on the text of Chapter 10?

Welcome the need for local plan policies to set out expectations for next gen technology and broadband as this is a major issue for residents, particularly in rural areas.

3.11 CHAPTER 11 MAKING EFFECTIVE USE OF LAND

Proposed changes include:

- Expecting plans to have a clear strategy for using land;
- Setting out how planning policies and decisions should make more intensive use of existing land and buildings (including use of higher densities), especially where it would help to meet housing need.
- Promote and support development of under-utilised land and buildings e.g. converting space above shops, building on or above service yards, car parks and railway infrastructure;
- Support opportunities to use airspace above existing residential and commercial premises for new homes. This includes allowing upward extensions.
- Setting out that planning policies and decisions should avoid building homes at low densities in areas of high demand, and pursue higher-density housing in accessible locations.
- Local authorities should take a flexible approach to applying policies or guidance relating to daylight and sunlight, where this would otherwise inhibit making efficient use of a site for housing.
- Giving substantial weight to the value of using suitable brownfield land within settlements for homes
- Reallocating land where there is no reasonable prospect of an application coming forward for the allocated use – with the proposed policy also setting out how alternative uses should be considered ahead of a plan review taking place;
- making it easier to convert retail and employment land to housing where this would be a more effective use; and
- Expecting minimum density standards to be used in town and city centres and around transport hubs

Building on these changes, paragraph 123c also proposes that local planning authorities should refuse applications which they consider fail to make effective use of land, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Only where it can be demonstrated that there is a surplus of the use being lost and it has been adequately marketed without success for a suitable period of time.

Paragraph 120 should not relate to the prospect of an application coming forward but to development coming forward. An application is a lower test and not a measure of deliverability.

Paragraph 120b would appear to support a land owner sitting on a site for a period of time to enable its longer-term development for housing. It is important that tests are applied such as the site is no longer needed for its existing use and this has been demonstrated through marketing etc.

Paragraph 121 should be worded more strongly so as to prevent the loss of retail and employment sites to housing use where this would result in significant job losses. The currently worded requirement to not undermine key economic sectors is not sufficiently clear.

Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Yes, subject to an assessment of the impact upon of the character and amenity of the area to reach the appropriate minimum density, and subject to good design. It is also important that regard is still had to the quality of the accommodation being provided including factors such as room sizes, bin and cycle storage etc.

Q27 Do you have any other comments on the text of Chapter 11?

No.

3.12 CHAPTER 12 ACHIEVING WELL-DESIGNED PLACES

Proposed changes include:

- Setting out that plans should, at the most appropriate level, set out a clear design vision and expectations (such as Building for Life standards), supported by visual tools e.g. design guides and codes.
- Additional emphasis given on the importance of pre-application discussions in securing good design.
- Setting out that design should not be used as a reason to object to development where a scheme complies with local policies.
- A change to make clear that “outstanding or innovative” designs should not be given great weight where they are in conflict with local design policies, or would not be sensitive to their surroundings.
- Policy on advertisements has been shortened; the text from the existing Framework which has been deleted and will be moved to guidance.

Q28 Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No.

Q29 Do you have any other comments on the text of Chapter 12?

A stronger stance on design and quality is supported, along with the use of design codes. Use of Building for Life assessment welcomed. However, to achieve this LPAs need to be appropriately staffed, skilled and resourced to assess and respond to quality and design issues.

There should be obligations on the developers to achieve good design, not just LPA's. One of the biggest threats to the design and quality of new developments is standard house types which lead to new housing developments looking for same no matter where they are in the country. The NPPF should be stronger on the need for locally distinctive design. It should also be explicit about encouraging new construction techniques and materials that would be more visually interesting, cheaper and more environmentally friendly than traditional brick and tile construction homes.

This also requires a change from the Planning Inspectorate to give greater weight to good design as this is currently outweighed by delivery benefits.

The use of Design Review Panels on large sites should be compulsory.

3.13 CHAPTER 13 PROTECTING THE GREEN BELT

Proposed changes include:

- Implementing a number of changes that were in the Housing White Paper including the criteria that should be satisfied before 'exceptional circumstances' are used to change Green Belt boundaries
- Allowing brownfield land in the Green Belt to be used for affordable housing (including Starter Homes), where there is no substantial harm to openness.

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

No comment.

Q31 Do you have any other comments on the text of Chapter 13?

No.

3.14 CHAPTER 14 MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING AND COASTAL CHANGE

Proposed changes include:

- Clarifying that plans should have regards to the cumulative impacts of flood risk, rather than just to or from individual development sites;
- Clarify policy on the exception test that may need to be applied when considering development in locations at risk of flooding;
- Recognition that local planning authorities are tied to national technical standards for new development, and there is limited scope to extend local ambition;
- Incorporation of Written Ministerial Statement (December 2014) on the use of sustainable drainage systems (SuDS) in major developments

Q32 Do you have any comments on the text of Chapter 14?

No. Generally more needs to be done at the national scale to address policy gaps to meet Carbon budgets.

Paragraph 153 b) appears to introduce a moratorium on onshore wind turbines unless in an area identified for wind energy development however this stifles our ability to meet legal requirements to decarbonise where small scale wind energy developments may be acceptable even outside identified areas. In addition the phrase “...it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing” is ambiguous and could mean that one objection at application stage means the proposal should be refused.

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

Yes. Requiring developments to be planned in ways that ‘can help to reduce greenhouse gas emissions’ is too weak and should be replaced with a requirement that they ‘must help to reduce greenhouse gas emissions’.

The text should be pointing to the legal requirements set out by the Climate change Act 2008 and the fact that minimising energy consumption is the first step of any energy hierarchy.

Reference to zero carbon/energy homes should not be deleted. If the Government are to continue with this national approach then they should set out a clear roadmap for bringing forward zero carbon homes sooner than at present.

3.15 CHAPTER 15 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

Proposed changes include:

- Clarifying that the ‘agent of change’ (or applicant) should be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development
- Updates to align with the 25 Year Environment Plan including taking air quality fully into account in planning policies and decisions alongside clarifying that development within the AONB and Heritage Coast should be limited and protect the special character of the areas.
- Strengthening protection for ancient woodland and other irreplaceable habitats, by making clear that development resulting in their loss or deterioration should be wholly exceptional, and maintains a high level of protection for individual aged or veteran trees found outside these areas.

Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Yes.

Q35 Do you have any other comments on the text of Chapter 15?

No.

3.16 CHAPTER 16 CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

Paragraph 182 has been revised to clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value and that this forms part of their significance and should be taken into account.

Paragraph 189 has been revised to clarify that when considering the impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset's conservation irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance.

Q36 Do you have any comments on the text of Chapter 16?

No.

3.17 CHAPTER 17 FACILITATING THE SUSTAINABLE USE OF MINERALS

Additional text on on-shore oil and gas development to provide clear policy on the issues to be taken into account in planning for and making decisions on this form of development.

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

No.

Q38 Do you think that planning policy on minerals would be better contained in a separate document?

No.

Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

No.

3.18 TRANSITIONAL ARRANGEMENTS AND CONSEQUENTIAL CHANGES

Transitional arrangements are proposed which will apply the previous Framework to the examination of plans which are submitted on or before the date which is six months from the publication of the new Framework. Otherwise, no transitional arrangements are proposed.

The housing White Paper set out transitional arrangements for the application of the presumption in favour of sustainable development as applied through the consequences of the Housing Delivery Test. These step the application from delivery of less than 25% of the housing requirement in 2018 and 45% in 2019. From 2020 it will be introduced from 75%, as announced at Budget 2017.

To reflect the policy on neighbourhood plans set out in the Written Ministerial Statement of 12 December 2016, neighbourhood plans which are more than two years old will also be covered by the policy at paragraph 14 of the revised Framework until 12 December 2018.

Q40 Do you agree with the proposed transitional arrangements?

Yes – although it is re-iterated that neighbourhood plans over two years old should also be covered by paragraph 14.

The National Planning Policy Framework needs to be read in conjunction with the Planning Policy for Traveller Sites and the Planning Policy for Waste. The Government is considering whether any consequential changes should be made to these documents as a result of the proposed changes to the Framework set out in this document.

Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

No.

Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

No.

3.19 Glossary

The glossary has been amended to reflect changes throughout the Framework. These include a new definition of affordable housing which includes starter homes and other affordable routes to home ownership such as rent to buy. New definitions of previously developed land and deliverable are also included.

Q43 Do you have any comments on the glossary?

The changes to the definition of affordable housing make provision for income restrictions on those eligible to purchase a starter home to £80k per year. Average incomes in East Devon are only around £26k per year and so starter homes will be available to nearly all first time buyers taking a valuable proportion of affordable housing away from those in genuine housing need.

The emphasis on affordable homes to buy in the new definition of affordable housing is welcomed in the sense of providing a broad range of products to meet all needs, however there is a significant need for traditional affordable homes to rent and a danger that these become even harder to provide.

Previously developed land should exclude residential gardens outside of built-up area areas as well as those within it. At present, the definition means that large gardens in the countryside are classed as previously developed land. This is a nonsense and does not align with gardens within a built-up area that are not previously developed.

Report to: **Strategic Planning Committee**

Date of Meeting: 24 April 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: **8**

Subject: **Consultation on Proposed Government Reform to Developer Contributions**

Purpose of report: The Ministry of Housing, Communities and Local Government has issued a consultation document called: **Supporting housing delivery through developer contributions - Reforming developer contributions to affordable housing and infrastructure** - it is dated March 2018. This report provides a proposed response, by this Council, to the consultation document.

Recommendation: **That committee endorse submission of the proposed response to the Government consultation on 'reform to developer's contribution' as set out in this report.**

Reason for recommendation: To ensure that this Council play an active part in influencing future Government policy.

Officer: Ed Freeman, Service Lead, Planning Strategy and Development Management

Financial implications: No additional financial implications

Legal implications: No legal implications arise from this consultation response

Equalities impact: Low Impact
There are low impacts associated with the response to the consultation document.

Risk: Low Risk
The risk considerations associated with this report are low.

