

Agenda for Strategic Planning Committee Tuesday, 3rd October, 2023, 10.00 am

Members of Strategic Planning Committee

Councillors: B Bailey, J Bailey, K Blakey, B Collins, O Davey (Chair), P Fernley, C Fitzgerald, M Hartnell, P Hayward, M Howe (Vice-Chair), B Ingham, D Ledger, Y Levine, T Olive and H Parr

Venue: Council Chamber, Blackdown House, Honiton

Contact: Wendy Harris;

01395 517542; email wharris@eastdevon.gov.uk

(or group number 01395 517546)

Issued: Friday, 22 September 2023



East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

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- 1 Minutes of the previous meeting (Pages 3 - 14)
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public speaking
Information on [public speaking](#) is available online
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 7 Housing Monitoring Update to year ending 31 March 2023 (Pages 15 - 71)
The report provides a summary of house building monitoring information to the year ending 31 March 2023.
- 8 Methodology for the designation of Green Wedges in the new local plan (Pages 72 - 87)
- 9 Response to Government Consultation on plan-making reforms (Pages 88 - 121)

The report provides feedback on the consultation that the Government are undertaking on proposed new style local plans.

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Strategic Planning Committee held at Council Chamber, Blackdown House, Honiton on 5 September 2023****Attendance list at end of document**

The meeting started at 10.00 am and ended at 3.51 pm. The Chair adjourned the meeting for lunch at 12:50 pm and reconvened at 1.35 pm. Brief adjournments also took place at 11.30 am to 11.50 am and 2.45 pm to 2.55 pm.

14 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 21 July 2023 were confirmed as a true record.

15 Declarations of interest

Minute 19. Housing Numbers in the East Devon Local Plan.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 20. East Devon Local Plan - Future Work Planning.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 21. Achieving Nutrient Neutral Development in the River Axe Catchment.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Marcus Hartnell, Other Registerable Interest, as a Devon County Councillor left the chamber for this item and did not take part in discussions or vote on this item.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Mike Howe, Affects Non-registerable Interest, as Ward Member have wards referred to in the report.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Paula Fernley, Affects Non-registerable Interest, as Ward Member have wards referred to in the report.

Minute 22. Gypsy and Traveller Site Provision.

Councillor Todd Olive, Affects Non-registerable Interest, as Ward Member have wards referred to in the report.

Minute 23. Duty to Co-operate Update.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 24. Section 106 and CIL Resources and Processes.

Councillor Paul Hayward, Affects Non-registerable Interest, Employed as Clerk to Axminster Town Council.

Minute 24. Section 106 and CIL Resources and Processes.

Councillor Mike Howe asked for it to be noted that although it was not a declaration he was Chair of the Community Infrastructure Levy Working Party which referred to his ward in the report.

16 **Public speaking**

There were no members of the public wishing to speak.

17 **Matters of urgency**

There were no matters of urgency.

18 **Confidential/exempt item(s)**

There were no confidential/exempt items.

19 **Housing Numbers in the East Devon Local Plan**

The Assistant Director – Planning Strategy and Development Management presented the report which addressed matters raised by Strategic Planning Members at the meeting on 9 June specifically addressing the housing need matters with constraints in East Devon to accommodate housing growth.

The report focused on two key aspects which related to the unconstrained housing need figure calculated on the Government's standard method for calculating housing numbers and the housing requirement which takes into the constraints. The current housing need figure under the Government's standard method stands at 910 homes per year which Members noted was not unusual for Southern England.

The Assistant Director – Planning Strategy and Development Management highlighted the following planning constraints which the report addressed but concluded could not be taken into account as these were not classed as exceptional circumstances:

- Areas of Outstanding Natural Beauty
- Green Belts
- Duty to co-operate
- Growth on protected habitats

He also addressed the wider concerns for not accommodating the standard method housing need numbers and emphasised that current evidence had demonstrated East Devon did not have any exceptional circumstances to justify using an alternative approach to the standard method for calculating the Local Housing Need.

The Assistant Director – Planning Strategy and Development Management advised it was important to note that the proposed levels of growth could be accommodated with suitable mitigation in place and that it would be kept under review should Government policy changes.

Members thanked the Assistant Director – Planning Strategy and Development Management for the excellent detailed report which gave a compelling argument to the recommendations proposed and raised the following comments and questions:

- There is a need to challenge the housing numbers through political channels rather than through the local plan process.
- Concern was raised about the duty to co-operate and neighbouring authorities not meeting their housing numbers. It was advised there was a need to wait and see and then push for evidence to back up their case. Torbay was the only neighbouring authority at this stage that had indicated that they would not be able to meet their housing numbers and evidence had been requested to confirm this.
- There was a need to find ways to mitigate existing challenges and focus on issues such as waste water and working with NHS.
- There was a need to work closely with town and parish councils to ensure they get the right housing that they believe is needed.
- Clarification was sought on the affordability ratio and the comments detailed in paragraph 5.30. The Assistant Director – Planning Strategy and Development Management agreed questioning the evidence about whether this would bring house prices down.
- Clarification was sought on the infrastructure issues detailed in paragraph 5.24 and whether this could be considered a constraint if Government was failing to carry out the engineering solutions. In response the Assistant Director – Planning Strategy and Development Management advised it would not be a constraint to levels of growth in planning terms as development could be phased to allow for the infrastructure to put in place, but it could be raised at a political level.
- Concern was raised about the proposal for a new town when DCC were not happy with their infrastructure and roads in Exeter.
- There is a need to separate the site allocations from worst to good and put the worst sites on a reserve which if needed can be appealed when the local plan goes for inspection.
- The reason why East Devon suffers so badly with house prices and availability is due to inward migration.

In line with comments received from Members about the need to challenge the housing numbers through a political process Councillor Kevin Blakey proposed the following additional recommendation which was seconded by Councillor Ben Ingham.

‘That EDDC should write to our local MPs to press for a policy change as referred to in recommendation 2 to take into account the real local need excluding the influence of demand for housing created by inward voluntary migration.’

Further comments included:

- Do not agree that we do not have exceptional circumstances. There is a duty to our residents to push back and not accept figures from an algorithm.
- Concern raised that the local plan was not moving forward since the consultation and the need to stop going around in circles.
- It was suggested to a slight amendment of the wording in recommendation 2 as there was a need to keep other neighbouring authorities under constant review with their housing numbers.
- Dissatisfaction was expressed about the delivery of housing sprawling out into the countryside onto our green fields. Discussions have never taken place in committee about how this can be avoided.
- In response to the additional recommendation proposed by Councillor Blakey it was suggested there was a need for a continuous commitment to look at political avenues to challenge the housing numbers.
- There is a need to push to maximise the number of affordable homes.

- A member expressed support for a letter to be sent to local MPs to try and get the housing numbers down but could not support a letter that could not support the voluntary inward migration as this would stop people coming into the district that were highly skilled. In response Councillor Blakey advised the point he was trying to make was that local housing need should be made more affordable and that house prices were driven by people coming into the area.
- The current housing target was completely unreasonable and that continued conversations were needed with our local MPs to keep the pressure on Government.
- It was suggested to have a bullet pointed letter to the local MPs listing all the constraints.
- It was suggested to use the previous letter sent to Michael Gove should be used as a base point.

The following suggestions were made by Members to include in the letter to Michael Gove:

- A member suggested circulating the letter to the Strategic Planning Committee Members as several Members who had commented earlier were not present.
- It was suggested there was a need to send the letter out as a press release and to also put the letter on all the council's social media platforms, so residents know that they are supported.
- There was a need to include the following constraints:
 - the impacts on roads and infrastructure.
 - the effects on water and sewerage and its infrastructure
 - the increased pressures on doctors' surgeries and the NHS in general.
 - the efficacy of the affordability uplift in the standard method.
 - the ability for councils to build homes and not just developers to maintain a mixed market.

RESOLVED:

1. That active local plan preparation reconvene and work on the basis, for the time being, of providing sufficient housing to meet the Government standard method.
2. That should the Government policy change and provide sufficient flexibility for a differing housing level, an insurmountable infrastructure constraint, or a finding at a local plan examination elsewhere then matters should be reviewed for an alternative approach is applicable, appropriate and desirable and can be successfully achieved in the East Devon local plan.
3. That EDDC should write an open letter to our local MPs to press for policy change as referred to in recommendation 2. Delegated authority to be given to the Assistant Director – Planning Strategy and Development Management in consultation with the Chair and Vice Chair to agree the content of the letter in line with the previous letter written and points raised.

The Assistant Director – Planning Strategy and Development Management provided the Committee with an interim update on the work programme for the new local plan to address the immediate issues to the local plan making system due to the proposed Levelling-up and Regeneration Bill. He advised that it was critical for Members to be aware that absolute deadline to submit the draft local plan was June 2025 and adopted by June 2026.

The Assistant Director – Planning Strategy and Development Management drew Members attention to key areas that had been identified as not having been effectively progressed and would need further consultation through a further Regulation 18 stage. Members noted that a detailed report would be brought to Committee next Spring.

These included:

- Site allocations and master planning for the new town
- Employment allocations
- Further housing sites
- Clyst Valley Regional Park Boundary
- Green Wedges
- Coastal Preservation Areas
- Designated Neighbourhood Area Housing Requirements

Members attention was drawn to the detailed table that summarised the further work, evidence and committee considerations that may be needed to support the local plan which would be brought to Members in bite size chunks, chapter by chapter to work through and agree any changes.

Questions from Members included:

- Clarification was sought on whether there was a Jurassic Coast Protection Area to cover the inland areas and whether this was an overlap of the coastal preservation areas. The Assistant Director was not aware of this and advised he would look into this with the World Heritage Site Team.
- There was a need to consider food and water security and look at ways of protecting the grade 1 and 2 lands on further developments and clarification was sought on whether there would be policies in the local plan to protect these types of land. It was advised there would be policies in the plan to protect the best agricultural land and could look to accommodate water security which could be picked up when the Water Cycle Study was completed.
- Concern raised that there nothing in the local plan about our rural communities and clarification was sought about helping farmers. It was advised current policies were open to rural development and rural diversification.
- Several Members raised concerns about the Green Wedges advising they were very important, and the review should not propose to reduce them or be encroached on. The Assistant Director – Planning Strategy and Development Management advised there the Green Wedge Policy along with the other outdated policies must be reviewed to make sure the new local plan has up-to-date evidence and justification for it to be adopted. In response there was a request to have it noted in the minutes that whilst the committee recognises there was more work to be done that as a matter of principle the Green Wedges were a priority and preventing the coalescence of settlements was absolutely vital.
- Clarification was sought on the strategic development at Whimble and Feniton. In response it was advised this would be picked up at a later date when considering the site allocations.
- It was suggested that the Chair and Vice Chair be kept regularly up to date on the GANT chart and on any other relevant information relating to progress. The Assistant Director – Planning Strategy and Development Management confirmed he was happy to sit down with the Chair and Vice Chair and review the work programme at any time.
- Clarification was sought on whether a policy could be introduced to prevent developers trying to get out of providing affordable housing after the planning application has been approved. In response it was advised that if current

government legislation changed this could be possible but at present this would not be possible.

RESOLVED:

1. That local plan production continues under the current existing plan making system though with future periodic reviews to assess possible potential and desirability to work under the proposed new system.
2. Working on and refining the existing draft local plan notwithstanding that scope exists to alter the plan strategy and add to, delete or amend draft policies in the future be endorsed.

21 **Achieving Nutrient Neutral Development in the River Axe Catchment**

Prior to the Assistant Director – Planning Strategy and Development Management presented his report the Portfolio Holder Coast, Country and Environment read out the following statement.

‘I was alarmed last week to read the Government proposed changes to Nutrient Neutrality for their National Policy

It is proposed that within the Levelling-up and Regeneration Bill to make Natural England’s nutrient neutrality rules advisory rather than mandatory. This will effectively enable this council to resume processing planning applications again in the Axe catchment which we have been unable to do since early 2022. On the face of it, its good news for local housing building, but is it good for the environment?

It still remains vital to clean up the Axe Catchment and will the change in policy with the lifting planning restrictions and the announced alleged new funding tackle the root causes of nutrient pollution in rivers and estuaries.

It is reported that additional funding will be provided to the NE Nutrient Mitigation Scheme to tackle pollution and restore habitats, with the promise that developers will contribute to funding mitigation in the future.

It was also announced the Government will also provide:

- Legislation requiring investment from water companies to improve infrastructure to the highest standard by 2030. But this has already been announced so not new money.
- £200m grants to improve slurry infrastructure and fertilising equipment on farms, with an increase in inspections to ensure that farmers are minimising water pollution. But Liz Truss, who when in charge at the DEFRA between 2014 and 2016, oversaw “efficiency” plans set out in the 2015 spending review reduced Environment Agency funding by £235m. This included a £24m cut from a government grant for environmental protection, including surveillance of water companies, between 2014-15 and 2016-17. So, this new grant is simply replacing what was cut 9 years ago!
- Additional £25m to invest in innovative land and soil management techniques. But these 2 new funding announcements are less than what was cut in 2014! So, what about inflation?
- Consultation later this year to consider requirements for sustainable drainage solutions to protect homes and waterways. Surely wasn’t this part of the NPPF proposed changes that were to be concluded last spring?

I therefore question this “new” funding for environmental mitigations will deliver what is needed throughout the country!

Although I never understood the stopping of planning permission for the Axe catchment in 2022, as the greatest amount of pollution was estimated as Agricultural at over 70%. (To me it seemed that the wrong player was sent off!!)

Now the Government are suggesting removing this requirement, but I feel we need to know the full consequence of their proposals within the Axe catchment area before we react to what seems a retrograde step from the Nature Recovery Policy which we are now introducing.

It would seem that funding is simply returning but at yesterday's prices in another form!

Up to now the Axe catchment work has been through Strategic Planning, as it effects new homes, but I now wonder if we need to include this within our Nature Recovery, rather than it being only being a planning matter.

I therefore suggest that we review this suggested change in Government policy and plan any changes required in our strategy to the Axe catchment and feedback our thoughts appropriately to Government and our MPs.

What we don't want is to lose the valued work already achieved that has been done to improve the Axe water quality, but to use that work and build on it to return this catchment to its former high-quality status as soon as possible.

Just because government is suggesting the lifting of the NE requirement to a building ban, we don't want to waste the work we have achieved so far.'

Members considered the Assistant Director – Planning Strategy and Development Management's report which sought agreement into delivering suitable mitigation measures in the River Axe catchment.

The Assistant Director – Planning Strategy and Development Management drew the Committees' attention to the letter received in April 2022 from Natural England advising that because of the sensitivity of the River Axe it had been placed in a Special Area of Conservation and that new planning permissions for new homes and other developments providing overnight accommodation should not be granted unless it can be shown to be 'nutrient neutral'.

The Assistant Director – Planning Strategy and Development Management advised there were key mitigation options for Members to consider:

1. To set up a trading platform which would allow landowners to bring forward projects to allow mitigation of phosphate discharge.
2. To agree a £3k payment towards initial set up costs. This would be taken from the £100k funding monies that had already been provided by Government to address these issues;
3. To pursue potential water efficiency measures to the Council's housing stock, and
4. To investigate the council housing stock within the River Axe catchment that is not connected to mains drainage and whether upgrading drainage systems could reduce the discharge of phosphates.
5. To adopt the guidance from Natural England.

Members were made aware of a recent ministerial statement that the Government was intending to propose changes through the Levelling-up Bill to address the issues highlighted in the report and clarified from a letter received from the Department of Levelling-up Housing and Communities that these measures were subject to Parliamentary scrutiny and effect from Royal approval which implied it was still a long way off and planning decisions would still need to be taken in line with the current planning framework.

The Assistant Director Planning Strategy and Development Management recommended a caveat to Recommendation 1 to read:

‘Agree to provide financial support to the Environment Agency and West Country Rivers Trust Nutrient Trading Platform in the form of a £3k payment towards initial set up costs and £10k for this financial year and defer payments for future years until there is greater clarity.’

Comments and questions raised from Members included:

- Reassurance was sought on whether the private credit trading platform would achieve better outcomes. In response the Assistant Director – Planning Strategy and Development Management advised it would not be for profit and can have reasonable assurance it would deliver its intended outcomes. Further details had been requested which if Members wanted could be brought back to Committee at a later date.
- Clarification was sought on how many of our council houses were not on mains drains in the catchment area. Although an exact figure could not be provided the Assistant Director – Planning Strategy and Development Management advised it was not very many and advised this would be investigated further.
- Clarification sought on what was the least and most effective on mitigation measures. It was advised that a wetland would be far more effective than water efficiency measures but purchasing land for a wetland would be extremely difficult.
- Clarification sought on the efficiency measures referred to in paragraph 5.7
- Reference was made to paragraph 5.8 and whether increasing the concentration of phosphates in discharge would have the desired effect.
- Clarification sought on how many houses would be affected by the River Axe catchment area in the emerging local plan. It was advised there were about 700 homes proposed in the catchment area which included all the first and second choice sites and about 150 homes currently delayed through the planning application process directly as a result of these issues.

Councillor Mike Howe proposed the recommendations which included the Assistant Director – Planning Strategy and Development Management’s caveat to Recommendation 1 which was seconded by Councillor Helen Parr.

RESOLVED:

1. That financial support to the Environment Agency and West Country Rivers Trust Nutrient Trading Platform in the form of £3k payment towards initial set up costs for this year be agreed and delegated authority be granted to Assistant Director – Planning Strategy and Development Management in consultation with the Monitoring Officer and Section 151 Officer to agree an Service Level Agreement between the Environment Agency, West Country Rivers and East Devon District Council reflecting the issues raised by Members concerns.
2. To pursue potential water efficiency measures to the Council’s housing stock within the River Axe catchment be agreed and that a detailed proposal be brought to Members for consideration at a future meeting.

3. To investigate council housing stock within the River Axe catchment that is not connected to mains drainage and consider whether upgrading drainage systems could reduce the discharge of phosphates be agreed.
4. That the guidance on thresholds for the significance of projects impacting on nutrient neutrality issues as agreed with Natural England be adopted by the Council and published on the Council's website.

22 **Gypsy and Traveller Site Provision**

The Assistant Director – Planning Strategy and Development Management updated Members on work that was on-going to develop a strategy for delivering necessary sites to meet the needs for gypsy and travellers.

It was advised a number of attempts had been made to acquire suitable sites however it had become an ongoing challenge to find these suitable sites due to the lack of willingness from landowners to sell.

A couple of opportunities had now been presented. These options were:

Elbury Close, Broadclyst.

This site was currently leased from the National Trust to DCC. It is in poor condition and in need of urgent repairs. DCC would like EDDC to take on the lease arrangements which would provide an opportunity to explore expanding the site to provide additional pitches.

Cranbrook

The adopted Cranbrook Plan DPD allocated land for a total of 15 permanent pitches across 2 sites.

Members views were sought on the following 3 options for delivery:

1. The developers market the pitches as serviced sites having first laid out the site as per the agreed and costed specification.
2. The developers market the pitches without services and without first laying them out.
3. The Council agrees to take the free transfer of all the pitches (as serviced land) and a financial contribution from the developers to enable their delivery.

The Assistant Director – Planning Strategy and Development Management also sought Members views on Baxters Farm, Musbury which is owned by DCC and had been identified as potential land for a gypsy and travellers site. This was identified in a draft development brief but DCC would not want to accommodate provision on the site and have been looking at alternatives. Members were advised that DCC were also mindful that there is an unauthorised encampment of travellers on DCC land within Shute Woods which is subject to an enforcement notice to remove the travellers from that site. As a result there is some pressure on DCC to find a suitable site in the district.

RESOLVED:

1. That the historic issues associated with gypsy and traveller site provision in the district be noted and the current position be noted.
2. That the 3 options for the delivery of gypsy and traveller pitches as part of the Cranbrook expansion areas as set out at paragraph 3.11 be considered.
3. That the emerging opportunity to work with Devon County Council to deliver a gypsy and traveller site in the east of the district in-lieu of provision of Baxters

Farm, Musbury and to address the long running unauthorised encampment at Shute Woods be noted.

RECOMMENDED TO CABINET:

1. That the Council agree in principle to taking over the lease arrangements for the Elbury Close site at Broadclyst and progress discussions with Devon County Council and the National Trust over these arrangements be agreed as well as to discuss the opportunities to continue the current management arrangements with Elim Housing. A detailed proposal for the new lease and management arrangements to then be brought to Cabinet for Members consideration.
2. That option 3 of paragraph 3.11 of the report be recommended as the preferred option.

23 **Duty to Co-operate Update**

The report presented by the Assistant Director – Planning Strategy and Development Management updated Members on matters related to the duty to co-operate and was advised that as the council had a duty to co-operate with neighbouring local authorities and stakeholders if the local plan was not prepared in a way that met the duty to co-operate it would not be found sound and would not be adopted.

The bodies considered to be bound by the duty to co-operate included:

- Environment Agency
- Natural England
- NHS
- Highways England
- South West Water

Members attention was drawn to the appended report. Appendix 1 provided Members with a summary of the relevant bodies, comments received and key actions and appendix 2 summarised the strategic cross boundary issues and key actions.

The Assistant Director – Planning Strategy and Development Management emphasised there was a lot of work still to be done and that there could still be a lot of issues to resolve and officers were working to reassure Members that the duty to co-operate can be met.

RESOLVED:

1. That the representations received on the draft local plan from ‘duty to co-operate bodies’ as set out in Appendix 1 to this report be noted.
2. That work undertaken on strategic cross boundaries issues and proposals for examining the issues identified as set out in Appendix 2 to this report be noted.
3. That the table set out in Appendix 2 be circulated to other duty to co-operate bodies for comments as set out in paragraph 4 of this report.

24 **Section 106 and CIL Resources and Processes**

The Assistant Director – Planning Strategy and Development Management presented a report updating Members of the current position with regard to the Section 106 and Community Infrastructure Levy (CIL) processes.

It was noted that the proposed measures to address a number of issues highlighted by the SWAP audit was to include a new staffing structure within the planning obligations team to incorporate alongside the existing CIL and Section 106 Officer posts a new Planning Obligations Manager, an additional CIL Officer and Planning Obligations Support Officer. This would in turn provide the much needed additional resource to assist the town and parish councils to help deliver projects in their areas with the Section 106 monies.

The Assistant Director – Planning Strategy and Development Management advised to help reduce the financial burden on the council it was proposed to increase the monitoring fees as detailed in appendix 1 of the report.

The Chair on behalf of the Members thanked the Assistant Director – Planning Strategy and Development Management for the welcomed report which addressed not only the historical issues but a proposed solution and how it would be funded and looked forward to seeing the improvements.

RECOMMENDED TO CABINET:

1. That the proposed revised S106 Monitoring Fees charging schedule appended to this report be supported.
2. That the proposed Planning Obligations Team incorporating the existing COL and Section 106 Officer posts and the proposed new Planning Obligations Manager and Planning Obligations Support Officer posts be created with the new posts to be funded from S106 Monitoring Fees and CIL admin funds be approved.
3. That the current spend process for S106 receipts for spend in the community on play areas, open space and other community spaces be amended as per option 2 as detailed in the report and delegated authority be given to the Assistant Director – Planning Strategy and Development Management to issue best practice guidance on the Council's website on how town and parish councils should engage their communities on spend decisions be approved.

RECOMMENDED TO COUNCIL:

1. That these charges be applied with effect to Section 106 agreements associated with planning applications received once the new charges have been published on the Council's website.
2. That the proposed Planning Obligations Team incorporating the existing COL and Section 106 Officer posts and the proposed new Planning Obligations Manager and Planning Obligations Support Officer posts be created with the new posts to be funded from S106 Monitoring Fees and CIL admin funds be approved.

Attendance List

Councillors present:

B Bailey
J Bailey
K Blakey
O Davey (Chair)
P Fernley
C Fitzgerald
M Hartnell
P Hayward
M Howe (Vice-Chair)

B Ingham
Y Levine
T Olive
H Parr

Councillors also present (for some or all the meeting)

R Collins
G Jung
M Rixson

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management
Anita Williams, Principal Solicitor (Deputy Monitoring Officer)
Wendy Harris, Democratic Services Officer

Councillor apologies:

B Collins
D Ledger

Chairman

Date:



Report to: Strategic Planning Committee

Date of Meeting 3 October 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Housing Monitoring Update to year ending 31 March 2023

Report summary:

This report provides a summary of house building monitoring information to the year ending 31 March 2023. The annual requirement based on local housing need has reduced from 946 homes per year down to 910 homes per year as a result of changes to the affordability ratio used in the Government's standard method. There was a modest reduction in completions in 2022/23, down to 998, compared to the previous year. Forecast supply over the next 5 years has decreased compared to the 2022 monitoring point in part because of the challenges of the current housing market and economic conditions and because of planning practice guidance, in particular the need to be mindful of Inspectors' application of PPG in recent planning appeals. The evidence in the Housing Monitoring Update to year ending 31 March 2023 (HMU 2023) confirms that, looking forward, the 5-year housing land supply position is 4.28 years as at the 31 March 2023 monitoring point, indicating a forecast shortfall of 685 dwellings. Had the council not approved or resolved to grant planning approvals subject to S106 agreement in the 2022/23 monitoring year and since then, the supply position would be lower by more than a year. The report advises Members of the implications of this, of what actions have been taken to date, and invites Members to consider whether further action should be taken to address this position.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Strategic Planning Committee:

1. Note the district Five Year Housing Land Supply position and the potential risks and implications of the forecast supply as detailed in section 5 of the Housing Monitoring Update 2023.
2. Note the residential dwellings completion data and future forecasts for the district.
3. Note that the Housing Monitoring Update 2023 will be published on the Council's website as part of the Authority Monitoring Report.
4. Delegate publication of the 2023 HMU audit trail document and the detailed tables in Appendix 2 of the HMU 2023 to the Assistant Director – Planning Strategy and Development Management in consultation with the Portfolio Holder – Strategic Planning, and that this document be published by the end of October 2023 on the Council's website as part of the Authority Monitoring Report.

Reason for recommendation:

To keep members informed of housing completions, forecasts, and projections.

Officer: Ed Freeman – Service Lead - Planning Strategy and Development Management (Tel: 01395 517519; e-mail: efreeman@eastdevon.gov.uk)

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low impact;

Climate change Low Impact;

Risk: Low Risk;

Links to background information <https://eastdevon.gov.uk/planning/planning-policy/monitoring>

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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1. Introduction

- 1.1 Through the Planning Policy team, the East Devon District Council (EDDC) produces an annual Housing Monitoring Update (HMU), the latest version of which is attached. This report to Committee forms the monitoring report for the year ending 31 March 2023, and is part of the Council's Authority Monitoring Report. This document largely focuses on whether the Council can demonstrate a five-year housing land supply for the purposes of NPPF paragraph 74, detailed below. It also reports on the key monitoring indicator from the adopted East Devon Local Plan 2013 to 2031 (number of new homes built annually).
- 1.2 This report does not consider housing delivery in the context of the emerging local plan, which will supersede the adopted plan. The issues of supply sources, forecast housing delivery, the 'rolling' 5-year housing land supply assessment, and future monitoring indicators are matters that will be reported to Committee in the future as part of the plan-making process and the evidence to justify policies in the emerging plan.

2. Housing Need and Supply in East Devon

- 2.1 The adopted East Devon Local Plan, specifically in respect of housing supply and monitoring purposes, covers the 18 years from 01 April 2013 to 31 March 2031. For this 18-year period the plan establishes an objectively assessed need for 17,100 new homes to be created in East Devon. This averages out at 950 homes per year. However, as the current plan was now adopted more than five years ago, we now need to use the latest Government guidance to calculate our baseline figure using the Standard Method to calculate our local housing need, which is 910 homes per year.
- 2.2 The table below breaks down the net completions recorded in the ten years running from 2013 to 2023.

Table 1 - Net Total Completions 2013 to 2023

| | Apr 13 to Mar 14 | Apr 14 to Mar 15 | Apr 15 to Mar 16 | Apr 16 to Mar 17 | Apr 17 to Mar 18 | Apr 18 to Mar 19 | Apr 19 to Mar 20 | Apr 20 to Mar 21 | Apr 21 to Mar 22 | Apr 22 to Mar 23 |
|---------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|---|---|---|
| Annual TOTAL | 830 | 1,029 | 1,027 | 724 | 866 | 929 | 1,065 | 872 Revised to 867 by the DLUHC after taking the net loss of 9 care home bedrooms into account | 1,047 Expected to be revised to 1,039 by the DLUHC* after taking the net loss of 15 care home bedrooms into account* | 961 Expected to be revised to 998 by the DLUHC after taking the net gain of 67 care home bedrooms into account |

* The Housing Delivery Test measurement results published by Government is the source for confirming the revised figures, The 2021 HDT measurement was published in January 2022. However, the 2022 HDT measurement is still awaited at the time of preparing this document. [Further explanation below in section 4. Housing delivery test.](#)

- 2.3 Based on Table 1, there were **9,374** net total dwelling completions in East Devon (including dwelling equivalents from care home accommodation) 1 April 2013 to 31 March 2023. 998 were in the 2022/23 monitoring year.
- 2.4 Including the 2022/23 figures, the average level of completions over the last five years is now 980, which is above the annualised adopted local plan requirement of 950.
- 2.5 However, the annual average since the start of the plan period is 937 dwelling completions which is below the annualised requirement. The increased delivery rate in the last five years has not yet mitigated the slower delivery rate in the first five years. It has not been sufficient to result in a surplus (“oversupply”) at the 2023 Monitoring Point against policy requirement.