Links to background information:) The government consultation document can be viewed at: <https://www.gov.uk/government/consultations/supporting-housing-delivery-through-developer-contributions>

Link to Council Plan: The report and the future of securing developer contributions could link to all Council priorities.

1 Introduction

- 1.1 Alongside proposed amendments to and consultation on the National Planning Policy Framework the Government has also issued a consultation document on reforming developer contributions. The contributions consultation document was issued in March 2018 by The Ministry of Housing, Communities and Local Government and is called:
- Supporting housing delivery through developer contributions -
Reforming developer contributions to affordable housing and infrastructure**
- 1.2 The consultation document sets out the issues with the current system of developer contributions, and then suggests changes to rectify these issues. The key points include proposals to:
-) Simplify the process for setting Community Infrastructure Levy (CIL) by seeking an appropriate level of engagement, rather than two statutory consultation stages;
 -) Streamline the process of CIL setting by aligning requirements for evidence on infrastructure need and viability with local plan making;
 -) Remove the section 106 pooling restriction in areas that have adopted CIL, are within 10% least expensive house prices, where development is planned on strategic sites;
 -) Allow CIL to be set based on the existing use of land, to better capture value uplift from granting planning permission;
 -) Remove the requirement for a 'regulation 123' list of infrastructure that can be funded by CIL, and replace it with an Infrastructure Funding Statement that explains how both CIL and section 106 money will be spent over the next five years; and
 -) Allow combined authorities and joint committees to introduce a cross-boundary Strategic Infrastructure Tariff.
- 1.3 It is highlighted and relevant to note that proposed reforms to developer contribution systems are presented within a clear context of the Government seeking to secure means to see an increased supply of housing development and delivery. The consultation proposals afford, or at least suggest, some extra weight to local planning authority powers but also with extra responsibilities. Consultation closes at 11.45pm on 10 May 2018.
- 1.4 The document issued by the Government contains descriptive text in paragraph numbers 1 to 89. This is then followed by Annex A where the paragraph numbering resumes at 90 and runs through to 157. Annex C (Paragraphs 158 to 161) summarises the work of a CIL review Panel that was commissioned in November 2015. The consultation Questions feature in Annex A and this report majors on this section of the document.

2 The Proposed Response by this Council

- 2.1 The questions in the consultation document, in Annex A, are reproduced in this committee report, in the first column of the table below. In the second column there is a proposed response to the question, prepared by officers. Section headings drawn from the document and supporting commentary is also included in the table.
- 2.2 The Government request that responses are made through an on–line consultation form and the intent is that the draft answers provided will be used to populate the on-line form. It should be noted that a number of the questions, on the on-line form, allow for Yes/No answers only (or a choice of preference against options); where this is the case officers have provided a proposed ‘Yes’ or ‘No’ answer and also provided some relevant commentary to assist the committee with understanding the proposed response and to provide justification for it. Officers have sought to cover matters raised in this commentary, where relevant and possible, in answering subsequent or other questions that allow for free text entries. Noting that there is no capacity on the on-line form to do otherwise the intent is **not** to submit the commentary to these Yes/No questions as part of the Council response. It is stressed that the consultation document should be viewed alongside the questions and proposed responses to see the documentation in full context.

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
<p>Aligning the evidence for CIL charging schedules and plan making</p> <p>In their consultation the Government, at Paragraph 90, advise: <i>“The Government proposes to align the evidence requirements for making a local plan and setting a CIL charging schedule. This will avoid duplication, saving local authority resources and reducing complexity in the CIL-setting process. There are two areas where evidence can be aligned: impacts on the viability of development, and evidence on the need to fund infrastructure.”</i></p> <p>They continue, in paragraph 91, by highlighting that through regulation and guidance they will establish that viability evidence accepted for plan making should usually be considered sufficient for setting CIL rates, though authorities can take a pragmatic approach where significant changes in market conditions have occurred to supplement this evidence.</p> <p>In paragraph 92 they advise that local plan making evidence of need for infrastructure should be sufficient for setting CIL and that where there will be a financial shortfall between infrastructure needed and projected CIL income then (in respect of justifying CIL levels) further evidence of funding is not required.</p> <p>The Government ask Question Numbers 1 and 2 (see below) in respect of the above.</p>	
<p>Question 1</p>	
<p>Do you agree with the Government’s proposals to set out that:</p>	

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making? Yes/No	<p>Yes</p> <p>Officer commentary to support the above response: <i>The proposed answer is ‘Yes’ because there should generally be consistency in evidence, specifically when CIL and a policy document are produced at the same time. In the past there was a need for two sets of evidence to be produced, one for CIL and another for plan making, these may have been very similar and run in parallel but none the less were separate from one-another. But retention of some flexibility may be required if or when circumstances may change or if for example policy documents and CIL work are not progressed in parallel.</i></p>
ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need? Yes/No	<p>Yes</p> <p>Officer commentary to support the above response: <i>Whilst the question is slightly oddly worded, given that most forms of development generate an infrastructure need anyway, there is a requirement that in order to secure CIL funding that CIL income will not exceed the needs that the development will generate. ‘Yes’ is, therefore, the appropriate answer. Further to this looking back at paragraph 92 of the consultation document it states that further evidence of infrastructure need should not be required if at plan making stage this shows a funding gap greater than CIL income.</i></p>
iii. Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence? Yes/No	<p>Yes</p> <p>Officer commentary to support the above response: <i>In answering ‘Yes’ recognition is given to the fact that circumstances can change and new evidence may therefore be needed. This evidence, however, should be proportionate and wholesale new evidence gathering, with the time and expense this may necessitate, is not always needed. The option should therefore be available to revisit in a short time frame if required but this should not be essential.</i></p>
Question 2	
Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?	<p>The onus should rest on Council’s having the flexibility to present evidence that is proportionate to need and Planning Inspectors/examiners should adopt a pragmatic and proportionate response in respect of their deliberations.</p>

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
<p>Ensuring that consultation is proportionate</p> <p>In their consultation the Government advise: <i>“94. There are currently statutory requirements to consult twice when introducing or amending charging schedules. This creates a barrier to introducing CIL or amending charging schedules to ensure they remain market responsive.”</i></p> <p>The consultation document advises in paragraph 95 to 97 of the intent to remove the two stages of consultation and to place the onus on charging authorities producing a statement, to be considered by an examiner that sets out how engagement has informed the CIL rate. It is advised that guidance will stress the need for consultation to be proportionate to the scale of any change being introduced or amended.</p> <p>The Government ask Question Numbers 3 and 4 (see below) in respect of the above.</p>	
<p>Question 3</p>	
<p>Do you agree with the Government’s proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement? Yes/No</p>	<p>Yes</p> <p>Officer commentary to support the above response: <i>The present requirements for consultation can be time-consuming and confusing, furthermore it is questionable if they really add value to the process and outcomes. The proposed amendments offer more flexibility and simplicity and are therefore endorsed.</i></p>
<p>Question 4</p>	
<p>Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?</p>	<p>The onus should be placed on council’s demonstrating that, and detailing how, relevant consultation, proportionate to the needs has been undertaken. Whilst consultation processes can be legitimately challenged at examination the norm for planning authorities is to be comprehensive in approach. Therefore the expectation should be that a logical process will have been followed (if an examiner consider otherwise they can advise accordingly). There may, however, also be scope for the system to be adjusted to allow for examiners to be called in to give advice prior to formal hearing sessions</p>

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
<p>Removing unnecessary barriers: the pooling restriction</p> <p>Paragraph 98 of the consultation document comments on the issue of pooling of contributions. Regulation 123 of the (current) CIL regulations prevents local authorities from using more than five section 106 planning obligations to fund a single infrastructure project. For example an authority may wish to use Section 106 agreements to fund provision of a new school (rather than using CIL) but under regulations that currently exist once five agreements have been signed no more agreements can be entered into, even if the agreements signed would be insufficient to pay for a whole new school and new planning applications made or permissions granted would generate a need for extra school places</p> <p>The Government note that this issue can hold back development and in Paragraph 99 propose to allow local planning authorities to pool section 106 planning obligations in three distinct circumstances:</p> <p>a) Where the local authority is charging CIL;</p> <p>b) Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106; or</p> <p>c) Where significant development is planned on several large strategic sites.</p> <p>Of the above items a) and c) are directly applicable in East Devon.</p> <p>The Government ask Question Numbers 5 to 9 (see below) in respect of the above.</p>	
<p>Question 5</p>	
<p>Do you agree with the Government's proposal to allow local authorities to pool section 106 planning obligations:</p>	
<p>i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106? Yes/No</p>	<p>Yes</p> <p>Officer commentary to support the above response: Whilst it seems unlikely that it will or would apply to East Devon District Council this recognises the reality that for some authorities CIL may be inappropriate.</p>
<p>ii. Where significant development is planned on several large strategic sites? Yes/No</p>	<p>Yes</p> <p>Officer commentary to support the above response: Ensuring delivery of infrastructure, that, in particular, is frequently required for large sites, can be very challenging in a CIL world. Lifting of restrictions on pooling would provide greater flexibility to deliver the infrastructure necessary to support development. This is a significant change which is strongly welcomed as it will enable Cranbrook to be taken out of CIL and the successful delivery of infrastructure such as schools that has been seen in the early phases of development to continue.</p>
<p>Question 6</p>	

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices? Yes/No	No Officer commentary to support the above response: <i>This question refers to proposals to lift pooling restrictions in areas where average new build house prices are in the lowest 10% in England. Whilst it is unlikely to be relevant in East Devon there would appear to be no evidence or justification for the cut off being the lowest 10% of lowest new build average house prices.</i>
ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?	No comment.
Question 7	
Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:	
i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or	Answer Yes to option ii Officer commentary to support the above response: <i>Of the options provided the second (option ii) would appear more relevant and appropriate. In this context, for example, we would envisage that Cranbrook would be a single large strategic site and that we would group all obligations together to form a single obligation. We may, however, need to be very precise in defining an area or the boundary of Cranbrook (or any other strategic site) in respect of where pooling constraints may be lifted.</i>
ii. all planning obligations from a strategic site count as one planning obligation?	
Question 8	
What factors should the Government take into account when defining 'strategic sites' for the purposes of lifting the pooling restriction?	The onus should rest on local planning authorities setting out and justifying what constitutes a strategic site through their local plan. Therefore explicit guidance should not be necessary and flexibility should rest with the planning authority to justify their conclusions.
Question 9	
What further comments, if any, do you have on how pooling restrictions should be lifted?	Lifting of pooling restrictions should be introduced as quickly as possible, and in a way that enables Council's to implement it quickly, as this is currently delaying development and restricting necessary infrastructure. The current situation is causing significant uncertainty and is delaying progressing on some key projects including Cranbrook where uncertainty over how infrastructure can be funded in the future is a significant issue for an emerging DPD for the town's expansion.