3. Five Year Housing Land Supply Assessment

- 3.1 The Council is required to examine its five-year housing land supply annually. This is an assessment of whether the projected levels of future house building, taking into account what has been built in the past, is sufficient to meet the levels of housing required based on local housing need calculated using the Government's standard method, for the next five years. The adopted local plan for the next five years is more than 5 years old and, in line with PPG, the plan's 950 per year housing requirement can no longer be used to calculate East Devon's five year housing land supply position.
- 3.2 The HMU report provides details about how the 5-year supply is calculated, where it:
- Justifies the use of local housing need (910) for the requirement figure in the calculations.
 - Explains that PPG makes clear that using the East Devon local housing need for the housing requirement means there is no shortfall to have to take into account in the 5-year housing land supply position calculations
 - Explains why there is no supply surplus to include in the calculations.
 - Explains why the 5-year housing land supply calculations apply a 5% buffer; and
 - Justifies the forecast East Devon housing supply that is identified as 'deliverable', which can be used in the 5-year housing land supply calculation.
- 3.3 The equations below, with associated explanation, establish the calculated housing land supply position in East Devon at a base position of 1 April 2023.

Table 2 - Five Year Housing Land Supply Assessment values and formulas

| Ref | Stage of Work | Numbers | Commentary (with formulas used in calculation) |
|----------|---|---------|---|
| A | Annual Requirement | 910 | This is the annual number of dwellings Government indicates should be built in East Devon based on local housing need (Standard Method) (Discussed in paragraph 5.9, HMU Table 14) |
| B | Five Year Requirement | 4,550 | This is the number of houses that should be built over the next five-year period (1 April 2023 to 31 March 2028) based on use of the local housing need figure calculated by the standard method (Number = A x 5) |
| C | 5 Year Target (including 5% buffer, explanation detailed below in section 4. Housing delivery test) | 4,778 | Government guidance requires that the Council not only use the 5-year requirement figure but that they also add a 5% buffer to this (Number = B + 5% of B) |
| D | Annualised 5-year target (including 5% buffer, explanation detailed below in section 4. Housing delivery test) | 956 | The 5-year target including buffer required each year (Number = C/ 5) |

| Ref | Stage of Work | Numbers | Commentary (with formulas used in calculation) |
|-----|---|---------|---|
| E | Total Deliverable Supply from 1 April 2023 to 31 March 2028 | 4,093 | To understand if we are forecast to meet the five-year requirement we look to the forecast/projected supply of housing over the period from 1 April 2023 to 31 March 2028 (HMU Table 12) |
| F | Shortfall | 685 | By knowing the projected 5-year supply and comparing this against the five year requirement we can calculate if there is a shortfall or a surplus (Number = C - E) |
| G | Years of Land Supply With a 5% Buffer | 4.28 | The final calculation records the five-year housing land supply position result which shows how many years of deliverable supply there is based on the five-year requirement plus buffer (Number = E/ D) |

3.4 The above assessment shows that at this time the Council cannot demonstrate that there is a 5-year housing supply in East Devon. The evidence demonstrates 4.28 years of deliverable supply in the district at the 2023 Monitoring Point.

Why is the 5-year housing land supply position lower than last year?

3.5 The HMU 2023 provides the evidence for why the 5-year supply position is lower than the 4.68 years reported in the previous Housing Monitoring Update up to 31 March 2022, despite the local housing need figure having fallen from 946 per year down to 910 per year. The main reasons for the forecast 5-year supply position being lower are as follows:

- a) Primarily it is a consequence of PPG housing supply and delivery. In identifying 'deliverable' supply, Officers have taken into account recent planning appeals where Inspectors more strictly apply the concept of "clear evidence" of deliverability as required by that PPG, to manage the risk of uncertainty. In particular, by excluding sites with outline planning permission where detailed applications have not yet been approved and where there is insufficient evidence to demonstrate that objections to the applications, notably, from Council consultees, have been overcome and/or sufficient to reach a planning judgement for recommendation for decision making.
- b) The forecasts take into account that when scrutinising housing land supply evidence submitted to outline planning application appeals, Inspectors can consider whether there is "compelling evidence" before them to show that objections to those applications, will be overcome or that the application is likely to be approved.
- c) The Council is not required to guarantee housing delivery but through the HMU/AMR and its audit trail evidence, the Council has to be able to demonstrate there are "realistic prospects" that sites in the base date 5-year supply are 'deliverable'. This means that some sites' forecast completions therefore cannot be included in the HMU 5-year housing land supply at this time, although we would still expect those sites to be developed. In those circumstances their completions are forecast to occur from year 6 onwards (i.e., 2028/29+) and are counted as "developable", in line with the NPPF definition (unless there is evidence that the sites are not likely to be developed, when their supply forecast is nil).
- d) The slow-down in build rates/sales on several East Devon sites (and some sites stalling) is due to the current, challenging, economic and housing market conditions,

particularly as interest rates and the cost of mortgages have risen. Most developers are realistic in the forecasts they provided. They are more cautious about build rates, particularly for the next 2 to 3 years, but still expect delivery to continue.

- e) Loss of some developers/builders on East Devon sites e.g., through companies going into insolvency/ administration. This includes sites where part of the site has been built, or where development has not commenced. It is uncertain what will happen to those sites. Due to the uncertainty, completions have not been forecast for these sites in the 5-year period for this HMU even if they have detailed planning approval. They may still be completed at some time in the future from year 6 onwards.
- f) As dwellings are completed, they cease to be part of future supply for the 5-year housing supply calculation, because of the use of the 'local housing need'.
- g) Planning applications have been approved in the last monitoring period, but some previous applications have expired and are no longer counted at the 2023 monitoring point.
- h) The projected supply of future windfalls used in the 5-year housing land supply, based on past delivery, have fallen by 20 per year (from 158 down to 138 per year) resulting in a 100 fewer windfalls forecast in the 5-year period for 2023, compared to the 2022 monitoring point.

Why continuing to grant planning approvals is necessary.

3.6 The Council has approved planning applications for housing development in the 2022/23 monitoring year or in the case of the Cranbrook DPD allocations resolved to grant approval subject to completing legal agreements since then. Some of their dwellings are included in the 5-year housing land supply. Had the Council not approved or resolved to grant approval subject to S106 agreement, we would not have evidence demonstrating that objections to planning applications had been resolved and/or taken into account in the planning judgement. As a result, the 5-year housing land supply position in the HMU would have been much lower. For example, without the following decisions and resolutions the 5-year supply position would have been lower by a year of supply:

- a) On the allocated Cranbrook Expansion Areas (this plan was adopted before the 2023 monitoring point) there are three outline planning applications now with 'resolution to grant', where 620 dwellings are included in the 5-year supply. (They equate to 0.65 years supply)
- b) Detailed applications have been approved: for 69 dwellings on land north of Moonhill Copse, West Clyst; for 135 dwellings at Mosshayne; and for 132 dwellings at Pinn Court Farm (together these 336 dwellings forecast to be completed in the five years equate to 0.35 years supply).

3.7 This clearly demonstrates the vital importance of development management decision making in maintaining the 'deliverable' housing supply, and the essential role of 'clear evidence' in demonstrating that supply.

Consequences of the 5-year housing land supply position

3.8 Looking at the outcome of planning appeals elsewhere, whilst Inspectors have given varying weight to the scale of shortfalls, their conclusions are helpful in understanding the likely weight of the current East Devon shortfall, whereby:

- The 4.28-year housing land supply evidenced in the HMU falls within a range of housing supply positions that appeal inspectors have concluded amount to a "significant shortfall"

- The Mecklesham Road, Holt, Wiltshire appeal decision states that 4.59 years *“could not be termed a moderate shortfall” ... it constitutes an appreciable deficiency when compared to what the supply should be”...*
- The Land to East of Station Road, Oakley appeal decision reports that *4.11 years (a shortfall of 816 homes) is significant rather than severe while a figure of 4.83 years (a shortfall of 154) homes is moderate.*
- Land south of Post Office Lane, Kempsey, Worcestershire *“With a supply of around 3.7 years, the shortfall is significant”.*
- The 4.28 year housing land supply evidenced in the East Devon HMU 2023 does not fall within a range of housing supply positions that appeal inspectors have concluded amount to a “severe shortfall” or a “very substantial and acute shortfall” (such as the 1.58 years supply reported in the appeal decision for land rear of 52 Harris Lane, Shenley in Hertsmere).

3.9 Members will be aware that where policies which are most important for determining an application are out-of-date because the council cannot demonstrate a five-year supply of deliverable sites at 31 March 2023, the presumption in favour of sustainable development as set out in NPPF paragraph 11d applies for development management purposes.

“.... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

Footnote 8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

Why not add in new supply identified after the end March 2023 base date?

3.10 The Council's evidence for NPPF paragraph 74 purposes when dealing with applications and appeals is the HMU 5-year housing land supply position because the HMU is part of the Authority Monitoring Report. This is in line with PPG Housing Supply and Delivery paragraph 004. Paragraph 74 states that the LPA should *“identify and update **annually** a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing..... ”* (Our emphasis)

3.11 Housing supply is like a conveyor belt, with sites being added through approvals/allocations and sites being removed through completions or expiring or becoming undeliverable. The

picture changes every day. The HMU 2023 provides the data for the base date, so does not add in new supply identified after the base date.

- 3.12 The only way for the Council to add supply 'retrospectively' between the annual monitoring points would be to completely 'rebase' the picture. It would mean removing completions and expired approvals to a later fixed point, and having up to date delivery forecasts. The latter would mean engaging with builders/developers again, with the risk of consultation fatigue and poorer responses. It would be particularly onerous in terms of Council resources.

Can the delivery forecasts be challenged?

- 3.13 Officers dedicated significant resource to ensure the 2023 base date 5-year housing land supply position is the most robust position possible, including at appeal, but the certainty around such evidence is often under significant scrutiny by appellants. The latter may contest one or more of the sites' delivery trajectories, in trying to reduce the 5-year housing land supply position figure.
- 3.14 Members are advised that PPG Housing Supply and Delivery paragraph 007 states that:
- *"In order to demonstrate 5 years' worth of deliverable housing sites. robust. **up to date evidence** needs to be available to support the preparation of strategic policies and planning decisions"* (our emphasis)
- 3.15 During appeals, it is not unusual for updated information on delivery to be sought on contested sites. Section 78 appeal Inspectors and the Secretary-of-State have concluded that additional evidence that has arisen or otherwise come to the parties attention after the base date of the five-year period can be taken into account to inform judgements on deliverability but the original decision to include the site in the 5 year housing land supply position at the base date of the five-year period, has to be sound and 'robustly' evidenced.
- 3.16 The Council has to make robust judgements about 'deliverability' at the base date for sites with forecast completions in the 5-year period. This means that there would be problems if the Council only partially updated the delivery forecast data for use in decision making, including appeals. We cannot simply include a site in the 5-year housing land supply, with no evidence to support the decisions to do so, and then retrospectively obtain evidence to justify its inclusion. Nor can we just add in new sites approved after the base date of the five-year period.
- 3.17 The planning approvals and completions data in the HMU use the fixed date of the 2023 monitoring point (31 March 2023). However, we can use information from after the monitoring point, to make judgements about the realistic prospects of sites' delivery and to identify what completions to include in the 5-year supply, when we produce the council's base date assessment in the HMU. Members should note that it takes time to identify deliverable sites. The process of capturing and analysing relevant data (including time for 'engagement' and time to consider responses received) is lengthy. For practical reasons there has to be a cut-off point for data gathering so that we can complete the HMU and five-year housing land supply assessment for the 2023 monitoring point base date.

4. Housing Delivery Test

- 4.1 Since November 2018, Councils have also had to pass the Housing Delivery Test (HDT), otherwise they are required to take actions, depending on how far delivery has fallen below the HDT requirement. Rather than simply looking at what *can* be achieved over the following five years, the HDT checks what *has* been achieved over the previous three. The HDT informs the buffer used in the five-year housing land supply calculation for the next Monitoring period. Paragraph 74 of the NPPF states that:

“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old.. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

(a) 5% to ensure choice and competition in the market for land; or

(b) 10% where the local planning authority wishes to demonstrate a 5-year supply of deliverable sites through an annual position statement or recently adopted plan 40 , to account for any fluctuations in the market during that year; or

(c) 20% where there has been significant under delivery of housing over the previous 3 years, to improve the prospect of achieving the planned supply .”

- 4.2 The HDT compares the delivery of housing over the past three years against the required amount, with delivery of the full amount resulting in a score of 100%, as follows:

$$\text{Housing Delivery Test (\%)} = \frac{\text{Total net homes delivered over three year period}}{\text{Total number of homes required over three year period}}$$

- 4.3 The number of net homes delivered is the national statistic for net additional dwellings over a rolling three-year period, with adjustments for net student / other communal accommodation.

Net homes delivered in a year

= Net Additional Dwellings National Statistic

PLUS

net increase in bedrooms in student communal accommodation in local authority
average number of students in student only households in England

PLUS

net increase in bedrooms in other communal accommodation in local authority
average number of adults in households in England

- 4.4 The HDT comprises three elements:

- i) If delivery has been less than 95%, the Council should prepare an Action Plan to address the reason for the shortfall;
- ii) If delivery has been less than 85%, the Council should also include a 20% buffer in calculating its Five-Year Land Supply (rather than 5% or 10%);
- iii) If delivery has been less than 75%, the presumption in favour of sustainable development would then apply,

4.5 The results of the fourth HDT (covering 2018/19 to 2020/21) were released in January 2022. East Devon District Council passed the test with a score of 123%, meaning no action is required.

4.6 Previous Housing Delivery Test measurement results for East Devon were as follows:

| | |
|---------------------------------|------|
| First HDT (2015/16 to 2017/18) | 149% |
| Second HDT (2016/17 to 2018/19) | 121% |
| Third HDT (2017/18 to 2019/20) | 122% |
| Fourth HDT (2018/19 to 2020/21) | 123% |

4.7 The results of the fifth HDT (covering 2019/20 to 2021/22) were expected to be published around December 2022 / January 2023 but still are yet to be issued. Upon asking when might the Council expect these results, the following DLUHC (Department of Levelling-Up, Housing and Communities) response was received on June 15th 2023:

In December 2022 the Government published for consultation 'Levelling-up and Regeneration Bill: reforms to national planning policy'. This contained proposed changes to the Housing Delivery Test and asked about the publication of the 2022 HDT measurement. The responses to the consultation are still being analysed, and this is why the 2022 measurement has not yet been published. However, it remains the Government's intention to publish the 2022 Housing Delivery Test results.

The Government will take a decision on the approach to the Housing Delivery Test and the implementation of any the proposed changes in due course, once consultation responses have been fully analysed.

4.8 In the absence of the fifth HDT measurement being published by Government, the Council continues to use the previously published fourth Housing Delivery Test result. This is consistent with NPPF paragraph 22 which states that "Until new Housing Delivery Test results are published, the previously published result should be used."

4.9 East Devon passed the fourth Housing Delivery Test with a score of 123%. This means that a 5% buffer is used in the five-year housing land supply calculation for the 2023 Monitoring Point in this document.