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
<p>Improvements to the operation of CIL</p> <p>In paragraph 107 of the consultation it is noted that a number of amendments to the CIL regulations have already been made and further changes are now proposed.</p> <p>The regulations allow for some developments to be exempt from paying the levy but where circumstances change and the levy would become applicable there is provision made for an authority to clawback monies. For example self-build houses are exempt from the levy but only so if they are not sold on within a specified time period. If sale does occur the council can claim a clawback in respect of CIL monies. A Commencement Notice is signed to allow for CIL exemption but this needs to be done prior to development starting; failure to sign can make the development liable to have to pay CIL. The consultation is suggesting that a two month grace period be introduced for the Commencement Notice but that a small penalty charge, for example to address administrative charges, could be applicable for late submissions.</p> <p>The Government ask Question Numbers 10 to 12 (see below) in respect of the above.</p>	
<p>Question 10</p>	
<p>Do you agree with the Government's proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development? Yes/No</p>	<p>No</p> <p>Officer commentary to support the above response: <i>Currently developers are required to submit a commencement notice prior to the start of works on site. Failure to do so results in any exemption being lost and the full CIL liability being due immediately and any phased payment plan is lost. A grace period is now proposed instead. This is a good example of how the CIL Regulations have become too complex and difficult for people to understand and so people do not realise that they have to do this.</i></p> <p><i>If a grace period is to be introduced, a 1 month period would be more reasonable, or discretion left to the Local Authority depending so that the circumstances of each situation can be considered albeit a criteria would be needed to ensure consistency.</i></p>
<p>Question 11</p>	
<p>If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?</p>	<p>To encourage people to submit commencement notices prior to development to enable other notices to be issued, a small penalty is a reasonable idea. The penalty needs to be proportionate to the chargeable amount, maybe 5% but with a minimum £500 to ensure that there is a great enough penalty and that the amount is high enough to cover the local authorities cost of seeking the payment.</p>
<p>Question 12</p>	

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
How else can the Government seek to take a more proportionate approach to administering exemptions?	The Government could leave the discretion with the local authority on a case by case basis or provide a list of circumstances where an exemption should be made which enables some flexibility without letting off those that just forgot.
<p>Extending abatement provisions to phased planning permissions secured before introduction of CIL</p> <p>Paragraph 113 of the consultation document refers to circumstances where a development was permitted before CIL came into force in an area, and is then subsequently amended under section 73 of the Town and Country Planning Act 1990 (through a ‘section 73 application’), changes secured through the amended permission are subject to CIL. However, in these circumstances, certain CIL provisions do not apply.</p> <p>In paragraph 114 it is explained, citing examples of large or complex developments, that on phased development schemes each phase may attract its own CIL and that it is acceptable to offset payments in one phase against another where changes in CIL charges made may change over time. This arrangement works where CIL was applicable when permission was first granted. However, in paragraph 115, it is explained that where permission is granted before CIL came into place the regulations limit how and if offsets can be applied. In these cases it is highlighted that additional CIL burdens can fall on developers where they wish to switch elements around in the phasing of development and where offsetting is not possible.</p> <p>Paragraph 117. Advises that: <i>“The Government therefore proposes to amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development.”</i></p> <p>The Government ask Question Numbers 13 and 14 (see below) in respect of the above.</p>	
Question 13	
Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development? Yes/No	<p>Yes</p> <p>Officer commentary to support the above response: <i>This question arises from proposals to address circumstances such as where a CIL liable scheme is amended so that elements move from one phase of development to another. As things stand these cannot be offset and so the developer ends up paying more than they otherwise would have to. This situation has not yet occurred in East Devon but the approach appears reasonable and will make a very complex situation less complex and remove an inconsistency.</i></p>
Question 14	
Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?	Abatement should not present an opportunity for the overall CIL amounts to be reduced without justification.

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
<p>Applying indexation where a planning permission is amended</p> <p>Paragraph 118 explains that currently CIL rates are indexed, they could go down but much more probably up, as changes over time occur in respect of the cost of infrastructure delivery. But concern is expressed that the indexing system used is not appropriate and should be more market responsive.</p> <p>In Paragraph 121 it is advised that: <i>“The Government proposes to amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force, to clarify that the approach taken should align with the approach taken in the recently amended CIL regulations.”</i></p> <p>The Government ask Question Number 15 (see below) in respect of the above.</p>	
<p>Question 15</p> <p>Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?</p>	<p>Yes - this will provide more certainty and consistency for all.</p> <p>Officer commentary to support the above response: <i>Currently CIL is indexed to a measure of contractor costs but the government want to amend this to something that is more market responsive. How indexation is applied to amendments to developments is complex and in some circumstances they can end up paying for indexation on floorspace they have already paid CIL for. The proposals seek to clarify arrangements.</i></p>
<p>Setting charging schedules with reference to the existing use of land</p> <p>Currently CIL rates do not take into account the existing use of land and therefore differing increases in value, resulting from permission or development, cannot be reflected in the rates set. This consideration is highlighted in paragraph 122 and 123 and 124 then explain that proposed changes in regulations would allow varying rates to be set dependent on the use, but to seek to avoid additional complexity the consultation document suggests differing rates should only be used where there is a strong case for doing so.</p> <p>It is noted, paragraphs 125 to 130, that defining and setting appropriate rates could become complicated in respect of sites that contain a mixture of uses for example a redevelopment site where the existing use is a mixture of offices and industrial space that is proposed for new housing development. Amongst other considerations the Government suggest that a single rate should be set for strategic sites with complex uses.</p> <p>The Government ask Question Numbers 16 to 18 (see below) in respect of the above.</p>	
<p>Question 16</p>	

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land? Yes/No	Yes Officer commentary to support the above response: <i>The option to set differential CIL rates based upon the existing use of land allows the uplift in land values to be better captured. For example the uplift in land value will be different if the previous use of the site was agricultural compared to if it was commercial but this is not currently factored in. Any extra money generated will inherently be put towards the infrastructure funding gap, so will help deliver housing and economic development.</i>
Question 17	
If implementing this proposal do you agree that the Government should:	
i. encourage authorities to set a single CIL rate for strategic sites? Yes/No	No Officer commentary to support the above response: <i>The CIL rate for strategic sites should be underpinned by viability evidence, which may vary between sites.</i>
ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? Yes/No	Yes Officer commentary to support the above response: <i>Yes – otherwise it will get very complicated.</i>
iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use? Yes/No	No Officer commentary to support the above response: <i>This could be complicated. Unclear why 80% has been chosen and this could be subject to disagreement and challenge and would introduce additional complications.</i>
iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?	It is unclear why 80% has been chosen and if appropriate it should be evidence based
Question 18	
What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?	While there is a need to avoid people playing the system to avoid or reduce their CIL payments equally there is a need to make the system as simple as possible for ease of administration and to make it easy to understand.

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
<p>Indexing CIL rates to house prices</p> <p>CIL rates are currently adjusted according to changes in building costs, use is made of the Building Cost Information Services (or BCIS) index. Paragraph 132 of the consultation advises, however and for new housing, that they should be linked to house prices, either seasonally adjusted regional prices or annual local authority changes. The former allowing more frequent updates but the latter more locally specific reflecting local markets.</p> <p>For non-residential uses the proposal is that they should be linked to a different metric. Paragraph 134 suggests two options, either linking them to the Consumer Price Index (CPI) or to a combination of CPI and house price inflation. Though the Government also ask about other data that could be used.</p> <p>The Government ask Question Numbers 19 to 23 (see below) in respect of the above.</p>	
<p>Question 19</p>	
<p>Do you have a preference between CIL rates for residential development being indexed to either:</p>	
<p>a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; or</p>	<p>b)</p> <p>Officer commentary to support the above response: <i>The annual data is locally based and therefore more robust. It also provides greater certainty on the CIL liability for a development over a much longer period of time.</i></p>
<p>b) The change in local authority-level house price indexation on an annual basis</p>	
<p>Question 20</p>	
<p>Do you agree with the Government's proposal to index CIL to a different metric for non-residential development? Yes/No</p>	<p>Yes</p> <p>Officer commentary to support the above response: <i>It would appear illogical to index CIL rates for non-residential development to residential indices where or if changes in residential values do not corresponding or relate to changes in non-residential values.</i></p>
<p>Question 21</p>	
<p>If yes, do you believe that indexation for non-residential development should be based on:</p>	
<p>i. the consumer price index? Yes/No</p>	<p>No</p> <p>Officer commentary to support the above response: <i>This is a measure of the price of basket of consumer goods and services purchased by households it is not clear how relevant this would be to non-residential development.</i></p>

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
ii. a combined proportion of the House Price Index and Consumer Prices Index? Yes/No	No Officer commentary to support the above response: <i>It would seem odd to dismiss house prices, in principle, as an index measure but then to build them back in and a calculation based upon 2 price indexes sounds very complicated and confusing.</i>
Question 22	
What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?	Whilst we do not highlight any particular index we would note that the issue is complicated by the fact that values for differing uses can go up and down over time so a single index covering all uses could be flawed from the outset – you would, presumably, want one index for one type of use e.g. supermarkets and another for another – e.g. warehouses. And locational considerations may come into consideration - e.g. what applies in terms of values to a warehouse near a junction of a busy motorway may be vary significantly from a warehouse in a remote rural location.
Question 23	
Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?	No
<p>Improving transparency and increasing accountability</p> <p>In paragraph 137 the Government advise that they believe that there is a need for greater clarity on how CIL and section 106 planning obligations work together and that the expectation is that all viability assessments will be conducted on an open book basis and published except under limited circumstances (with guidance issued on what the circumstances could be). In paragraph 139 and 140 it is noted that there should be more certainty about how monies raised is spent and is proposed to be spent.</p> <p>Paragraph 141 advises that: <i>“The Government proposes to introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement in an open data format. The Statement will provide a flexible tool to set out infrastructure priorities and delivery, and could provide a framework for improving communication with local communities about delivery of section 106 planning obligations.”</i></p> <p>The Government ask Question Numbers 24 to 26 (see below) in respect of the above.</p>	
Question 24	
Do you agree with the Government’s proposal to:	
i. remove the restrictions in regulation 123, and regulation 123 lists? Yes/No	Yes Officer commentary to support the above response: <i>On assumption that the removal will provide greater flexibility then ‘Yes’ would be an appropriate answer.</i>

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement? Yes/No	Yes Officer commentary to support the above response: <i>The 'Yes' is applicable in so far as it should provide for greater clarity and transparency.</i>
Question 25	
What details should the Government require or encourage Infrastructure Funding Statements to include?	Funding statements should include details of: monies received and projected to be received and what is being spent and projected to be spent on which infrastructure projects, and the reasoning behind this; and the timescale for spending and delivery organisation(s).
Question 26	
What views do you have on whether local planning authorities may need to seek a sum as part of section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.	Retention of some monies received to undertake monitoring is appropriate and failure to allow for this may result in the monitoring function not being undertaken.
<p>A Strategic Infrastructure Tariff (SIT)</p> <p>Paragraphs 146 to 149 of the consultation document advises of the desirability for combined authorities or other groups of authorities to work to gather to charge or collect a SIT. The Greater Exeter Strategic Plan (GESP) authorities could be such a group. There are also proposals for joint committees to have powers to implement a SIT, but only in respect of where strategic infrastructure is required or where impacts need mitigating across local authority boundaries and a funding gap to pay for infrastructure is identified.</p> <p>The Government ask Question Numbers 27 to 31 (see below) in respect of the above.</p>	
Question 27	
Do you agree that combined authorities and joint committees with strategic planning powers should be given the ability to charge a SIT? Yes/No	Yes Officer commentary to support the above response: <i>The option should be available but there should not be a requirement for authorities to produce a Strategic Infrastructure Tariff. It should be noted that authorities can already choose to collectively spend monies (as is currently done by East Devon, Exeter and Teignbridge in respect of Habitat Regulations mitigation) and this approach offers relevant flexibility for authorities.</i>
Question 28	
Do you agree with the proposed definition of strategic infrastructure? Yes/No	No Officer commentary to support the above response: <i>The onus should rest on authorities establishing what strategic infrastructure in the context of their area is and why. What is strategic in one location or set of circumstances might not be in another.</i>

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
Question 29	
Do you have any further comments on the definition of strategic infrastructure?	It should be local authorities that determine this based on their own assessments.
Question 30	
Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure? Yes/No	No Officer commentary to support the above response: <i>Strategic Infrastructure Tariffs should be focussed on delivering the strategic project(s) – using them to also fund local infrastructure priorities would dilute the purpose and reduce the amount of money available. Strategic Infrastructure Tariffs should mitigate the impacts of strategic infrastructure by itself; the creation of local infrastructure priorities to mitigate the impact of strategic infrastructure would lead to further complexities and confusion.</i>
Question 31	
If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?	There should not be a nationally defined percentage, rather the responsibility should rest with local authorities to determine for themselves based on local viability.
<p>How would a Strategic Infrastructure Tariff work in practice?</p> <p>Paragraph 153 of the consultation document advises: <i>“Strategic Infrastructure Tariffs would be informed by evidence and undergo independent examination in the same way as CIL. This provides an opportunity to consider the impacts of the proposed rate on the viability of development and the need for funding infrastructure. An independent examiner would consider evidence, including any impacts on viability, and make a decision on the acceptability of the proposed rate.”</i></p> <p>Paragraph 154 suggests that the SIT should be set at a lower level than CIL and would be collected by the local authority because it is responsible for the planning functions to which the SIT would be calculated on. Paragraph 155 highlights that the local authorities would be able to keep up to 4% of the SIT receipts for administration costs.</p> <p>The Government ask Question Numbers 32 to 33 (see below) in respect of the above.</p>	
Question 32	
Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority? Yes/No	Yes Officer commentary to support the above response: <i>If there is to be a Strategic Infrastructure Tariff then it would be most likely to be most appropriate for the local authority to collect it, rather than some other body or joint authority body.</i>
Question 33	
Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT? Yes/No	Yes Officer commentary to support the above response: <i>This reflects the reality that there are costs associated with collecting and administrations.</i>

Commentary on and Questions Asked in Annex A of the Consultation Document	Proposed Response by East Devon District Council
<p>Technical clarifications</p> <p>In Paragraph 156 the consultation question are drawn to an end with text advising:</p> <p>The Government also propose to make other technical clarifications to the regulations. These include greater clarity on:</p> <p>a) Application of Regulation 128 in areas where the Mayor of London or a Combined Authority has introduced CIL. This will make clear that liability for borough/local authority CIL is not triggered for reserved matters applications unless a local authority charging schedule was in effect when the outline planning permission was granted;</p> <p>b) Application of exemptions and reliefs to Regulation 128A-related permissions. This will clarify that any liability calculated using Regulation 128A should include all exemptions and reliefs to avoid situations where liabilities for amendments to a planning permission are offset by exemptions or reliefs that relate to already permitted floorspace.</p> <p>c) Application of Regulation 128A to subsequent amendments under section 73 of the Town and Country Planning Act 1990 where an earlier amendment has already been secured. This will support existing guidance in clarifying that multiple section 73s can be applied to the original planning</p> <p>The Government ask Question Number 34 (see below) in respect of the above.</p>	
<p>Question 34</p>	
<p>Do you have any comments on the other technical clarifications to CIL?</p>	<p>The changes proposed, other than the dropping of the pooling restrictions for Strategic sites, do not address the concerns raised in 2015 in the independent review in terms of making the system faster, simpler, certain and more transparent. These issues will all remain indeed some of the changes arguably make the system even more complicated. Local Authorities should be given the option to revert entirely back to a S.106 system.</p>

Report to: **Strategic Planning Committee**

Date of Meeting: 24 April 2018

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 9

Subject: **Update on Timetable to Produce the Greater Exeter Strategic Plan**

Purpose of report:

This report provides an update on the timetable for production of the Greater Exeter Strategic Plan. Consultation on a draft plan is now scheduled to start in June 2019 (early summer next year) with formal stages of plan production to follow in 2020 leading to plan examination in Spring 2021 and adoption in December 2021.

Recommendation:

That committee note the revised timetable for production the Greater Exeter Strategic Plan.

Reason for recommendation:

To keep members of the Council and interested parties informed on the timetable for production of the Greater Exeter Strategic Plan.

Officer:

Ed Freeman, Service Lead, Planning Strategy and Development Management

Financial implications:

No additional financial implications

Legal implications:

There are no legal implications from the report for noting

Equalities impact:

Low Impact

There are low impacts associated with reporting on the timetable.

Risk:

Low Risk

The risk considerations associated with this report are low.

Links to background information:

) There is a GESP website with more information at:

<https://www.gesp.org.uk/>

Link to Council Plan:

The report and the Greater Exeter Strategic Plan will link to all Council priorities.



1 Introduction to the Greater Exeter Strategic Plan

- 1.1 Members will be aware that this Council is a partner in production of the Greater Exeter Strategic Plan (GESP). It will cover the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge (i.e. those Councils' administrative areas excluding Dartmoor National Park). It will be prepared jointly by those four local planning authorities with the support of Devon County Council under Section 28 of the Planning and Compulsory Purchase Act. It will:
-) set an overall vision and strategy for the development of the area in the context of national and other high level policy;
 -) include overarching, cross-boundary and strategic targets, policies and proposals for development and conservation;
 -) guide the overall level and distribution of development;
 -) make strategic development and infrastructure proposals;
 -) contain other strategic policies necessary to implement the vision and strategy; and
 -) cover the period to 2040.
- 1.2 Once adopted the GESP will supersede specified strategic parts of the East Devon Local Plan, Exeter Core Strategy, Exeter Local Plan, Mid Devon Local Plan (once adopted), Teignbridge Local Plan and any other Development Plan Documents as necessary.

2 Revised Timetable for GESP Production

- 2.1 It has become necessary to revise the timetable for GESP production. The new timetable includes the following key stages:
-) February 2017 – Issues consultation
 -) June 2019 – consultation on draft plan
 -) September 2020 – Publication (Proposed Submission)
 -) March 2021 – Submission
 -) May 2021 – Inspector's Hearings
 -) December 2021 – Adoption
- 2.2 For information, the various stages are described below.

Issues Consultation – a less formal stage of consultation where comments on general issues and plan scope are sought. Already Completed.

Draft plan – a more or less complete plan, but not in final form, to encourage responses, alternative options and objections/support. Likely to be more “rough and ready” than the final plan, with some incomplete evidence and details. This is the key consultation stage.

Publication (proposed submission) – the plan which the councils intend to submit (see next stage) having largely completed the evidence and considered the draft responses, duty to cooperate conversations and government policy. Formal objections and other responses are sought from the public at this stage.

Submission – the plan, all of the evidence and the formal responses to the publication plan are submitted to the government who appoint an independent inspector to consider the soundness of the plan.

Inspector's Hearings – the sitting days of the examination at which the Inspector leads discussions on the contents of the plan, to help them prepare their report.

Adoption – having received the inspector's binding report, the council(s) adopt the plan.