5. Five-year housing land supply by sub-area.

5.1 A further local plan monitoring requirement is identified in the paragraph 20.4 in the adopted local plan regarding five-year land supply is as follows:

"In East Devon we will work to two sub-areas for five-year land provision:

*1. **The West End** - to include Cranbrook and other big strategic housing sites on the Western side of the District. On current assessment (under Devon Structure Plan housing 'requirements') we have less than five years' land supply in this area.*

*2. **The Rest of East Devon** - that is, everywhere else within our District. On current assessment (under Devon Structure Plan housing 'requirements') we have considerably more than five years' land supply."*

5.2 For the avoidance of doubt, it should be noted that the sub-area 5-year housing land supply assessments are not used for the purposes of NPPF paragraph 74. The assessments are

undertaken for monitoring the adopted East Devon Local Plan, and its spatial strategy, and for use as part of an overall planning judgement when determining planning applications, where appropriate and relevant.

- 5.3 The table below breaks down the net completions recorded in the ten years running from 2013 to 2023 in both the West End and the Rest of East Devon.

Table 3 - Net Total Completions 2013 to 2023

| | Apr 13 to Mar 14 | Apr 14 to Mar 15 | Apr 15 to Mar 16 | Apr 16 to Mar 17 | Apr 17 to Mar 18 | Apr 18 to Mar 19 | Apr 19 to Mar 20 | Apr 20 to Mar 21 | Apr 21 to Mar 22 | Apr 22 to Mar 23 |
|--------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| West End | 486 | 531 | 403 | 335 | 326 | 392 | 560 | 455 | 568 | 518 |
| Rest of East Devon | 344 | 498 | 624 | 389 | 540 | 537 | 505 | 417 | 479 | 443 |

- 5.4 Applying the five-year housing land supply calculations in Table 2 with data from Table 3, the two sub areas results in the following five-year housing land supply positions:

- West End 3.73 years supply
- Rest of East Devon 5.17 years supply

- 5.5 The calculation shows the impact of the West End sites on supply. They are the principal reason for the council being unable to demonstrate a district five-year housing land supply position for NPPF paragraph 74 purposes. However, action to rectify the sub area position has occurred, namely:

- The Cranbrook Plan DPD was adopted in the last monitoring year (2022/23); and
- In three of the four Expansion Areas, there are recent planning applications where Planning Committee resolved to grant planning approval, subject to S106 agreements, since the 2023 Monitoring Point.

This does not mean that action to rectify the position should be centred on the West End sites. The housing land supply position is calculated across the district as a whole and previous attempts to argue that the position should be disaggregated in some way to reflect the position outside of the West End have not been accepted by Inspectors and there is nothing in government guidance to support this approach.

6. Conclusion and risks

- 6.1 The onus is on the Council to produce the 5-year housing land supply assessment. The requirements of NPPF and PPG in evidencing deliverable housing supply are particularly onerous. Officers have undertaken significant work this year to gather and appraise information on the progress of planning applications and the delivery of housing. This was necessary in light of the strengthening focus of appeal inspectors on the NPPF/PPG concept of 'clear evidence' of deliverability. The result is a significant upgrade to the Council's housing monitoring processes, including:

- Engaging with individual builders/developers/agents/landowners using individually tailored and targeted questionnaires to gather information about site development progress and in developing the sites' trajectories.

- Considering engagement responses received, individually and in combination, before producing the Council's large site trajectories to inform the 5-year housing land supply.
 - Producing a comprehensive audit trail document with detailed justification of the housing trajectories for the individual large sites (to be published in due course).
- 6.2 Consequently, Officers consider that the HMU 2023 evidence, which is to be part of the AMR, is robust and well-aligned with NPPF and PPG requirements for demonstrating 'clear evidence' that sites are deliverable, and that this evidence is compelling.
- 6.3 Therefore, at 31 March 2023, East Devon District Council can demonstrate a 4.28-year housing land supply against the Local Housing Need of 910 dwellings plus 5% buffer (956 dwellings), with the total number of dwellings deemed deliverable in the 5-year period being 4,093 dwellings. The supply of 4,093 deliverable homes falls short of the five-year housing requirement by 685 dwellings. The current scale of supply shortfall might be considered by Planning Inspectors as "significant" but could not be described as "severe" at this time.
- 6.4 The adopted local plan identifies non-delivery of the 5-year housing land supply as a trigger for policy review and action. The Housing Monitoring Update up to 31 March 2023 concludes that supply is less than 5 years. The Council is already taking action through:
- Granting planning approvals for housing development in the last monitoring year.
 - Granting planning approvals for housing development since then and resolving to grant approval of planning applications subject to completion of S106 agreements. For example, the Council has resolved to grant outline planning approval for 3,520 dwellings on the Cranbrook Expansion Areas which are allocated in the adopted Cranbrook Plan (620 of which are forecast for completion in the 5 year period and this identified as deliverable in the 5 year housing land supply)
 - The work to date and the future work programme for preparing the emerging East Devon Local Plan.
- 6.5 Nevertheless, it is essential that the Council continues to grant planning approvals in order to maintain and improve housing supply in future years. Otherwise the 5-year housing land supply position will deteriorate. The risk is that the supply shortfall could become severe, and the adverse impact be given greater weight in the Council's planning judgements and in the planning balance in appeal decisions.
- 6.6 The Council will need to give appropriate weight to the lack of a 5-year housing land supply as part of the planning judgement made when determining planning applications. This is particularly important when determining full and reserved matters planning applications. Detailed planning approvals and resolution to grant planning approval are currently the most effective way to provide 'clear evidence' that sites are deliverable and can be included in the five-year housing land supply.
- 6.7 The HMU evidence shows that the Council cannot demonstrate a 5-year housing land supply position at this time, which means that the overall position has not changed since the 2022 HMU, regarding NPPF paragraph 11 for development management purposes.
- 6.8 The risks due to the HMU evidence demonstrating that East Devon does not have a 5-year housing land supply include:
- More complex planning judgements due to NPPF paragraph 11d and tilted balance
 - More speculative applications being submitted that are not in accordance with the adopted local plan and/or the NPPF
 - More planning appeals
 - Increased pressure on Council resources

- Diversion of resources away from plan-making, resulting in delays in delivering the new Local Plan

6.9 Committee may therefore wish to consider whether any further action is necessary in order to manage the risks by working to improve the five-year housing land supply position. The fact that the position has moved to being a “significant” or “substantial” shortfall based on the appeal decisions referred to elsewhere in this report would suggest that when applying the “tilted balance” even greater weight should be given to the housing supply position and addressing this issue than has previously been the case.

Financial implications:

There are no specific financial implications on which to comment.

Legal implications:

There is a legal requirement for the Council to monitor housing completions and the impact on the ‘Five Year Land Supply’ of sites for future housing. This report advises Members of the implications of the fact that a ‘Five Year Land Supply’ cannot be demonstrated and what actions are and should be taken to address this position. Other than those set out in the report, there are no legal implications requiring comment.

Planning policy

Housing Monitoring Update

Up to 31 March 2023



September 2023

Contact details

Ann Cooper,
Senior Planning Policy Officer,
East Devon District Council,
Blackdown House,
Border Road,
Heathpark Industrial Estate,
HONITON,
Devon EX14 1EJ

Phone: 01395 571599

Email: acooper@eastdevon.gov.uk

<https://eastdevon.gov.uk/planning/planning-policy/monitoring-planningpolicy@eastdevon.gov.uk>

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To request this information in an alternative format or language please phone 01395 516551 or email csc@eastdevon.gov.uk

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1 Introduction

- 1.1. This document provides the housing monitoring update for East Devon District Council (EDDC) to a base date of **31 March 2023**. It forms part of the district's Authority Monitoring Report for monitoring development and related key indicators in the adopted East Devon Local Plan 2013 to 2031. Section 113 of the Localism Act (2011) removed the requirement for councils to submit an Annual Monitoring Report (AMR) to the Secretary of State but allowed monitoring reports to be produced covering individual indicators which must be published at least once a year. This housing monitoring update complies with that requirement.
- 1.2. One key indicator in the adopted local plan is the number of new dwellings built annually within the District. This document reports on annual completions since 2013.
- 1.3. The adopted local plan also identifies non-delivery of the five year housing land supply as a trigger for policy review and action. In accordance with the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), this document also provides the evidence presenting the current five year housing land supply position for East Devon district as at 31 March 2023 for use in the operation of NPPF paragraph 74 for development management purposes. That housing supply position covers the five year period from 1 April 2023 to 31 March 2028. It applies from 1 April 2023.
- 1.4. The East Devon Local Plan 2013 to 2031 is not 'recently adopted' and the council does not have a previous Annual Position Statement. For these reasons, and for the avoidance of doubt, the council will not be submitting this Housing Monitoring Update 2023 as an Annual Position Statement to 'confirm' the 5 year housing land supply position for the purposes of NPPF Paragraph 75 (and PPG Housing supply and delivery paragraphs 12 to 18.,
- 1.5. The 2023 National Planning Policy Framework can be found on-line at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf
- 1.6. This report considers the following:
 - Housing completions since 1 April 2013, and in particular the completions over the last 12 month period (1 April 2022 – 31 March 2023) including:
 - Total net completions district wide;
 - Gross completions districtwide (including by parish, settlement and Built-up Area Boundary);
 - Breakdown of completions on brownfield and greenfield sites, and
 - Affordable housing;

- Forecast future housing completions which provide the housing trajectory from 1 April 2023 to the end of the adopted Local Plan period;
- The East Devon five year housing land supply position as at 31 March 2023 (for the period 1 April 2023 to 31 March 2028) for NPPF paragraph 74 purposes;
- Comparison of past and future forecast housing delivery to the following:
 - The key monitoring indicator (17,100 dwellings in the plan period);
 - The residential development trajectory illustrating the expected rate of housing delivery over the plan period, and related Appendix 2 in the adopted East Devon Local Plan 2013 to 2031.

1.7. The document largely focuses on whether the Council can demonstrate a five year housing land supply for the purposes of NPPF paragraph 74. The latest National Planning Policy Framework, published July 2021, requires local planning authorities to identify 'deliverable' sites sufficient to demonstrate a five year supply of land for housing plus either a 5%, 10% or 20% buffer, moved forward from later in the plan period, which is added to the basic five year requirement. The buffer used depends on such factors as demonstrating supply through an annual position statement or a recently adopted plan, or past performance based on the Housing Delivery Test. Paragraph 74 of the NPPF states that:

“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies³⁸, or against their local housing need where the strategic policies are more than five years old³⁹. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) *5% to ensure choice and competition in the market for land; or*
- b) *10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan⁴⁰, to account for any fluctuations in the market during that year; or*
- c) *20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply⁴¹.”*

(NPPF footnotes omitted)

1.8. In addition to this, paragraph 11 of the revised NPPF states:

“Plans and decisions should apply a presumption in favour of sustainable development.

*For **plan-making** this means that:*

- a) *all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For **decision-taking** this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

⁸ *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*

(other NPPF footnotes omitted)

- 1.9. This report therefore considers the extent to which extant permissions (including sites currently under construction), future additional windfalls, and supply from allocations in adopted Development Plan Documents could contribute towards meeting the five year requirement (See Section 5 of this document).

Housing Delivery Test

1.10. NPPF Paragraph 76 states that:

“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of underdelivery and identify actions to increase delivery in future years”.

1.11. Since November 2018, councils have also had to apply the Housing Delivery Test (HDT). The Government introduced this annual test after the adoption of the East Devon Local Plan 2013 to 2031.

1.12. The Housing Delivery Test is one of a raft of mechanisms used to monitor and manage housing supply delivery. Rather than looking at what can be achieved over the following five years, the HDT checks what has been achieved over the previous three. The HDT assesses the number of homes built in the local authority area over the previous three years and compares these against local housing need. There are planning policy consequences if a local authority does not score 95% or more.

1.13. This Housing Monitoring Update report therefore provides information about the results of the Housing Delivery Test for East Devon.

1.14. The HDT compares the delivery of housing over the past three years against the required amount. Delivery of the full amount would result in a score of 100%. Government has determined the method for calculating the HDT measurement. This is set out in the Housing Delivery Test Rule Book. The method is summarised as follows:

$$\text{Housing Delivery Test (\%)} = \frac{\text{Total net homes delivered over three year period}}{\text{Total number of homes required over three year period}}$$

1.15. The number of net homes delivered is the national statistic for net additional dwellings over a rolling three year period, with adjustments for net student / other communal accommodation. The national statistic is published by DLUHC in the Housing Delivery Test measurement, using completions information supplied annually by the Council for national statistics purposes.

Net homes delivered in a year

= Net Additional Dwellings National Statistic

PLUS

net increase in bedrooms in student communal accommodation in local authority
average number of students in student only households in England

PLUS

net increase in bedrooms in other communal accommodation in local authority
average number of adults in households in England

- 1.16. Where the latest adopted housing requirement figure is less than five years old, or has been reviewed and does not need updating, the figure used will be the lower of either the latest adopted figure or the minimum annual local housing need figure.
- 1.17. Where the latest adopted housing requirement figure is over five years old, unless the strategic policies have been reviewed and found not to require updating, the figure used for areas with a Local Plan will be the minimum annual local housing need figure.
- 1.18. More information on the calculations and the HDT Measurement Rule Book can be found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf
- 1.19. Previous Housing Delivery Test measurement results for East Devon were as follows:
- | | |
|---------------------------------|------|
| First HDT (2015/16 to 2017/18) | 149% |
| Second HDT (2016/17 to 2018/19) | 121% |
| Third HDT (2017/18 to 2019/20) | 122% |
| Fourth HDT (2018/19 to 2020/21) | 123% |
- 1.20. The fourth HDT measurement results were released online in January 2022.
<https://www.gov.uk/government/publications/housing-delivery-test-2021-measurement>
- 1.21. The result of the fifth HDT (covering 2019/20 to 2021/22) were expected to be published around December 2022 / January 2023 but still are yet to be issued. Upon asking when might the Council expect these results, the following DLUHC (Department of Levelling-Up, Housing and Communities) response was received on June 15th 2023:

In December 2022 the Government published for consultation 'Levelling-up and Regeneration Bill: reforms to national planning policy'. This contained proposed changes to the Housing Delivery Test and asked about the publication of the 2022 HDT measurement. The responses to the consultation are still being analysed, and this is why the 2022 measurement has not yet been published. However, it remains the Government's intention to publish the 2022 Housing Delivery Test results.

The Government will take a decision on the approach to the Housing Delivery Test and the implementation of any the proposed changes in due course, once consultation responses have been fully analysed.

- 1.22. The consequences of the HDT for the council, depend on the HDT measurement result:
- a) if the HDT measurement is 95% or higher – then the only consequence is that a 5% buffer is used in the five year housing land supply calculation. No action is required.
 - b) There are three possible consequences if the HDT measurement is less than 95%:
 - i) If delivery has been less than 95%, the council should prepare an Action Plan to address the reason for the shortfall;
 - ii) If delivery has been less than 85%, the council should also include a 20% buffer in calculating its Five Year Land Supply (rather than 5% or 10%);
 - iii) If delivery has been less than 75%, the presumption in favour of sustainable development would then apply.
- 1.23. In the absence of the fifth HDT measurement being published by Government, the Council continues to use the previously published fourth Housing Delivery Test. This is consistent with NPPF paragraph 22 which states that “*Until new Housing Delivery Test results are published, the previously published result should be used.*”

East Devon Housing Delivering Test – Conclusion

- 1.24. East Devon passed the fourth Housing Delivery Test with a score of 123%. This means that a 5% buffer is used in the five year housing land supply calculation for the 2023 Monitoring Point in this document (See TABLE 14 and TABLE 15, and no action by the Council is required in response to the this Housing Delivery Test result).