- 2.3 Unfortunately a key milestone in the preparation of the Greater Exeter Strategic Plan has been missed with the lack of consultation on a draft plan in January 2018. The preparation of the GESP has been held up by a number of factors, the main ones being as follows;
-) Significant and ongoing review of national planning and housing policies, commencing with the Housing White Paper and most recently involving a draft revised NPPF and associated Practice Guidance. These documents include amendments to the five year supply approach, a new housing "delivery test" and changes to the way housing need is calculated.
 -) A very high response to the "call for sites" with over 700 sites made available, which needed to be assessed and considered via the HELAA (Housing and Employment Land Availability Assessment) process.
 -) The need to resolve complex transport issues associated with the plan, particularly in the Exeter area, including extensive modelling, roadside interviews and scheme assessment. This work is still ongoing and will inform a key element of the GESP strategy.
- 2.4 It is not expected that the transport work will be ready before the end of 2018, given the complexities and in particular the need to ensure that Highways England are content with the work. The NPPF review is expected to be complete in the summer of 2018. These factors mean that the draft plan is not likely to be ready before spring 2019. In order to avoid issues of Purdah associated with the local elections in May 2019 it is therefore now proposed that the draft plan should be published in June 2019. An 8 week consultation period is allowed for.

3 A Revised Local Development Scheme for East Devon

- 3.1 East Devon District Council has an existing Local Development Scheme (LDS) that sets out a timetable for, and summary details of, policy documents that are proposed for production. The existing LDS refers to the previous GESP production timetable.
- 3.2 At a future committee meeting a revised LDS will be presented setting out the new timetable for GESP production as well as for other proposed policy documents for East Devon.

Report to: **Strategic Planning Committee**

Date of Meeting: 24 April 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 10

Subject: **Housing: Optional Technical Standards**

Purpose of report: To highlight the national system of optional technical housing standards introduced by the Government, relating to accessibility and adaptability, water use, and internal space. The accompanying briefing paper sets out the policy context and identifies issues in East Devon relating to these standards, and options for addressing them. Given Members' previous concerns, the internal space of new homes has been subject to further research.

Recommendation: **That Members:**

- 1. Consider the accompanying briefing paper relating to Housing: Optional Technical Standards;**
- 2. Agree that further work is undertaken to consider including the nationally described space standard in the Cranbrook Plan Development Plan Document, including collecting further evidence on need and viability (Action A within the briefing note);**
- 3. Note that the nationally described space standard can only be applied in the rest of East Devon (outside Cranbrook) through a revision of the Local Plan or through the Greater Exeter Strategic Plan.**

Reason for recommendation: To brief Members on the optional technical housing standards set by the Government; and identify local issues relating to these and how any issues can be addressed going forward.

Officer: Keith Lane, Planning Policy Officer

Email: klane@eastdevon.gov.uk

Tel: 01395 571684

Financial implications: No additional financial implications

Legal implications: Local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. The Council will need to gather evidence to determine whether there is a need for additional standards in the District, and justify setting appropriate policies in the Local Plan. The legal implications are as set out within the report.

Equalities impact: Low Impact

Risk: Low Risk

Nationally described space standards would only be included in the Cranbrook Plan if further evidence on need and viability justifies. Even then, any policy advocating these standards would be subject to public consultation and Examination by a Planning Inspector before it can be adopted by the Council.

Links to background information:) [Minutes of Strategic Planning Committee, 11 July 2017 \(item 4\)](#)
) [Minutes of Scrutiny Committee, 16 November 2017 \(item 26\)](#)
) [Agenda for Cabinet, 3 January 2018 \(page 18\)](#)
) [Minutes of Cabinet, 3 January 2018 \(item 143\)](#)
) [East Devon Local Plan 2013 to 2031](#)
) [Planning Practice Guidance on Housing: optional technical standards](#)

Link to Council Plan: Encouraging communities to be outstanding;

Report in full

1. Background

- 1.1 Over the last year, Members have raised issues regarding the implementation of the existing Local Plan policy on accessibility standards in new housing; and whether internal room sizes can be required in new housing. This report, and the accompanying briefing paper, goes through these issues in the context of the “optional technical housing standards” set by Government relating to accessibility and adaptability, water use, and internal space.
- 1.2 In the past, several different standards were being applied to new housing, such as the Code for Sustainable Homes which contained nine criteria, Lifetime Homes, and internal space standards in London and some other places. The Government were concerned that the range of standards were complex, duplicated or contradicted each other, and were being interpreted differently between local authorities. They felt this was leading to increased costs for house builders.
- 1.3 Therefore, in 2015, the Government simplified the range of technical standards for new housing, including withdrawing the Code for Sustainable Homes. This means that local planning authorities can now only set the following standards for new homes: accessibility and adaptability; water use; and internal space.
- 1.4 In order to set these standards, there should be evidence of a need, along with consideration of the impact upon viability, and policies should be set in local plans (which can include other development plan documents such as the Cranbrook Plan, as well as the Local Plan itself).¹ Neighbourhood plans should not be used to apply these standards.²
- 1.5 Local Plan Strategy 36 requires that, subject to viability, schemes of 10 dwellings or more should demonstrate that all of the affordable housing and around 20% of the market units meet part M4(2) of the Building Regulations relating to accessible and adaptable buildings. Standards for water use or internal space in new homes are not set in the Local Plan.

2. Issues and Options for Housing Standards in East Devon

¹ Planning Practice Guidance Reference ID: 56-002-20160519, 56-003-20150327, 12-012-20140306; NPPF Annex 2: Glossary

² Written Ministerial Statement 25 March 2015: <https://www.gov.uk/government/speeches/planning-update-march-2015>

Accessible and adaptable homes

2.1 Some of the benefits of standards relating to accessible and adaptable homes include:

-) Meeting the needs of an ageing population;
-) Meeting the housing need of disabled people;
-) Reduction in a wide range of care costs; such as from residential care, health service, care assistance in the homes, and from needing to adapt an existing home.

2.2 At a previous meeting of the Strategic Planning Committee, concerns were raised that Local Plan Strategy 36 was not being adhered to in relation to standards for accessible homes.³ It was suggested that a supplementary planning document be prepared to provide the necessary detail. In recent consultation on the Cranbrook Plan 'preferred approach', concerns were raised that the housing currently being built at Cranbrook is not delivering a balanced community.

2.3 To address this issue, the council is now seeking further information in new development proposals, requiring sound reasons in writing if a development is not complying with this policy. It is considered that sufficient detail already exists in the building regulations on how to achieve accessible and adaptable dwellings, so a supplementary planning document is not necessary.

Water use

2.4 No issues have been raised by the relevant organisations (Environment Agency, South West Water) in relation to water efficiency standards either in preparing the Local Plan, or since its adoption. Similarly, water use was not highlighted as an issue in recent consultation on the Cranbrook Plan 'preferred approach'.

2.5 Although there are obvious benefits from less water use in terms of lower household bills and positive environmental impacts, given the evidence, it is not considered that water efficiency standards for new dwellings be pursued at this time.

Internal space

2.6 Councillors have raised concerns over the small room sizes in new housing, resulting in Cabinet recommending⁴ that minimum internal room sizes be considered by the Strategic Planning Committee in terms of the costs and timing of introducing such standards – one of the purposes of this report and the accompanying briefing paper.

2.7 A lack of space in a home can have many adverse impacts, including not enough room to: prepare and eat food, store possessions, socialise with family and friends, study, work, relax, and adapt in case of changed circumstances. Studies have shown that these impacts can have more profound knock-on effects on health, education attainment, family relationships, and social cohesion

2.8 An analysis of the size of new homes in 12 developments permitted over the last few years has been undertaken, both in Cranbrook and elsewhere in the district. This has been an assessment against only one criteria of the space standards which is the total floor area. This has been done to give an indication of levels of compliance however other standards relating to the sizes of individual rooms are also applicable under the standards. These have not been checked at this stage. Of the dwellings assessed at Cranbrook, only 26% (98 out of 376 dwellings) were of a size that met the nationally described space standard.⁵ Elsewhere in East Devon, a slightly higher proportion (35%) of new dwellings met the national standard, with 363 out of 1,050 dwellings.

³ Minutes of Strategic Planning Committee, 11 July 2017, item 4.

⁴ Minutes of East Devon District Council Cabinet, 3 January 2018, item 143.

⁵ It should be noted that the s.106 for the approved development at Cranbrook requires 10% of new homes to be "affordable by design" which restricts the size of new dwellings to the extent that they will not meet the NDSS.

Generally, it was the larger properties (4 bedroom plus) that were most likely to meet the space standard, whilst 2-3 bedroom dwellings were most likely not to. Of those that did not comply with the standard many were only a few % below the standard, however a small number were as much as 25% below the prescribed standard.

- 2.9 It is worth noting that the sites that have been assessed have been developed by major national house builders using standard house types and so the issues identified in our assessment are far from unique to East Devon and illustrate the scale of the issue nationally.
- 2.10 Given these findings, it is recommended that further evidence be gathered relating to the viability, need, and associated impacts (e.g. on housing densities and delivery), with a view to including national space standards in the Cranbrook Plan if justified. Introducing internal space standards in the remainder of East Devon can be considered through the revision of the Local Plan and discussed with our partners in work on the Greater Exeter Strategic Plan to consider whether the issues should be addressed across the Greater Exeter area.
- 2.11 Consideration should also be given as to how the space standards would be enforced and whether developers will try to side-step the standards by, for example, showing a bedroom as an office/study, so that the space standard is lower.

3. Conclusion

- 3.1 This report, alongside the accompanying briefing paper, has explained the simpler system of housing standards created by the Government relating to 'accessible and adaptable homes', 'water use' and 'internal space'. The issues and options for these standards have been discussed. The following potential actions show how these issues can be addressed through planning policy documents:
-) Action A: *consider including policies in the Cranbrook Plan* – initial assessment shows that most homes permitted at Cranbrook are below the nationally described space standard, sometimes significantly so. Further evidence on the need and viability of introducing the space standard should be considered as part of preparing the Cranbrook Plan, and policies included if justified.
 -) Action B: *do nothing at this stage, and consider housing standards through the revision of the Local Plan* – this will occur as all relevant planning issues are considered through the revision of the Local Plan.
 -) Action C: *discuss options for addressing space standards through the Greater Exeter Strategic Plan* – while not a strategic issue the application of standards in any parts of the GESP area would impact on the viability, design and density levels of developments where they would be applied and should be considered as part of strategic plan making.
- 3.2 Therefore, subject to further evidence, it is suggested that internal space standards be considered for the Cranbrook Plan as this would reflect the aspiration for highest design standards in Local Plan Strategy 12 and the Healthy New Towns programme.

Housing: Optional Technical Standards – briefing paper (March 2018)



Key Points:

- The Government has created a simpler system for standards in new housing, replacing the range of standards that were used in the past.
- Standards for 'accessibility and adaptability', 'water use', and 'internal space' can be set in local plans, subject to evidence of need and viability.
- To address concerns that 'accessibility' standards in Local Plan Strategy 36 are not being implemented, the council is seeking further information in new development proposals, requiring sound reasons in writing if a development is not complying with this policy.
- No significant issues have been highlighted in East Devon relating to 'water use'.
- Evidence indicates that most new homes being built at Cranbrook are smaller than the national 'internal space' standards, sometimes significantly so. The majority of new homes being built elsewhere in East Devon are also smaller than national space standards in the examples that have been assessed.
- Further work would be required to justify the need for introducing internal space standards in East Devon, including the impact upon viability and housing density.
- In the short term, the potential to include internal space standards can be considered for the Cranbrook Plan; whilst the rest of East Devon can be contemplated through the revision of the Local Plan.

1. Introduction

- 1.1 This briefing paper discusses the "optional technical housing standards," relating to accessibility, water use, and internal space. It does not consider standards such as the structural quality and safety of housing, which are dealt with by building regulations.
- 1.2 Housing standards in new development has been raised in two ways since the adoption of the Local Plan: the implementation of existing policies; and whether standards, particularly for internal space, can be improved.
- 1.3 This paper begins by setting out the policy context, then describes the issues for housing standards in East Devon along with some options (and evidence requirements) for addressing these. The conclusion indicates the way forward.

2. Policy Context

National policy and guidance

- 2.1 National policy advocates the creation of safe, accessible environments that promote inclusion and community cohesion.¹ Local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.² Proactive strategies should be adopted to adapt to climate change, taking full account of water supply and demand considerations.³
- 2.2 Building regulations are minimum standards set by the Government for design, construction and alterations to buildings. These regulations apply to development across the country, and cover a range of topics relating to the quality and safety of new buildings, including structure, fire safety, ventilation, electrical safety, and energy performance. Building regulations are different from planning permission, and new housing requires approval through both processes.
- 2.3 In the past, many standards were being applied to new housing, such as Code for Sustainable Homes,⁴ Lifetime Homes, Secured by Design, and internal space standards in London and some other local authorities. The Government were concerned that the range of standards were complex, duplicated or contradicted each other, and were being interpreted differently between local authorities; leading to increased costs for house builders.⁵
- 2.4 In March 2015, the Government announced its intention to create a simpler system for setting technical standards for new housing, including withdrawing the Code for Sustainable Homes (aside from legacy cases).⁶ This means that local planning authorities can now only set requirements for access; water; and space.⁷
- 2.5 Given this, the range of standards that were previously being applied have been replaced. For example, the often referenced Lifetime Homes Standard has been replaced by the accessibility element of the building regulations (which reflects much of the Lifetime Homes Standards).⁸ Similarly, Secured by Design (as it relates to the construction of homes) is now covered by building regulations.
- 2.6 In order to set access, water and space standards, there should be evidence of a need, along with consideration of the impact upon viability, and policies should be set in local plans (which can include other development plan documents such as the

¹ National Planning Policy Framework, paragraph 58, 69.

² National Planning Policy Framework, paragraph 50.

³ National Planning Policy Framework, paragraph 94.

⁴ The Code provided 9 measures of sustainable design: energy/CO₂, water, materials, surface water run-off, waste, pollution, health and well-being, management, ecology.

⁵ Housing Standards Review – Final Implementation Impact Assessment, DCLG, 2015: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418414/150327_-_HSR_IA_Final_Web_Version.pdf

⁶ Written Ministerial Statement 25 March 2015: <https://www.gov.uk/government/speeches/planning-update-march-2015>

⁷ Planning Practice Guidance Reference ID: 56-002-20160519.

⁸ Accessible Housing Standards 2015 – briefing, June 2016: <http://www.lifetimehomes.org.uk/pages/lifetime-homes-and-part-m.html>

Cranbrook Plan, as well as the Local Plan itself).⁹ Neighbourhood plans should not be used to apply these standards.¹⁰

- 2.7 With regards to energy efficiency, technically it is still possible for local authorities to set energy efficiency standards that exceed building regulations, as the Government has not enacted legislation to restrict this.¹¹ Until this amendment is commenced, local authorities should not set energy performance requirements above a Code level 4 equivalent.¹²
- 2.8 Further detail on the accessibility, adaptability and wheelchair housing, water efficiency, and internal space standards follows below.

Accessibility, adaptability and wheelchair housing standards

- 2.9 Minimum standards for these aspects are set in building regulations but local plans can exceed them, where justified. Standards can be set for 'accessible and adaptable dwellings' and/or 'wheelchair user dwellings'.
- 2.10 'Accessible and adaptable dwellings' (Building Regulation part M4(2)) will be met where a new dwelling makes reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.¹³
- 2.11 'Wheelchair user dwellings' (part M4(3)) will be met where a new dwelling makes reasonable provision for a wheelchair user to live in the dwelling and use any associated private outdoor space, parking and communal facilities that may be provided for the use of the occupants.¹⁴
- 2.12 Local Plan policy should set the proportion of new dwellings that should comply with these standards; taking into account site specific factors such as flood risk, topography and other circumstances which may make a site less suitable for these standards, particularly where step free access cannot be achieved or is not viable.¹⁵ These requirements should then be implemented through a planning condition.¹⁶

⁹ Written Ministerial Statement 25 March 2015: <https://www.gov.uk/government/speeches/planning-update-march-2015> ; Planning Practice Guidance Reference ID: 56-002-20160519, 56-003-20150327, 12-012-20140306; NPPF Annex 2: Glossary.

¹⁰ Written Ministerial Statement 25 March 2015: <https://www.gov.uk/government/speeches/planning-update-march-2015>

¹¹ Section 43 of the Deregulation Act 2015 adds text to the Planning and Energy Act 2008 that removes the ability for authorities in England to set energy efficiency standards exceeding Building Regulations – however, this change has not yet been enacted:
<https://www.legislation.gov.uk/ukpga/2015/20/section/43>

¹² Written Ministerial Statement 25 March 2015: <https://www.gov.uk/government/speeches/planning-update-march-2015>

¹³ The Building Regulations 2010, Approved Document M, Volume 1: Dwellings:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf

¹⁴ The Building Regulations 2010, Approved Document M, Volume 1: Dwellings:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf

¹⁵ Planning Practice Guidance Reference ID: 56-008-20160519.

¹⁶ The Building Regulations Approved Document M, volume 1: dwellings, paragraph 0.3:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf

2.13 The building regulations distinguish between ‘wheelchair accessible’ (a home readily useable by a wheelchair user at the point of completion) and ‘wheelchair adaptable’ (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings. Local plan policies should only require ‘wheelchair accessible’ homes for dwellings where the local authority is responsible for allocating/nominating a person to live in that dwelling.¹⁷

Water efficiency standards

2.14 All new homes must meet the standard of 125 litres/person/day in the building regulations. The tighter building regulations optional requirement of 110 litres/person/day can be set in a local plan where there is a need, based on existing sources of evidence; consultations with the relevant organisations; and consideration of the impact on viability and housing supply.¹⁸

2.15 It is worth noting that these are design standards that can be achieved through measures such as dual-flush toilets, aerated taps, and water-efficient washing machines and dishwashers; rather than strict caps or limits on water use.

2.16 Some examples of water consumption are:

-) the average bath uses 80 litres of water;
-) old style single flush toilets use 13 litres per flush (compared to 4-6 litres for modern dual-flush toilets);
-) washing machines use around 50 litres per wash; and
-) modern dishwashers can use as little as 10 litres per cycle.¹⁹

Internal space standards

2.17 Where justified, local planning authorities can require internal space standards in new homes by reference in their Local Plan to the “nationally described space standard” (NDSS). To include these standards, local authorities should take account of the need; viability; and timing for introducing these standards.²⁰

2.18 Unlike access and water, the nationally described space standard is not a Building Regulation, meaning that establishing compliance with the space standards rests with the local planning authority, rather than through the building regulations.

2.19 As well as Gross Internal Area (GIA), there are a range of other requirements in the space standards relating to bedroom sizes, storage areas and ceiling heights. The floor areas from the nationally described space standard are reproduced in figure 1 below.²¹

¹⁷ Planning Practice Guidance Reference ID: 56-009-20150327.

¹⁸ Planning Practice Guidance Reference ID: 56-015-20150327.

¹⁹ Water use figures from <http://www.waterwise.org.uk/pages/indoors.html>

²⁰ Planning Practice Guidance Reference ID: 56-020-20150327.

²¹ Accessed from: <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

Figure 1: National minimum gross internal floor areas and storage (sq m)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

2.20 The housing white paper (February 2017) states that, whilst they are an important tool in delivering quality family homes, the space standards are to be reviewed due to concerns that the one size fits all approach may not reflect the needs of a wider range of households.²²

Local policy

2.21 Local Plan Strategy 36 requires that, subject to viability, schemes of 10 dwellings or more should demonstrate that all of the affordable housing and around 20% of the market units meet Building Regulations part M4(2) relating to accessible and adaptable buildings. The M4(2) standard replaced a previous reference to Lifetime Homes during the Examination of the Local Plan.