2 Completions delivered 2013 to 2023

- 2.1. The Council monitors housing completions to provide the data for assessing housing development progress. This is used for the key monitoring indicator data so the Council can assess progress against the Local Plan target of 17,100 dwellings in the plan period.
- 2.2. The completions data collected for 1 April 2022 to 31 March 2023 adds to the completions data gathered for 1 March 2013 to 31 March 2022 which has been reported for national statistics purposes. In turn this provides evidence used for the Housing Delivery Test. It can also provide evidence of delivery against an adopted plan's housing requirement figure used to calculate the five year land supply if the plan is less than five years old.

How do we know if a house has been completed?

- 2.3. Housing completions are monitored throughout the year using the Council's Housing Monitoring database (using the Microsoft Access platform), which is linked to the main EDDC Uniform database. This includes new builds, change of uses and conversions.
- 2.4. When the Basic Land and Property Unit (BLPU) state of any given dwelling's Unique Property Reference Number (UPRN) changes (to BLPU State 2 – 'In Use' and a Primary Classification of 'Residential') within Uniform (i.e. a property is Council Tax banded), this will feed through to the appropriate planning record on the Housing Monitoring database. The completions are counted on the basis of the monitoring year, that is, where recorded as being completed between 1 April and 31 March (inclusive) by both data sources.

How is a "dwelling" defined?

- 2.5. For the purposes of housing monitoring, generally, a dwelling is defined as being a separately Council Tax banded property. As an example, this would mean that if a house that had previously been a single Council Tax banded dwelling were to be split into four flats, each being separately Council Tax banded, then there would be an assumed three net new dwellings on the site upon completion.
- 2.6. On rare occasions, a newly CT Banded property does not have planning permission for a residential use (e.g. Use Class C3 dwelling, or prior approval mechanisms e.g. Use Class M, O or Q). To avoid double counting, a subsequent retrospective planning permission for these uses (including Certificate of Lawful Existing Use or Development (CLEUD) on the newly identified CT Banded property is not counted as an additional net dwelling.
- 2.7. Annexes are not counted as a dwelling for monitoring purposes unless they become separately Council Tax banded, have the appropriate planning permission (including CLEUD) and are not tied conditionally to only be used as ancillary to the main dwelling.

- 2.8. The Council reports gains and losses of mobile and temporary dwellings for national statistics through the annual Housing Flow Reconciliation Return. Non-permanent (or 'temporary' dwellings) are included if they are the resident's main residence and council tax is paid on them. Caravans that are recorded as new Council Tax banded properties in the monitoring year are counted for housing monitoring purposes, unless they have had planning approval which restricts their use to holiday accommodation. Again, any subsequent retrospective planning approval for residential use of the caravan would not be counted as an additional net dwelling gain for that property. Gypsy and Traveller pitches are in HFRR statistics, but outside the scope of this report.
- 2.9. A planning permission with a condition to restrict the use of a dwelling to holiday accommodation is not counted as residential for monitoring purposes. Under the planning legislation at this time, unless restricted by a condition, dwellings approved for residential use can be used for permanent, principal residence uses or for short term use (e.g. holiday lets) or for non-principal residence use (e.g. second homes). At this time, for housing monitoring purposes the Council does not monitor how dwellings approved for residential use are actually used or how this changes over time.

Use Class C2 (Residential institutions)

- 2.10. The Council monitors Use Class C2 (residential institutions) for housing monitoring purposes. In East Devon this category of housing development falls into two types¹
1. Self-contained accommodation units – focused on independent living, albeit with varying levels of care support. These may be apartments or other units and may have access to on-site communal facilities. Each unit counts as a dwelling for housing monitoring purposes. Each unit is usually Council Tax Banded. They include:
 - a) "Retirement living"/sheltered housing units;
 - b) "Extra care" units.
 2. Communal accommodation - Bedrooms in care homes and extra care homes. These are not self-contained units, and have a high level of care/support with on-site communal facilities. A care home is Council Tax Banded (as a single property), but the individual bedrooms are not separately Council Tax Banded
- 2.11. The contribution of care home accommodation to housing supply has been counted for housing monitoring purposes for some years, using a conversion factor to convert bedrooms to dwelling equivalents. The 2014 Housing Monitoring Update reported that "The Housing and Economic Land Availability Assessment (HELAA) methodology for the

¹ In East Devon, there is little or no development involving other types of communal housing that could reasonably be considered part of the dwelling stock (such as student accommodation, hostels, school boarding and barracks accommodation)

Exeter Housing Market Area (HMA) April 2021 states that the additional bed spaces created by care and extra-care homes development should contribute towards dwelling numbers despite units not being separately Council Tax banded. The reasoning for this is that as elderly people move into care / extra-care homes they “free up” open market dwellings for others to move into.”

- 2.12. Conversion ratios used in East Devon have varied in the past. For example, in the October 2013 to March 2014 monitoring period monitoring assumed a ratio of 1.4:1 for the new care/nursing home bedrooms to dwellings assumed, whilst 1.67:1 was the assumed ratio from April 2014 to September 2014. The 2017 Exeter HELAA HMA methodology used a ratio of 2:1. The ratios were based on primary research conducted within the HMA whereby existing care homes were contacted to find out numbers of residents, the proportion that were permanent and the proportion that had previously lived alone. This research suggested that on average 50% of residents were permanent and had previously lived alone which suggests that when they permanently moved to the care home they were leaving an empty house.
- 2.13. The Council currently reports the number of completions of Use Class C2 bedrooms and the related Council Tax units in its East Devon Housing Flow Reconciliation Return to Government for national statistics purposes. This is in accordance with the HFRR guidance. Gains and losses in communal accommodation are now reported separately to the main figures on dwellings gains and losses in the HFRR, with an assessment made on the number of bedrooms in question. That information then feeds into the Government’s Housing Delivery Test measurement. The 2022 HDT measurement is still awaited which would confirm the latest conversion factor.
- 2.14. In the absence of a 2022 HDT measurement, the calculations of communal completions and losses in TABLE 1 rely on the revised 2021 HELAA methodology which assumes that 1.8 care home bedrooms created by development equates to one dwelling. The conversion ratio of 1.8 is based on the national average number of adults in all households, derived from the 2011 Census².

Temporary use of permanent residential development

- 2.15. Planning approval for a dwelling where there is a condition restricting it to temporary use over a specified period is counted as a gain, but to avoid double counting any subsequent replacement by approval of an unrestricted dwelling is counted as net nil.

² HELAA Methodology Revised 2021 - paragraph 7.5
[Microsoft Word - HELAA Methodology - latest - April 2017 \(eastdevon.gov.uk\)](#)

Gains and Losses

2.16. The adopted local plan housing requirement target of 17,100 dwellings is a net number. Therefore the Council monitors gains and losses. The latter include demolitions, as well as losses of dwellings through changes of use and conversions.

Net total completions

- 2.17. A full schedule of completions and projections with planning permission by site from the start of the Local Plan period can be found in Appendix 2 to this report.
- 2.18. As shown in TABLE 1, net completions have fluctuated in the period 2013 to 2023. Of these, there have been four years, including the last two, delivering above the annualised 950 dwellings per year policy requirement in the adopted local plan.
- 2.19. TABLE 1 breaks down the district net completions figures into two sub areas: West End and the Rest of East Devon. These 2 sub areas are used for monitoring housing delivery. The forecast scale of growth in the West End of 10,563 dwellings is set out in Strategic Policy 2 of the adopted East Devon Local Plan 2013 to 2031. This is a supply-side policy (and does not include future windfalls), rather than being expressed as a minimum “requirement provision” under Strategic Policy H1.

TABLE 1 Net Total Completions 2013 to 2023 – District and sub areas

| | Apr 13 to Mar 14 | Apr 14 to Mar 15 | Apr 15 to Mar 16 | Apr 16 to Mar 17 | Apr 17 to Mar 18 | Apr 18 to Mar 19 | Apr 19 to Mar 20 | Apr 20 to Mar 21 | Apr 21 to Mar 22 | Apr 22 to Mar 23 |
|---------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--|---|---|
| West End | 486 | 531 | 403 | 335 | 326 | 392 | 560 | 455 | 568 | 518 |
| Rest of East Devon | 344 | 498 | 624 | 389 | 540 | 537 | 505 | 417 | 479 | 443 |
| Annual TOTAL | 830 | 1,029 | 1,027 | 724 | 866 | 929 | 1,065 | 872 Revised to <u>867</u> by the DLUHC after taking the net loss of 9 care home bed-rooms into account | 1,047 Expected to be revised to <u>1,039</u> by the DLUHC* after taking the net loss of 15 care home bedrooms into account* | 961 Expected to be revised to <u>998</u> by the DLUHC after taking the net gain of 67 care home bedrooms into account |

Note * The Housing Delivery Test measurement results published by Government is the source for confirming the revised figures. The 2021 HDT measurement was published in January 2022. However, the 2022 HDT measurement is still awaited at the time of preparing this document.

KEY MONITORING INDICATOR RESULTS

1. Based on Table 1, there were **9,350** net total dwelling completions in East Devon (excluding dwelling equivalents from care home accommodation) 1 April 2013 to 31 March 2023. **961** of these were in the 2022/23 monitoring year.
 2. Based on Table 1, there were **9,374** net total dwelling completions in East (including dwelling equivalents from care home accommodation) 1 April 2013 to 31 March 2023. **998** of these were in the 2022/23 monitoring year. Since the start of the plan period the average annual completions (including care homes) is **937** dwellings/dwelling equivalents per year, which is below the adopted local plan housing requirement. The average annual level of completions (including care home dwelling equivalents) has improved over the last five years and is now **980** per year, which is above the adopted local plan housing requirement of 950 per year. The increased delivery rate in the last five years has not yet mitigated the slower delivery rate in the first five years. It has not been sufficient to result in a surplus (“oversupply”) at the 2023 Monitoring Point
- 2.20. Section 6 of this Housing Monitoring Update report provides further analysis comparing housing development (2013 to 2023) to the adopted Local Plan.

Analysis of completions for the last monitoring year (2022/23)

- 2.21. The rest of Section 2 of this Housing Monitoring Update report focuses on the last year of completions (from 1 April 2022 to 31 March 2023) plus a more detailed analysis of a breakdown of the completions data looking at:
- Net dwelling completions in the district (excluding care home accommodation)
 - Gross completions of dwellings in district (excluding care home accommodation)
 - Gross Completions in sub areas
 - Gross Completions by civil parish
 - Gross Completions by settlement (adopted local plan settlement hierarchy)
 - Gross Completions by Built Up Area Boundary (latest adopted or made Development Plan Document as at 31 March 2023)
 - Gross Completions by Greenfield/Brownfield status
 - Completions of affordable housing
 - Net windfall completions
 - Net completions of communal accommodation (care home bedrooms)
- 2.22. **Net dwelling completions (excluding care homes)** - As shown in TABLE 1, over the 12 month period 1 April 2022 to 31 March 2023, a net total of **961 dwellings** have been completed in East Devon (excluding communal accommodation). This includes 518 at the district’s “West End” (largely land to the east/north east of Exeter including the new town of Cranbrook) and 443 in the Rest of East Devon; 846 of these were on major sites (of ten dwellings or more) and 115 on minor sites (of less than 10 dwellings).

- 2.23. Since the start of the plan period the average annual completions (excluding care homes) is 931 dwellings. The COVID-19 pandemic impacted on 2021/2022 delivery with only 872 dwelling completions, but had less impact in 2021/22 with **1,047** being the second highest number of net new completions in the period covering the current Local Plan so far. The rate was then lower in 2022/23, due to economic conditions. The average annual level of completions (excluding care homes) over the last five years is now **974** per year.
- 2.24. 54% of the dwellings built in 2022/23 were in the West End, compared with 46% in the Rest of East Devon (the same percentages as 2021/22); this is the fourth year in a row that the West End has outperformed the Rest of East Devon in dwelling completions. The rest of the district had outperformed the West End in 4 of the 6 years prior to 2019/2020.
- 2.25. There are no dwelling completions at the Cranbrook expansion areas (adopted Cranbrook Plan DPD allocations) at Bluehayes, Treasbeare, Cobdens and Grange. As these expansion areas see completions over the next few years, and take over from Cranbrook Phase 1, it is anticipated the share of completions from DPD allocations and commitments in the West End compared to the Rest of East Devon will be even greater.
- 2.26. The gross dwelling completions figure is 986. This excludes losses from demolition, conversion or change of use. It also excludes communal accommodation.

Gross Completions by parish

TABLE 2 Gross dwelling completions by parish

| Parish | Total | Parish | Total |
|---------------------------|------------|-----------------------|-----------|
| All Saints | 2 | Lympstone | 6 |
| Axminster | 68 | Musbury | 1 |
| Beer | 1 | Newton Pop & H'ford | 4 |
| Bramford Speke | 1 | Offwell | 1 |
| Branscombe | 1 | Otterton | 1 |
| Broadclyst | 288 | Ottery St Mary | 15 |
| Broadhembury | 3 | Payhembury | 1 |
| Budleigh Salterton | 5 | Plymtree | 1 |
| Clyst Hydon | 1 | Rockbeare | 3 |
| Colaton Raleigh | 2 | Seaton | 20 |
| Colyton | 1 | Shute | 1 |
| Cranbrook | 232 | Sidmouth | 38 |
| Dunkeswell | 1 | Southleigh | 1 |
| Exmouth | 148 | Sowton | 4 |
| Farway | 2 | Talaton | 2 |
| Gittisham | 40 | Uplyme | 3 |
| Hawkchurch | 1 | West Hill | 3 |
| Honiton | 74 | Whimble | 2 |
| Kilminster | 1 | Woodbury | 7 |

| Parish | Total | Parish | Total |
|--------|-------|--------|------------|
| | | | 986 |

2.27. The table above shows gross completions during the 2022/23 monitoring period by parish. Parishes where there were no 2022/23 completions are not listed. Town councils are highlighted in yellow.

Gross completions by settlement

2.28. The table below shows gross completions during the 2022/23 monitoring period by settlement. Settlements where there were no 2022/23 completions are not listed.

TABLE 3 Gross dwelling completions by settlement

| Settlement* | Total | Settlement* | Total |
|--------------------|-------|---------------------|------------|
| Axminster | 68 | North of Blackhorse | 198 |
| Beer | 1 | Offwell | 1 |
| Blackhorse | 2 | Otterton | 1 |
| Budleigh Salterton | 5 | Ottery St Mary | 14 |
| Clyst Honiton | 5 | rural areas | 19 |
| Clyst St Mary | 4 | Seaton | 20 |
| Colyton | 1 | Sidmouth | 38 |
| Cranbrook | 232 | Smallridge | 2 |
| East Budleigh | 1 | Southleigh | 1 |
| Exmouth | 148 | Talaton | 1 |
| Exton | 2 | Uplyme | 2 |
| Honiton | 114 | West Clyst (Pinhoe) | 83 |
| Jack In The Green | 2 | West Hill | 3 |
| Kerswell | 1 | Weston, Sidmouth | 1 |
| Lypstone | 6 | Whimple | 1 |
| Newton Poppleford | 4 | Woodbury | 5 |
| | | | 986 |

* Settlements as identified in the adopted East Devon local plan settlement hierarchy

Gross completions by Built-up Area Boundary (BuAB)

2.29. Table 4 shows gross completions in the 2022/23 monitoring period by BuAB. The table is based on boundaries shown on the Policies Map from Development Plan Documents that were adopted or made as at 31 March 2023. Those BuABs where there were no 2022/23 completions are not listed.