2.22 Strategy 38 requires Code for Sustainable Homes level 4 and BREEAM ‘very good’ for major development; and at developments in the West End and over 4 ha or 200 dwellings elsewhere in East Devon. This policy also encourages water harvesting. As previously explained, the Government has now withdrawn the Code for Sustainable Homes.

2.23 The Cranbrook Plan ‘preferred approach’ (November 2017) includes policy expectations for the assessment of proposals against Building for Life 12 and the development of adaptable buildings and spaces (which could potentially include requirements for accessible and adaptable homes).²³

2.24 There is no reference to the national water efficiency standards in either the Local Plan or the Cranbrook Plan ‘preferred approach’. Similarly, internal space standards are not specifically referenced in the either Plan; although homes at Cranbrook “*will be required to be of the highest standards in terms of energy and resource efficiency,*

²² Fixing our broken housing market, DCLG, paragraph 1.55:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf

²³ Cranbrook Plan: Preferred Approach policy requirement document:

<https://eastdevon.gov.uk/media/2271753/cranbrook-plan-dpd-policy-appendix.pdf>

quality of design...” and “*will be built to distinctive high quality design standards*” (Local Plan Strategy 12).

3. Issues and Options for Housing Standards in East Devon

- 3.1 This section highlights the issues relating to housing standards that have been raised in implementing the Local Plan and considers options to address these issues, along with evidence requirements.

Accessible and adaptable homes

Issues

- 3.2 Some of the benefits of standards relating to accessible and adaptable homes include:
-) Meeting the needs of an ageing population;
 -) Meeting the housing need of disabled people;
 -) Reduction in a wide range of care costs; such as from residential care, health service, care assistance in the home, and from needing to adapt an existing home.²⁴
- 3.3 Concerns have been raised that Local Plan Strategy 36 was not being adhered to in relation to standards for accessible homes, with a suggestion to produce a supplementary planning document to provide the necessary detail.²⁵ In recent consultation on the Cranbrook Plan ‘preferred approach’, comments suggested that the housing currently being built at Cranbrook is not delivering a balanced community.

Options

- 3.4 To address the concern that Local Plan Strategy 36 is not being implemented, the council is now seeking further information in new development proposals, requiring sound reasons in writing if a development is not complying with this policy.
- 3.5 Another option could be to add a standard condition to all relevant planning permissions of 10 dwellings or more meet the standards in Strategy 36. However, it is important that the requirements are designed in from the start and are not an afterthought – the imposition of a condition could result in the developer having to redesign the scheme, potentially making it difficult/impossible to implement. A condition would also not allow viability issues to be discussed.
- 3.6 With regards to the suggestion to include further detail in a supplementary planning document, it is considered that sufficient detail already exists in the building regulations on how to achieve part M4(2) accessible and adaptable dwellings.²⁶
- 3.7 If additional requirements to those set out in Strategy 36 are to be sought for accessible, adaptable, and wheelchair housing standards, a range of statistics and factors can be taken into account, including:

²⁴ Housing Standards Review – Final Implementation Impact Assessment, DCLG:
[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418414/150327 - HSR IA Final Web Version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418414/150327_-_HSR_IA_Final_Web_Version.pdf)

²⁵ Minutes of Strategic Planning Committee meeting held on 11 July 2017:
<http://eastdevon.gov.uk/media/2165801/110717-strategic-planning-committee-minutes.pdf>

²⁶ The Building Regulations 2010, Approved Document M, Volume 1: Dwellings:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf

-) 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 (e.g. retirement homes, sheltered homes or care homes).
-) The accessibility and adaptability of existing housing stock.
-) How needs vary across different housing tenures.
-) The overall impact on viability.²⁷

3.8 Any policy should clearly state what proportion of new dwellings should comply with the requirements. The Government has produced a summary data sheet to assist local planning authorities in appraising this data.²⁸

Water efficiency standards

Issues

3.9 No issues have been raised by the relevant organisations (Environment Agency, South West Water) in relation to water efficiency standards either in preparing the Local Plan, or since its adoption. Similarly, water use was not highlighted as an issue in recent consultation on the Cranbrook Plan ‘preferred approach’.

3.10 Nevertheless, there are obvious benefits of water efficiency, as less water use means lower household bills, and positive impacts upon the environment.

Options

3.11 Although no significant issues have been raised, if it was felt that water use standards should be introduced, a clear need should be established, based upon: primary sources of evidence; consultation with the local water and sewerage company, the Environment Agency and catchment partnerships; and impact on viability and housing supply.²⁹

3.12 The primary sources of evidence and how they are reflected in East Devon are described below:

-) The Environment Agency Water Stressed Areas Classification (2013) identifies “moderate” stress in the area which covers East Devon. Government guidance advocates that areas of “serious” water stress (where the current or future demand for water is a high proportion of rainfall) should be considered for tighter water efficiency standards, so East Devon does not fall within this category.³⁰
-) South West Waters’ water resource management plan 2015-2040 (published 2014) concludes that a surplus of water is available throughout the area over the plan period.³¹

²⁷ Planning Practice Guidance Reference ID: 56-007-20150327.

²⁸ Department for Communities and Local Government ‘Guide to available disability data’: <https://www.gov.uk/government/publications/building-regulations-guide-to-available-disability-data>

²⁹ Planning Practice Guidance Reference ID: 56-016-20150327.

³⁰ Water stressed areas – final classification, Environment Agency: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244333/water-stressed-classification-2013.pdf

³¹ Water Resources Management Plan, South West Water: https://www.southwestwater.co.uk/globalassets/documents/water_resources_management_plan_june_20141.pdf

-) The South West River Basin Management Plan (2015) considers that agricultural and rural land management is the main reason for not achieving “good” ecological status in East Devon.³²

3.13 Given this evidence, and the lack of issues raised by the relevant organisations on this matter, the introduction of water efficiency standards for new dwellings in East Devon is not justified at this time.

Internal space standards

Issues

3.14 Concerns have been raised by District Councillors over the small room sizes in new housing, resulting in Cabinet recommending³³ that minimum internal room sizes be considered by the Strategic Planning Committee in terms of the costs and timing of introducing such standards – one of the purposes of this paper. Comments were raised in consultation on the Cranbrook Plan ‘preferred approach’ that the housing currently being built at Cranbrook is not delivering a balanced community, with too few larger properties.

3.15 Internal space standards can ensure that new homes provide a flexible and high quality environment for occupants. A lack of space in a home can impact upon:

-) Preparing and eating food;
-) Storing possessions;
-) What furniture can be used;
-) Socialising with family members or guests;
-) The level of privacy for studying, working, relaxing or leisure;
-) Improved daylight and ventilation;
-) Adaptability in case of changed circumstances.³⁴

3.16 Several studies have shown that these impacts can have more profound knock-on effects on health, education attainment, family relationships, and social cohesion.³⁵

3.17 Some examples of space and the equivalent furniture or room are highlighted in the table below – this shows some of the “real world” impacts of less space and why the lack of space matters.

³² South West River Basin Management Plan, Department for Environment, Food & Rural Affairs: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/500547/South_West_River_Basin_Management_Plan_Part_1_river_basin_management_plan.pdf

³³ Minutes of East Devon District Council Scrutiny Committee, 16 November 2017 (item 26): <http://eastdevon.gov.uk/media/2282502/161117-scrutiny-minutes.pdf>

³⁴ The case for space, Royal Institute of British Architects, 2011, page 12: <https://www.architecture.com/-/media/gathercontent/space-standards-for-homes/additional-documents/ribacaseforspace2011pdf.pdf> ; Housing Standards Review – Final Implementation Impact Assessment, DCLG: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418414/150327_-_HSR_IA_Final_Web_Version.pdf

³⁵ Space Standards for homes, Royal Institute of British Architects, December 2015: <https://www.architecture.com/-/media/gathercontent/space-standards-for-homes/additional-documents/homewisereport2015pdf.pdf>

The case for space, Royal Institute of British Architects, 2011, page 13-14: <https://www.architecture.com/-/media/gathercontent/space-standards-for-homes/additional-documents/ribacaseforspace2011pdf.pdf>