TABLE 4 Gross dwelling completions by BUAB

| BuAB | Total | BuAB | Total |
|--------------------|--------------|-------------------------|--------------|
| Axminster | 68 | North of Blackhorse | 198 |
| Beer | 1 | <i>open countryside</i> | 94 |
| Budleigh Salterton | 5 | Ottery St Mary | 14 |
| Clyst St Mary | 4 | Seaton | 20 |
| Colyton | 1 | Sidmouth | 38 |
| Cranbrook | 219 | Uplyme | 2 |
| Exmouth | 148 | West Clyst (Pinhoe) | 83 |
| Honiton | 74 | West Hill | 2 |
| Lympstone | 6 | Whimble | 1 |
| Newton Poppleford | 3 | Woodbury | 5 |
| | | | 986 |

Gross completions by Greenfield / Brownfield split

2.30. The table below shows the breakdown of gross completions between greenfield and brownfield sites during the 2022/23 monitoring period.

TABLE 5 Gross dwelling completions by Greenfield/Brownfield

| | | Dwgs | % |
|--------------------|---|-------------|----------|
| Greenfield | General | 697 | 70.7% |
| | Agricultural / Forestry Building Conversion | 12 | 1.2% |
| | Garden Sites | 23 | 2.3% |
| | TOTAL | 732 | 74.2% |
| Brownfield | Redevelopment | 197 | 20.0% |
| | Conversions / COUs | 55 | 5.6% |
| | Brownfield unclassified | 2 | 0.2% |
| | TOTAL | 254 | 25.8% |
| GRAND TOTAL | | 986 | 100% |

2.31. Greenfield describes any site on land which has not previously been developed. Brownfield therefore describes sites of previously developed land, the definition of which

can be found within the glossary of the revised NPPF but is reproduced below for ease of reference:

“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- 2.32. The table above shows that just under 75% of completions in the district during the 2022/23 monitoring period were on greenfield sites, which is 2% less than during the 2021/22 monitoring period.

Affordable completions

- 2.33. The Housing Needs and Strategy team report a total of 114 affordable units having being delivered during 2022/23, including 27 for social rent, 57 for affordable rent and 30 shared ownership.

Key facts for the year

- EDDC acquired three properties from the open market this year using Right to Buy receipts to add to council stock;
- Eight affordable homes have completed at Cranbrook - Phase Four;
- Twenty-five market units were purchased and converted to affordable with Homes England funding.

Net windfall completions

- 2.34. Windfalls refer to sites built-out which are the result of speculative planning applications. They have not been allocated in the Local Plan.
- 2.35. The table below shows that over the past 12 months 341 of the 961 net completions have been windfalls. This equates to 35.5% of net completions in the last year. However, of these 341 net windfall completions, only 49 were in the West End with the remaining 292 in the Rest of East Devon. This means that of the 443 net completions in the Rest of East Devon, 65.9% were windfalls.

TABLE 6 Net windfall completions

| Gross site capacity | 1-2 dwellings | 3-5 dwellings | 6-9 dwellings | 10-20 dwellings | 21+ dwellings | TOTAL |
|---------------------|---------------|---------------|---------------|-----------------|---------------|-------|
| RoED | 65 | 16 | 26 | 19 | 166 | 292 |
| West End | 0 | 0 | 0 | 13 | 36 | 49 |
| TOTAL | 65 | 16 | 26 | 32 | 202 | 341 |
| Percentage | 19.06% | 4.69% | 7.62% | 9.38% | 59.24% | 100% |

2.36. In addition to the headline totals, the above table shows how many windfalls have been delivered on sites of different sizes. The gross site capacity refers to the gross number of dwellings due to be delivered on a site as a whole. As an example, if two windfall dwellings were completed in the last 12 months on a site due to take a total of five gross new dwellings, they would be listed in the 3-5 dwellings column.

2.37. In terms of calculating five year land supply, paragraph 71 of the revised NPPF allows for future windfalls to be counted towards supply where there is compelling evidence that they will provide a reliable source of supply. However, the council is mindful that the windfall allowance should not prejudge policy in the emerging East Devon Local Plan, particularly in light of NPPF paragraph 71 which states:

“Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”

2.38. In the absence of evidence at this time to demonstrate that reliance on windfalls on garden land would not have an adverse impact on the character of built up areas, the council avoids this risk by not including past housing development on residential gardens in the windfall supply calculation.

2.39. This being the case, the assessment in the table below shows the number of net windfall completions in the last year on sites other than garden land. Further analysis of windfalls for the purposes of projections, and why the council considers that there is compelling evidence that they will provide a reliable source of supply, and why the allowance is realistic can be found in section 3.

TABLE 7 Net windfall completions

| Gross site capacity | 1-2 dwellings (excluding garden-greenfield sites) | 3-5 dwellings (excluding garden-greenfield sites) | 6-9 dwellings (excluding garden-greenfield sites) | 10-20 dwellings (excluding garden-greenfield sites) | 21+ dwellings (excluding garden-greenfield sites) | TOTAL |
|---------------------|---|---|---|---|---|-------|
| RoED | 43 | 17 | 26 | 19 | 166 | 271 |

| Gross site capacity | 1-2 dwellings (excluding garden-greenfield sites) | 3-5 dwellings (excluding garden-greenfield sites) | 6-9 dwellings (excluding garden-greenfield sites) | 10-20 dwellings (excluding garden-greenfield sites) | 21+ dwellings (excluding garden-greenfield sites) | TOTAL |
|---------------------|---|---|---|---|---|------------|
| West End | 0 | 0 | 0 | 13 | 36 | 49 |
| TOTAL | 43 | 17 | 26 | 32 | 202 | 320 |
| Percentage | 13.44% | 5.31% | 8.13% | 10.00% | 63.13% | 100% |

Net communal accommodation completions

- 2.40. Gains and losses of Use Class C2 (Residential Institutions) are reported to the Department for Levelling Up, Housing & Communities’ (DLUHC) through the annual Housing Flow Reconciliation Return. These figures are separate from the figures reported for gains and losses of dwellings. However, when converted to net dwelling equivalents, the change in communal accommodation is reported via the net supply figures used by Government to calculate housing supply delivery used for the Housing Delivery Test. They are reported in the Government’s live tables on dwelling stock.
- 2.41. One new care home has been reported as newly opening in the 2022/23 monitoring year in East Devon district: Alexander House, Pinhoe (67 bedrooms). It is anticipated this will result in a net gain of the equivalent of 37 dwellings once confirmed by DLUHC. It is also a windfall development but is not included in the figures in TABLE 6 of this report.
- 2.42. No loss of care home accommodation occurred in the 2022/23 monitoring year. Therefore the gross and net completions are the same.

3 Forecast/Projected Completions 2023 to 2031

This section is an assessment of forecast and projected completions for the remainder of the plan period from 1 April 2023 to 31 March 2031. The forecasts and projections can be broken down into completions on:

- Sites with extant permissions at the 2023 Monitoring Point –
 - These are sites that already have planning permission (either detailed or outline, and including sites that are already under construction / sleeping) that are expected to be built-out;
- Windfalls –
 - These are the adjusted allowance for completions on windfall sites, with the projection based on historic windfall completions (to avoid double counting, the adjusted allowance discounts small windfall sites with extant planning permission at the 2023 Monitoring Point);
- Cranbrook expansion zones –
 - These are forecast completions on the four Cranbrook expansion areas – Treasbeare, Bluehayes, Cobdens and Grange (allocated in the Cranbrook Plan DPD adopted 19 October 2022, but without planning permission as at 31 March 2023). These include sites with recent Planning Committee resolutions to grant planning approval subject to completion of S106 agreements.

3.1. The planned housing development in the Axminster Masterplan area (including the adopted local plan allocation) is not forecast for delivery in the plan period of the adopted East Devon Local Plan 2013 to 2031. The Council considers that due to the issues of nutrient neutrality, and the lack of funding to deliver the relief road this land is currently not deliverable or developable within the plan period of the adopted Local Plan.

3.2. The National Planning Policy Framework defines a “deliverable” site as follows:

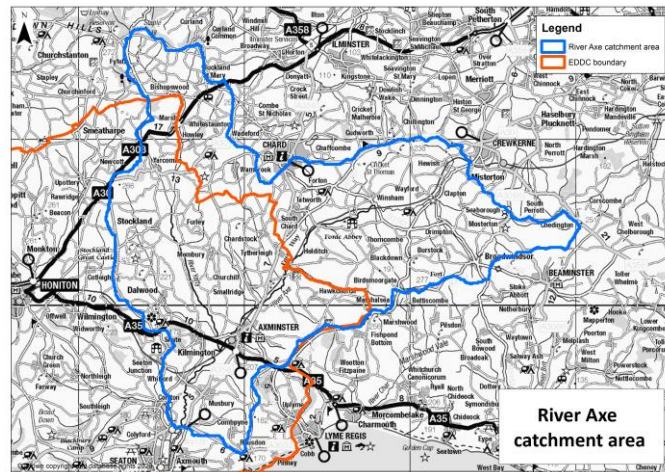
To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Natural England – River Axe phosphate levels

- 3.3. Due to Natural England advising that we should no longer grant planning permission for development that would increase the discharge of phosphates into the River Axe, a number of sites with outline / reserved matters planning permissions have been excluded from the forecast deliverable supply calculations.
- 3.4. The River Axe catchment area is shown below:



- 3.5. Government has signalled the potential for changes to legislation regarding nutrient neutrality and development. The Council will continue to monitor any future changes to legislation, planning policy and guidance regarding this matter.

Forecasting completions

- 3.6. The housing delivery forecasts (trajectories) used in TABLE 11, TABLE 12, and TABLE 13 are based on the status of sites and extant planning permissions at 01 April 2023. The forecasts cover the following types of sites:
 - Sites that are not major (ie 9 or less dwellings) that were under construction or with an extant permission at 01 April 2023, unless there is clear evidence that homes will not be delivered within 5 years. The forecasts are based on the HELAA methodology.
 - Major sites (10+ dwellings (gross)) that were under construction or with an extant permission at 01 April 2023. The council has forecast individual, site specific, housing delivery “lead-in” times and build-out rates for these sites.
 - Adopted DPD allocations. The council has forecast individual, site specific, housing delivery “lead-in” times and build-out rates for these sites.

- 3.7. Sites with dwellings forecast for completion in the five years 1 April 2023 to 31 March 2028 are those sites which the council considers are available now, offer a suitable location for development now, and are achievable with a realistic prospect that housing will be delivered on the site within five years. They are 'deliverable' and there is evidence of their deliverability. The council is mindful that NPPF does not require that there is certainty of or even a probability of delivery in the 5 years.
- 3.8. Whether sites are deliverable and can be included or not included in the 5 year housing land supply is a planning judgement. In making this judgement the council has applied the definition of 'deliverable' set out in NPPF plus the guidance in the PPG Housing Supply and Delivery on the type of information needed to identify deliverable sites. Based on this, the council has produced the forecasts of completions in order to demonstrate the 5 year housing land supply position.
- 3.9. As well as sites which are considered to be deliverable in principle, the council has made planning judgements about other sites in line with PPG, to determine which to include in the five year supply. This encompasses sites with outline planning permission. It also includes sites allocated in adopted Development Plan Documents, including Cranbrook where there are now sites with Planning Committee resolution to grant planning approval subject to completion of S106 Agreements.
- 3.10. The council has been mindful of appeal decisions regarding the question of 'clear evidence' when identifying specific deliverable sites on sites that do not have detailed planning approval.
- 3.11. The housing monitoring update 2023 benefits from extensive upgrades made by the council to its housing monitoring through data collection, analysis and reporting. This is reflected in the information and analysis in this document, and ensures that:
- The housing delivery forecasts produced by the council which are used in this document comply with the latest NPPF (September 2023) and the latest PPG Housing supply and delivery (22 July 2019);
 - The housing delivery trajectories for major sites and allocations (10 and more dwellings) are forecasts that are informed by information obtained via the council's engagement with developers/builders/landowners and are not simply projections of trends based on the HELAA methodology. The HELAA method for predicting delivery is only used for a large site's trajectory where no other information is available. Only a very few major sites' trajectories had to rely on the HELAA method this year;
 - The council has not used the developers/builders/landowners' information without question. The council has carefully considered the information supplied and made a planning judgment about lead in times and build rates on each site, individually and in combination; and

- There is a comprehensive audit trail of evidence and analysis to support and justify the council’s housing trajectory for each large site. Where the council’s trajectory departs from the developers/builders/landowners’ information the audit trail justifies the reasons for departure. The council intends to publish the audit trail document shortly after publishing the Housing Monitoring Update to 31 March 2023. This former explains the process of engaging with the developers/builders/landowners and provide the detailed results for each individual major site including the full justification of its housing trajectory. It will also justify the Council’s application of the guidance on deliverability in reaching the conclusion about how many completions are forecast to be deliverable on each site.
- The forecasts of completions on small (ie non-major) sites follows the approach set out in the HELAA methodology.

3.12. The HELAA Methodology 2021 was agreed between the 4 local authorities (East Devon District Council, Exeter City Council, Mid Devon District Council, and Teignbridge District Council) in 2022. It is reproduced as part of the East Devon Housing and Economic Land Availability Assessment 2022. (Appendix A is the HELAA Methodology 2021) This is available online at:

<https://eastdevon.gov.uk/media/3724867/appendix-a-helaa-methodology-may-2021.pdf>

TABLE 8 HELAA method assumptions

| Size of site (no. of dwellings) | Commencement of sites | | | Build-out rate | |
|---|--|--|--|--|---|
| | Sites where dwellings are under construction | Sites where dwellings have planning permission | Suitable sites without planning permission | Years 1-5 | Years 6+ |
| 1-15 dwellings (assumes one developer) | Commence in Year 1 | Commence in Year 1 | Commence in Year 3 | 1st year - 12 dwellings maximum 2nd year onward - 25 dwellings per year maximum | 1st year - 25 dwellings maximum 2nd year onward - 50 dwellings per year maximum |
| 16-500 dwellings (assumes one developer) | Commence in Year 1 | Commence in Year 2 | Commence in Year 3 | 1st year - 12 dwellings maximum 2nd year onward - 25 dwellings per year maximum | 1st year - 25 dwellings maximum 2nd year onward - 50 dwellings per year maximum |
| 501-1,000 dwellings (assumes two developers) | Commence in Year 1 | Commence in Year 3 | Commence in Year 4 | 1st year - 12 dwellings maximum 2nd year onward - 50 dwellings per year maximum | 1st year - 25 dwellings maximum 2nd year onward - 100 dwellings per year maximum |
| 1001+ dwellings (assumes three developers) | Commence in Year 1 | Commence in Year 3 | Commence in Year 4 | 1st year - 12 dwellings maximum 2nd year onward - 75 dwellings per year | 1st year - 25 dwellings maximum 2nd year onward - 150 dwellings per year |

3.13. The table above is an extract from the HELAA methodology, showing the assumptions about commencement and built rates for sites, by site size, number of outlets (developers) and the site’s planning status.