Figure 3: Examples of space and equivalent furniture or room³⁶

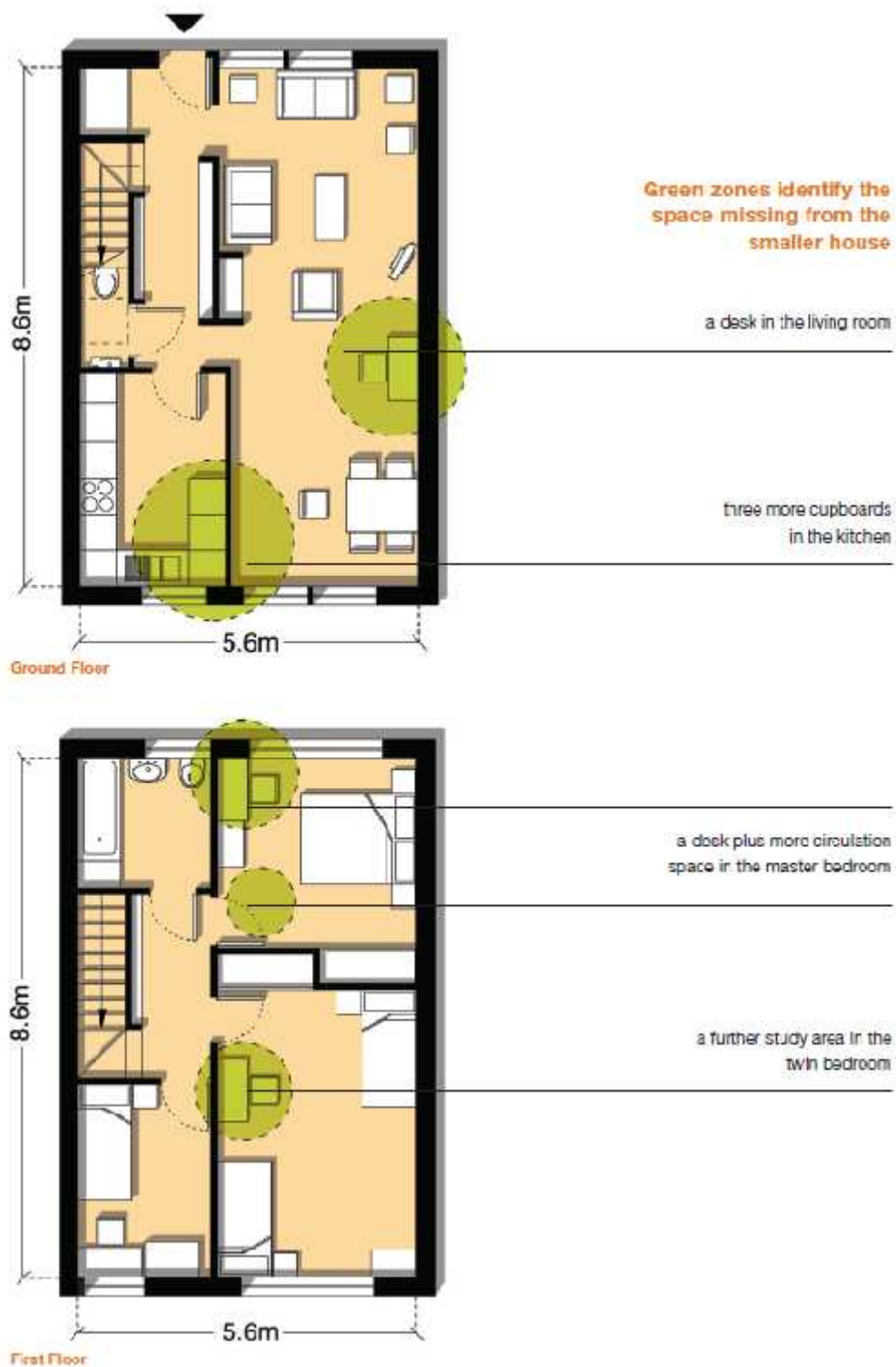
Space in sq m	Equivalent furniture or room
0.5	Coffee table – a coffee table is about 0.5 sq m
1	Writing desk or dressing table – space for a desk and chair for 1 person: 1.3 sq m; space for a dressing table and stool: 1.3 sq m
2	Three seat sofa – space for a 3 seat sofa and room in front for feet: 2.1 sq m
3	Single bed – space for a single bed and bedside table: 2.9 sq m
5	Double bed – space for a double bed and two bedside tables: 4.8 sq m
6	Kitchen – a galley kitchen adequate for a household with up to 3 people: 5.5 sq m
8	Single bedroom – a main bedroom adequate for one person: 8 sq m
9	Dining kitchen for 2 people or a dining table for 4 people – a dining kitchen adequate for a 2 person household: 9 sq m; space for a dining table, seats and circulation space for 4 people: 8.4 sq m
11	Double bedroom or a dining table for 6 people – a main bedroom adequate for two people: 11 sq m; space for a dining table, seats and circulation space for 6 people: 10.23 sq m
14	Living room – a living room with a dining area for a 2 person household: 14 sq m

3.18 The size of an average 3 bedroom new home in the south west is 4.3 sq m below the national standard.³⁷ National research into the size of new homes being built by the top eight volume housebuilders showed the highest average three bedroom home was 98 sq m, with the lowest being 84 sq m – this space difference is illustrated below.

³⁶ The case for space, Royal Institute of British Architects, 2011: <https://www.architecture.com/-/media/gathercontent/space-standards-for-homes/additional-documents/ribacaseforspace2011pdf.pdf>

³⁷ Space Standards for homes, Royal Institute of British Architects, December 2015: <https://www.architecture.com/-/media/gathercontent/space-standards-for-homes/additional-documents/homewisereport2015pdf.pdf>

Figure 4: Floor plan showing the space missing from an 84 sq m three bedroom house compared to a 98 sq m three bedroom house³⁸



3.19 Figures 3 and 4 above provide an illustration of the adverse effects of smaller house sizes. However, there may be some advantages of smaller homes, such as reduced land take, lower heating costs, and a cheaper sales value. A national study showed

³⁸ The case for space, Royal Institute of British Architects, 2011: <https://www.architecture.com/-/media/gathercontent/space-standards-for-homes/additional-documents/ribacaseforspace2011pdf.pdf>

that the proportion of costs that are recovered through increased values tend to decrease the more space is added – for relatively small areas (1-2 sq m) 90% of the cost is recovered via sales values, whilst larger areas (10 sq m) only recover 60% via sales values.³⁹ The viability assessment of the Cranbrook Plan would need to factor in the costs and values if internal space standards were to be pursued at Cranbrook.

The size of new homes being built in East Devon

3.20 An analysis of the size of new homes in 12 developments permitted over the last few years has been undertaken, both in Cranbrook and elsewhere in the district. Site typologies from work on the Community Infrastructure Levy (CIL) have been assessed so that an appropriate range of sites is considered. This initial research has taken a proportionate approach in assessing Gross Internal Area (GIA), rather than the range of other requirements in the space standards relating to bedroom sizes, storage areas and ceiling heights.

3.21 The detailed analysis is shown in appendix one; a summary of key points are:

- Of the 376 dwellings assessed at Cranbrook, 98 dwellings (26%) were of a size that met the nationally described space standard (NDSS).
- This means that nearly three quarters of new homes being built in the samples at Cranbrook are below the national standard, sometimes significantly so.
- In the rest of East Devon a slightly higher proportion (35%) of new dwellings met the national standard, with 363 out of 1,050 dwellings.
- Generally, it was larger properties (4 bedrooms plus) that were most likely to meet the space standard, whilst 2-3 bedroom dwellings were most likely not to.

3.22 It should be noted that the s.106 for the approved development at Cranbrook requires 10% of new homes to be “affordable by design” which restricts the size of new dwellings to the extent that they will not meet the NDSS.

Options

3.23 Although this research shows that most new homes being built are smaller than national space standards, further work would be required to justify the need for introducing them in East Devon. Government guidance states the following points should be considered:

-) *Need* – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed.
-) *Viability* – the impact of adopting the space standard should be considered as part of a plan’s viability assessment taking into account the impact of potentially larger dwellings on land supply. The impacts on affordability should also be considered.
-) *Timing* – there may be a need for a transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.⁴⁰

³⁹ Housing Standards Review – cost impacts, EC Harris for DCLG:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353387/021c_Cost_Report_11th_Sept_2014_FINAL.pdf

⁴⁰ Planning Practice Guidance Reference ID: 56-020-20150327.

- 3.24 In respect of *need*, evidence shows that housebuilders are constructing properties that are smaller, sometimes significantly so, than the nationally described space standard.
- 3.25 In the short term, *viability* can be considered through the Cranbrook Plan viability assessment. Further work should consider the impact upon land supply and housing densities. To enable the standard to be applied across the rest of East Devon, the viability of introducing space standards would need to be considered through a revision of the Local Plan.
- 3.26 Finally, further thought can be given to the *timing* and a transitional period if need and viability are evidenced.
- 3.27 Consideration should also be given as to how the space standards would be enforced and whether developers will try to side-step the standards by, for example, showing a bedroom as an office/study, so that the space standard is lower.
- 3.28 It could be argued that setting internal space standards only at Cranbrook would be different to the approach at major development elsewhere in East Devon. However, Cranbrook is different in being the first new settlement in Devon to be built since the Middle Ages, and the Local Plan policy advocating the highest standards of design here. It is also one of only 10 places across the country to be designated as a 'Healthy New Town' – as highlighted in paragraphs 3.15-16, a lack of space in the home can have adverse health impacts.

Overview of options and evidence requirements

- 3.29 Broadly, there are three approaches to addressing housing standards through a planning policy document:

Action A: consider including policies in the Cranbrook Plan – initial assessment shows that most homes permitted at Cranbrook are below the nationally described space standard, sometimes significantly so. Further evidence on the need and viability of introducing the space standard should be considered as part of preparing the Cranbrook Plan, and policies included if justified.

Action B: do nothing at this stage, and consider housing standards through the revision of the Local Plan – this will occur as all relevant planning issues are considered through the revision of the Local Plan.

Action C: discuss options for addressing space standards through the Greater Exeter Strategic Plan – while not a strategic issue the application of standards in any parts of the GESP area would impact on the viability, design and density levels of developments where they would be applied and should be considered as part of strategic plan making.

- 3.30 As highlighted, evidence would be required on the need and viability of introducing housing standards. It would not be possible to introduce housing standards through a supplementary planning document as the effects would require scrutiny and evidence (e.g. viability assessment) only possible through a development plan document.

4. Conclusion

- 4.1 The Government has created a simpler system for setting technical standards for new housing, replacing a range of standards that were previously referenced. Local planning authorities can now set requirements for accessibility, water use, and internal space in local plans; subject to evidence of need and viability.

- 4.2 The implementation of Local Plan Strategy 36 in relation to accessible homes has been highlighted. No significant issues have been identified in East Devon relating to water use. However, the small size of homes being built compared to national space standards, particularly at Cranbrook, is a cause for concern.
- 4.3 It is recommended that further consideration is given to including the nationally described space standard in the Cranbrook Plan through collecting further evidence of need and viability. The introduction of space standards at Cranbrook would reflect the aspiration for highest design standards in Local Plan Strategy 12 and the 'Healthy New Towns' programme. The viability of introducing space standards can be considered as part of the viability assessment that is informing the Cranbrook Plan. Further work is also required to consider the impact upon housing densities, housing delivery, and implementation in terms of how space standards are enforced.
- 4.4 Accessibility standards are already covered in the Local Plan through Strategy 36. To address concerns that Local Plan Strategy 36 is not being implemented, the council is seeking further information in new development proposals, requiring sound reasons in writing if a development is not complying with this policy.
- 4.5 Given the lack of justification, it is not recommended that water efficiency standards are introduced in East Devon at this time, but this can be reviewed in the future, logically as part of revising the Local Plan.