Projecting completions on small sites with planning permission

3.14. Projected build-out rates for small sites (1-9 dwellings in total) generally follow the approach advocated by the Exeter Housing Market Area (HMA) Housing and Economic Land Availability Assessment (HELAA) methodology market conditions model, unless we are aware of an alternative build-out rate. The council has used this method to forecast completions on non-major i.e. small sites as set out in row B of TABLE 10 and in Table 11 in this document.

Windfall projections

3.15. Paragraph 71 of the NPPF allows for future additional windfall completions to be taken into account in the housing supply provided that the Council has compelling evidence that they will be a reliable source of supply. The Council has robust evidence of historic windfall delivery is considered and with the implication that sites on gardens are not counted.

3.16. The Exeter HMA HELAA methodology sets out a clear process by which windfalls will be calculated assessing delivery of windfalls (excluding gardens and sites of more than 20 gross dwellings) over the last five full years. That being the case, the assessment below shows net windfall completions (excluding gardens) over the last five full years (1 April 2018 to 31 March 2023).

3.17. Net completed windfall dwellings are split into the gross capacity of the site on which they came forward in order to be able to analyse the types of windfalls that might come through in the future:

TABLE 9 Windfall completion analysis 2018-2023

| Gross site capacity | Apr 2018 to Mar 2019 | Apr 2019 to Mar 2020 | Apr 2020 to Mar 2021 | Apr 2021 to Mar 2022 | Apr 2022 to Mar 2023 | Average per year |
|---------------------|----------------------|----------------------|----------------------|----------------------|----------------------|------------------|
| 1-2 dwgs | 68 | 69 | 50 | 58 | 43 | 57.6 |
| 3-5 dwgs | 45 | 29 | 30 | 19 | 17 | 28.0 |
| 6-9 dwgs | 28 | 17 | 35 | 3 | 26 | 21.8 |
| 10-20 dwgs | 34 | 18 | 22 | 47 | 32 | 30.6 |
| Totals | 175 | 133 | 137 | 127 | 118 | 138 |

3.18. TABLE 9 identifies a basic net average windfall projection of 138 dwellings. The methodology then requires this figure to be tempered by subtracting projected windfall completions on sites with planning permission or resolution to grant permission subject to

S106. TABLE 10 below shows how this figure is tempered accordingly to identify the adjusted windfall projection for each forecast year:

TABLE 10 Adjusted windfall projections 2023-2023

| Final projected windfall allowance | 2023 to 2024 | 2024 to 2025 | 2025 to 2026 | 2026 to 2027 | 2027 to 2028 |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|
| Total windfalls with permission (A) | 597 | 299 | 273 | 248 | 193 |
| <i>Of which windfalls that are on sites of 20 or less dwellings and not on garden-greenfield land (B)</i> | 280 | 90 | 19 | 6 | 1 |
| Basic windfall projection (C) | 138 | 138 | 138 | 138 | 138 |
| Total eligible net windfalls (D) | 138 | 90 | 19 | 6 | 1 |
| Adjusted windfall projection (E) (C-D) | 0 | 48 | 119 | 132 | 137 |

3.19. 396 dwellings with extant planning permission on sites of 20 or less dwellings and not on garden-greenfield land and that had not been completed as at 31 March 2023 are forecast for completion in the five year period 1 April 2023 to 31 March 2028. This is the sum of row B in TABLE 10. Based on the HELAA methodology, these 396 dwellings are projected to be completed in the years shown in row B in TABLE 10. Because there are more permissions (total eligible net windfalls) than the basic windfall projection (the 138 per year in row C in TABLE 10) in 2023/24, we cannot increase our predicted number of completions in that monitoring year. Therefore, the adjusted additional windfall in 2023/24 is nil. In the periods 2024/25 through to 2027/28, however, the basic windfall projection is more than the total number of permissions – so we can add the difference to these two sets of figures (the adjusted windfall projection in row E) to our predictions for these monitoring periods. This means that using the Exeter HMA HELAA methodology we can include **436** additional dwelling windfalls in the forecast of deliverable housing supply in the next five years.

3.20. Moving forward through the rest of the Local Plan period after 31 March 2028, there is the residue of 135 dwellings with extant planning permission on non-major sites that had not been completed as at 31 March 2023 (see TABLE 11). These are not counted as ‘deliverable’. This means they are not included in the five year supply (ie in years 1 to 5). However, the 135 dwellings are ‘developable’ and they are all forecast to be completed in monitoring year 2028/29 (i.e. year 6). In monitoring year 2028/29 the adjusted windfall figure is 11 (see TABLE 13), taking account of which of the 135 dwellings are on non-garden land. From 1 April 2029 onwards where there are monitoring years with zero eligible net windfalls, we can add the full 138 basic windfall projection to our prediction for the last 2 years of the plan period for the adopted Local Plan (see TABLE 13).

- 3.21. The adjusted windfall allowance is still a conservative estimate. In reality, larger windfall sites will on occasion come forward for development; as will small garden sites, but these have not been included in these adjusted windfall projections.

4 Plan period completions and trajectory

Overall completion forecasts/projections and trajectory

- 4.1. Based on the various elements of future supply considered in Section 3 of this report, the tables below set out the annual forecasts of net housing completions for all housing supply for the remainder of the plan period from 1 April 2023 to 31 March 2031.
- 4.2. This is not intended to give a precise year-on-year prediction of how many new homes will be built each year, but it is the result of applying Planning Practice Guidance on identifying deliverable housing for major and non-major sites, and from applying the HELAA methodology for forecasting windfall development. This gives an overview of the potential future pattern of development.

TABLE 11 Annual projected housing completions for 2023/24 to 2030/31

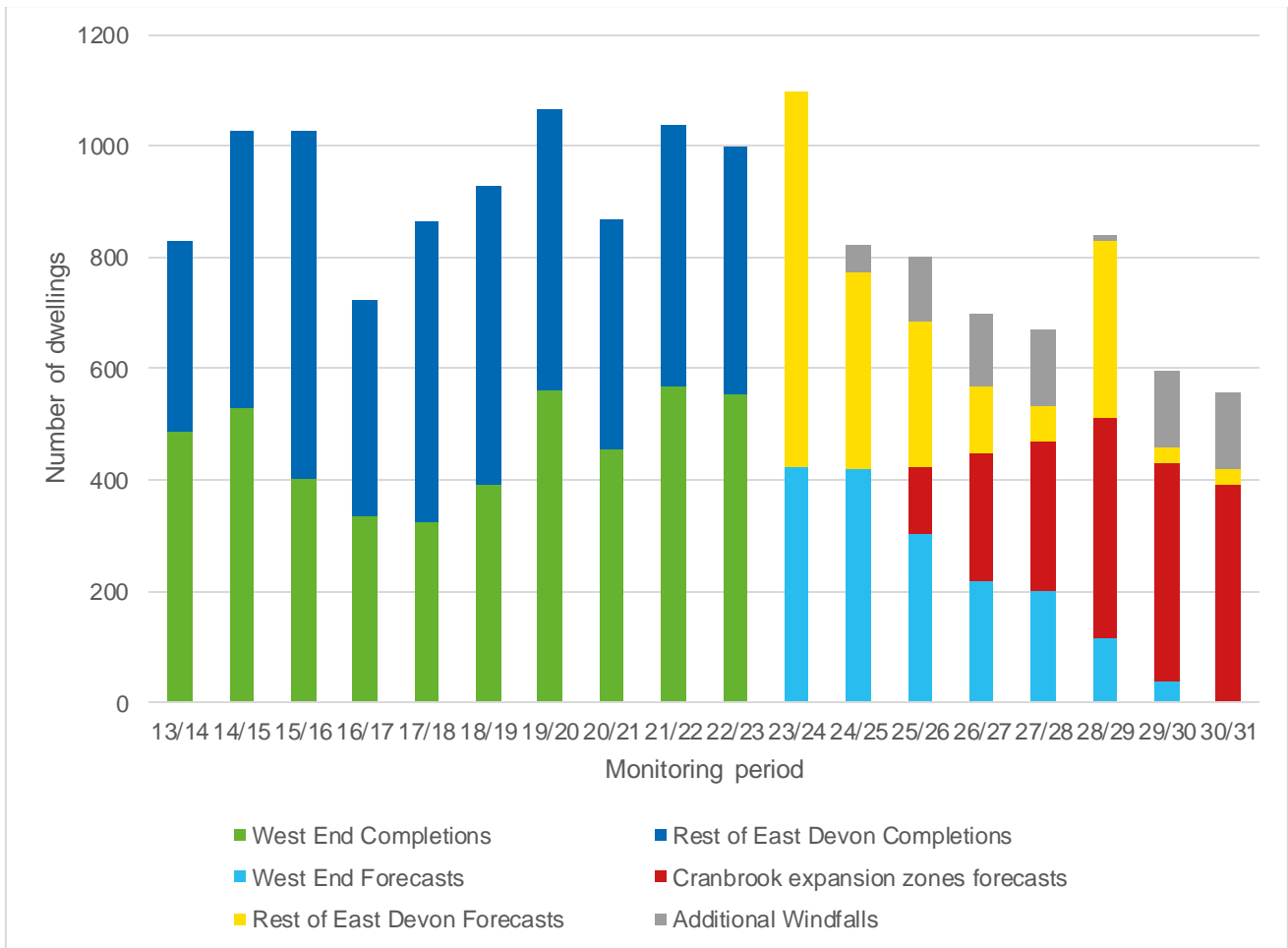
| Year | Extant permissions | Major / Large sites | Non-Major / Small sites | Cranbrook expansion zones projections | Exeter HMA HELAA calculated additional predicted windfalls | Total projections |
|---------|--------------------|---------------------|-------------------------|---------------------------------------|--|-------------------|
| 2023/24 | 1,100 | 781 | 319 | 0 | 0 | 1,100 |
| 2024/25 | 774 | 671 | 103 | 0 | 48 | 822 |
| 2025/26 | 564 | 558 | 6 | 120 | 119 | 761 |
| 2026/27 | 337 | 332 | 5 | 230 | 132 | 689 |
| 2027/28 | 262 | 259 | 3 | 270 | 137 | 638 |
| 2028/29 | 432 | 298 | 134 | 397 | 11 | 882 |
| 2029/30 | 68 | 67 | 1 | 392 | 138 | 608 |
| 2030/31 | 27 | 27 | 0 | 392 | 138 | 588 |

TABLE 12 Housing Supply - Five Year period and to March 2031

| Year | 2023/24 | 2024/25 | 2025/26 | 2026/27 | 2027/28 | 2028/29 | 2029/30 | 2030/31 |
|--------|---------|---------|---------|---------|---------|---|---------|---------|
| Totals | 1,100 | 822 | 803 | 699 | 669 | 840 | 598 | 557 |
| | 4,093 ← | | | | | Projected five year housing delivery for 2023/24 to 2027/28 | | |

- 4.3. The net number of deliverable dwellings in the five years from 1 April 2023 to 31 March 2028 is 4,093 as shown in TABLE 12. This is the figure used to calculate the five year housing land supply position at the 2023 monitoring point (see Section 5 of this report)
- 4.4. The graph below shows the breakdown of different supply sources making up the housing trajectory for the period 2013 to 2031.

GRAPH 1 – Forecast/Projected East Devon district housing trajectory to 2031



- 4.5. The table on the following page shows the data used for the various components of supply, including completions to 2013 to 2023, site forecasts/projections and windfall projections in the graph above.

TABLE 13 Data for the overall housing trajectory graph

| Period | West End Completions | Rest of East Devon Completions | West End Forecasts | Cranbrook expansion zones forecasts | Rest of East Devon Forecasts | Additional Windfalls | Total Comp/Pro |
|--------|----------------------|--------------------------------|--------------------|-------------------------------------|------------------------------|----------------------|----------------|
| 13/14 | 486 | 344 | | | | | 830 |
| 14/15 | 531 | 498 | | | | | 1,029 |
| 15/16 | 403 | 624 | | | | | 1,027 |
| 16/17 | 335 | 389 | | | | | 724 |
| 17/18 | 326 | 540 | | | | | 866 |
| 18/19 | 392 | 537 | | | | | 929 |
| 19/20 | 560 | 505 | | | | | 1,065 |
| 20/21 | 455 | 412 | | | | | 867 |
| 21/22 | 568 | 471 | | | | | 1,039* |
| 22/23 | 555 | 443 | | | | | 998* |
| 23/24 | | | 422 | 0 | 678 | 0 | 1,100 |
| 24/25 | | | 420 | 0 | 354 | 48 | 822 |
| 25/26 | | | 304 | 120 | 260 | 119 | 803 |
| 26/27 | | | 217 | 230 | 120 | 132 | 699 |
| 27/28 | | | 199 | 270 | 63 | 137 | 669 |
| 28/29 | | | 114 | 397 | 318 | 11 | 840 |
| 29/30 | | | 37 | 392 | 31 | 138 | 598 |
| 30/31 | | | 0 | 392 | 27 | 138 | 557 |

*Assumes DLUHC adjustments for care home beds have been made

5 District Five Year Housing Land Supply Position

- 5.1. As set out in PPG Housing supply and delivery (paragraph 001), “*The five year housing land supply is a calculation of whether there is a deliverable supply of homes to meet the planned housing requirement (or, in some circumstances, local housing need over the next five years.*” The ‘five year land supply position’ is one of the Government’s planning policy tools to encourage local authorities to promote a sufficient supply of land for housing and support delivery.
- 5.2. The purpose of the five year housing land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement. In line with PPG Housing supply and delivery paragraph 3, we are using local housing need calculated using the standard method in place of the adopted Local Plan housing requirement because the East Devon Local Plan 2013 to 2031 is more than five years old and its strategic policies are in need of updating.
- 5.3. In accordance with PPG Housing Supply and Delivery paragraph 2, “*a five year land supply is a supply of specific deliverable sites sufficient to provide five years’ worth of housing (and appropriate buffer) against a housing requirement set out adopted strategic policies, or against a local housing need figure, using the standard method, as appropriate in accordance with paragraph 74* of NPPF.*” (* updated paragraph reference)
- 5.4. The purpose of this section of the report is to provide the evidence to show whether the Council can demonstrate a five year land supply in East Devon as at the 2023 Monitoring Point, for NPPF paragraph 74 purposes in accordance with the National Planning Policy Framework and Planning Practice Guidance. It covers the five year period from 1 April 2023 to 31 March 2028.
- 5.5. This section therefore sets out the steps in calculating the five year housing land supply position, focussed on:
- a) Establishing the basic five year requirement - based on Local Housing Need;
 - b) Identifying any previous shortfall or surplus, based on:
 - Local Housing Need,
 - Adopted Local Plan,
 - Planning judgement;
 - c) Adding a buffer;
 - d) Identifying the total five year requirement:
 - Annualising the total five year requirement;
 - e) Identifying the total five year supply forecast for specific deliverable sites;
 - f) Calculating the number of years of deliverable supply.

a) Establishing the basic five year requirement

- 5.6. NPPF paragraph 74 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and have not been found in need of updating). Footnote 37 of the NPPF expands upon this, stating that where local housing need is to be used as the basis for assessing the five year housing supply, it should be calculated using the Government's standard method set out in PPG.
- 5.7. The adopted Local Plan has a housing requirement of 17,100 new homes for the 2013-2031 plan period, equivalent to an average of 950 dwellings per annum. However, the East Devon Local Plan 2013 to 2031 was adopted on 28 January 2016 and is therefore more than five years old. The Council has commenced the preparation of a new East Devon Local Plan which will include a strategic policy housing requirement.
- 5.8. In accordance with NPPF and PPG Housing Supply and Delivery paragraph 3, in these circumstances the five year housing land supply assessment for NPPF paragraph 74 purposes compares five year housing supply against a requirement based on local housing need calculated using the standard method.

East Devon Local Housing Need at the 2023 Monitoring Point

- 5.9. The latest local housing need figure is the starting point for the East Devon five year housing land supply assessment. The calculation of the district's local housing need is set out in Appendix 1 of this report. Based on the standard method, East Devon's current annual local housing need figure is 910 per year. Multiplying this by five years generates a basic five year housing requirement of 4,550.

b) Identifying any previous shortfall or surplus

- 5.10. The next step is to consider whether there is any past supply shortfall or surplus to add to or deduct from the basic five year housing requirement.

Is there a shortfall?

- 5.11. For the purposes of calculating the five year housing requirement, the PPG Housing Supply and Delivery paragraph 31 considers how shortfalls can be addressed. It states that:

“Where the standard method for assessing local housing need is used as the starting point in forming the planned requirement for housing, Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure”.

5.12. Therefore, as East Devon's five year housing requirement is based on local housing need using the standard method, there is no requirement to specifically address any past under delivery of housing separately when establishing the minimum annual local housing need figure and the five year housing requirement for NPPF paragraph 74 purposes.

Is there a surplus?

5.13. Paragraph 32 of PPG Housing supply and delivery states that "Where areas deliver more completions than required, the additional supply can be used to offset any shortfalls against requirements from previous years."

5.14. However, the issue of over-supply (i.e. a surplus) is a somewhat 'grey area' in planning policy because NPPF is not clear how additional supply could be used to offset shortfalls against requirements from previous years. NPPF is silent, or alternatively, does not deal, with what account if any should be taken of oversupply achieved in earlier years when calculating the five year supply.

5.15. Recent case law³ concludes that whilst the intention of NPPF is that planning authorities should meet the housing requirements set out in adopted strategic policies that does not necessarily mean that any oversupply in earlier years will automatically be counted within the five year supply calculation. That case law also concludes that guidance in PPG Housing supply and delivery paragraphs 31 and 32 is about addressing a particular circumstance, namely where there has been some shortfall as well as some oversupply in previous years. That is, that a shortfall against requirements from previous years would be necessary, in order to take account of any additional supply.

5.16. There has been no change to NPPF or to related PPG on this matter since the Gotherington High Court decision.

5.17. For the avoidance of doubt, the Council has considered whether there has been a housing supply surplus for the purposes of this five year housing supply assessment at the 2023 Monitoring Point, compare to 'requirement' as follows:

1. Requirement based on Local Housing Need

5.18. PPG Housing Supply and Delivery paragraph 31 is clear that where the five year land supply is based on Local Housing Need using the standard method then "Step 2 of the standard method factors in past under-delivery as part of the affordability ratio". The 2023 East Devon five year housing land supply assessment in TABLE 14 and TABLE 15 in this report uses the Local Housing Need (standard method) for the requirement figure in the calculation. So it includes the requirement uplift from applying the affordability ratio.

³ High Court decision EWHC 2782 (Admin) 18 October 2021 Land off Ashmead Drive, Gotherington

Mindful of PPG paragraph 31, this implies that there was past under-delivery in East Devon. It would not be logical to conclude that there was past over-delivery when PPG states that the standard method factors in past under-delivery. Therefore there is no oversupply for TABLE 14 to take into account.

- 5.19. Furthermore, neither NPPF nor PPG requires the annual local housing need figure calculated by the standard method to be applied retrospectively⁴. For the purposes of this five year housing land supply assessment, the Local Housing Need figure of 910 dwellings pa is not applied retrospectively to the period 2013 to 2023. Consequently, there are no grounds for asserting that there was an oversupply in East Devon in the 10 years preceding the 2023 Monitoring Point based on local housing need.

2. Requirement based on Local Plan requirement

- 5.20. Where a Local Plan requirement is used for calculating the five year housing land supply, it involves measuring delivery to date from the start of the Local Plan period. Comparing the 9,374 dwellings supply delivered 2013 to 2023 (see TABLE 13) to the adopted East Devon Local Plan 2013-2031 housing requirement of 9,500, there would be a delivery shortfall of 126 between 2013 and 2023. Therefore this means there would then be no over-delivery of supply compared to that requirement.
- 5.21. However, the 5 year housing land supply calculation in TABLE 14 and TABLE 15 is not based on the requirement from the adopted East Devon Local Plan 2013 to 2023.
- 5.22. Even if the 9,374 supply for the ten years 2013 to 2023 is compared to the 950 pa requirement for the ten years (ie 9,500), the evidence would demonstrate an undersupply (shortfall) since that Local Plan was adopted, not over-supply.
- 5.23. Furthermore, in light of the Gotherington High Court decision and in the context of NPPF paragraph 31, the Council is mindful that the Local Plan's housing requirement figure took account of previous shortfall (ie prior to 2013) and was agreed as part of the plan making process in adopting the East Devon Local Plan 2013 to 2031. Even if there had been an overall surplus since the start of the plan period of the adopted plan, then there would be no shortfall against requirement from previous years prior to 2013 which could be offset.

3. Planning judgment – on a case by case basis

- 5.24. Mindful of the Gotherington High Court decision, the local planning authority can make a planning judgment on a case by case basis as to whether or not previous over supply

⁴ The Council is mindful that paragraph 12 PPG Housing and Economic Needs Assessment about applying the standard method to the whole plan period is in the context of plan making.

(surplus) should be taken into account, and if so, by how much, and how to respond to identified over supply against the adopted plan's requirement.

- 5.25. That planning judgement may be complex. For example the Council might consider the following when determining a planning application:
- The scale of oversupply and whether this is material
 - The contribution of oversupply in meeting the objective of meeting the strategic housing requirement across the plan period
 - The tilted balance introduced by the five year housing land supply to address circumstances where planning permissions are required to improve the prospects of meeting that requirement
 - The shape of the future supply trajectory, such as whether delivery trends continue, e.g. whether the future delivery rate is forecast to accelerate or decelerate over time
 - Related matters such as would the circumstances leading to over-supply in the past be repeated in the future; and was the Standard Method capped?
- 5.26. However, even if the evidence demonstrated over-supply, which it doesn't, the shape of the future housing delivery trajectory in TABLE 13 and Graph 1 shows that the amount of completions in the future is forecast to slow down over the five year period and the slow down continues after the five year period. The emerging new East Devon Local Plan is not at advanced stage, so the council is not able to include supply from potential future housing allocations into the district housing trajectory at this time, and certainly not into forecast deliverable supply. In these circumstances it would not be prudent to take account of any oversupply, if this existed.

Supply Surplus - conclusion

- 5.27. Based on the above analysis, no oversupply is taken into account in the five year housing land supply assessment in TABLE 14 and TABLE 15 in this report.
- 5.28. Consequently, no undersupply is added to the 4,550 Local Housing Need figure and no oversupply is deducted. The 'basic' requirement in TABLE 14 is 4,550 dwellings for the five year period.

Adding a buffer

- 5.29. To ensure that there is a realistic prospect of achieving the planned level of housing supply, PPG Housing Supply and Delivery Paragraph 22 advises that a local planning authority should always add an appropriate buffer to the housing requirement in the first five years, bringing forward additional sites from later in the plan period. This will result in a five year requirement over and above the level indicated by the local housing need figure.

- 5.30. The PPG states that one of the following buffers should be added, depending upon circumstances:
- 5% - the minimum buffer for all authorities, necessary to ensure choice and competition in the market, where they are not seeking to demonstrate a five year housing land supply
 - 10% - the buffer for authorities seeking to 'confirm' five year housing land supply for a year, through a recently adopted plan or subsequent annual position statement (as set out in paragraph 74 of the National Planning Policy Framework), unless they have to apply a 20% buffer (as below); and
 - 20% - the buffer for authorities where delivery of housing taken as a whole over the previous 3 years, has fallen below 85% of the requirement, as set out in the last published Housing Delivery Test results.
- 5.31. The adopted East Devon Local Plan 2013 to 2031 is not "recently adopted" and the adopted Cranbrook Plan DPD (2022) does not establish the 5 year housing land supply, so East Devon District Council is not seeking to 'confirm' its five year housing supply for a year as set out in NPPF Paragraph 74. Therefore a 10% buffer is not applicable.
- 5.32. East Devon does not have a pattern of persistently delivering below housing requirements when measured against Government Housing Delivery Test numbers (see paragraph 1.19 of this report). Based on NPPF and guidance in PPG Housing Supply and Delivery it is therefore appropriate to apply a 5% buffer to the 'basic' requirement figure.

Total five year requirement target

- 5.33. Applying the 5% buffer to the 4,550 basic requirement results in a five year requirement target of 4,778 dwellings. Dividing this by five years generates the annual target for the five year period of 956 dwellings per year (see TABLE 14).

Total five year supply forecast

- 5.34. The main components of the deliverable supply forecast for 1 April 2023 to 31 March 2028 are set out in TABLE 15. The net total five year supply forecast is 4,093 dwellings.

Five year housing land supply calculations (2023 Monitoring Point)

- 5.35. TABLE 14 and TABLE 15 summarise the East Devon five year housing land supply position calculations for NPPF paragraph 74 purposes.

TABLE 14 Five year requirement plus buffer calculations

| East Devon housing requirement and buffer for 01 April 2023-31 March 2028 | | | |
|--|--------------------|-------------------------|---|
| | Calculation | No. of dwellings | Item |
| A | | 910 | Basic annual requirement * |
| B | Ax5 | 4,550 | Basic five year requirement (excluding buffer) |
| C | | 0 | Past under or over supply |
| D | (B +C)x1.05 | 4,778 | Total five year requirement target (including 5% buffer) |
| E | D/5 | 956 | Annual target (assuming 5% buffer) |

TABLE 15 Five year supply calculations

| Supply sources at 31 March 2023 with realistic prospects of delivering dwellings 01 April 2023-31 March 2028 | | | |
|---|--------------------|-------------------------|---|
| | Calculation | No. of dwellings | Supply sources |
| F | | 3,037 | Extant permissions |
| G | | 620 | Cranbrook Plan DPD expansion zones (allocations) – unconsented ** |
| H | | 436 | Future additional windfalls |
| I | F+G+H | 4,093 | Total five years deliverable supply |
| Five year housing land supply position at 2023 Monitoring Point | | | |
| J | D-I | 685 SHORTFALL | Five year Supply Surplus / Shortfall (assuming 5% buffer) |
| K | I/E | 4.28 | Years of land supply (assuming 5% buffer) |

Notes:

* Annual requirement based on Local Housing Need (standard method)

** Planning applications on 3 of the 4 Cranbrook expansion areas received Planning Committee ‘Resolution to grant approval’ after the 2023 Monitoring Point

FIVE YEAR LAND SUPPLY POSITION - CONCLUSION

- 5.36. At 31 March 2023, East Devon District Council can demonstrate a **4.28** year housing land supply position against the Local Housing Need of 910 dwellings plus 5% buffer (956 dwellings), with the total number of dwellings deemed deliverable in the 5-year period being 4,093 dwellings. Comparing the 4,093 forecast 5 year supply(including dwelling equivalents from care homes) to the 4,778 net dwellings 5 year requirement (including 5% buffer) indicates a district supply shortfall of **685** dwellings.
- 5.37. Where policies which are most important for determining an application are out-of-date because the council cannot demonstrate a five year supply of deliverable sites at 31 March 2023, the presumption in favour of sustainable development as set out in NPPF paragraph 11d applies for development management purposes.
- 5.38. The results and conclusions in this document supersede all previous East Devon Housing Monitoring Updates reports regarding the five year housing land supply position.
- 5.39. Finally, for the avoidance of doubt, the five year housing land supply assessment in TABLE 14 and TABLE 15 does not prejudge or predetermine the rolling five year housing land supply assessment to be made in the future relating to the emerging East Devon Local Plan, including the five year land supply position at the anticipated point of plan adoption. The rolling five year housing land supply assessment for the Local Plan will need to be consistent with NPPF and PPG specifically regarding plan-making.

6 Delivery compared to adopted plan trajectory

Comparing the local plan and the 2023 housing trajectories

- 6.1. The adopted East Devon Local Plan 2013 to 2031 includes a housing trajectory for the plan period. This takes the form of a graph (the illustrative trajectory) and the related data which is provided in Appendix 2 of the plan. TABLE 16 compares the 2023 housing trajectory to the trajectory Appendix 2.

TABLE 16 Comparison of Local Plan and 2023 trajectories

| Period | 2023 MP actuals and trajectory Total Comp/Proj | Local Plan trajectory Total Comp/Proj | Over (+) / Under (-) delivery compared to local plan trajectory | Cumulative difference in trajectories |
|--------|--|--|--|---|
| 13/14 | 830 | 824 | 6 | 6 |
| 14/15 | 1,029 | 1,089 | -60 | -54 |
| 15/16 | 1,027 | 1,191 | -164 | -218 |
| 16/17 | 724 | 1,261 | -537 | -755 |
| 17/18 | 866 | 1,455 | -589 | -1,344 |
| 18/19 | 929 | 1,464 | -535 | -1,879 |
| 19/20 | 1,065 | 1,287 | -222 | -2,101 |
| 20/21 | 867 | 1,553 | -686 | -2,787 |
| 21/22 | 1,039* | 1,295 | -256 | -3,043 |
| 22/23 | 998* | 1,092 | -94 | -3,137 |
| 23/24 | 1,100 | 1,041 | +59 | -3,078 |
| 24/25 | 822 | 1,012 | -190 | -3,268 |
| 25/26 | 803 | 830 | -27 | -3,295 |
| 26/27 | 699 | 691 | -8 | -3,287 |
| 27/28 | 669 | 566 | +103 | -3,184 |
| 28/29 | 840 | 551 | +289 | -2,895 |
| 29/30 | 598 | 551 | +47 | -2,848 |
| 30/31 | 557 | 565 | -8 | -2,856 |
| TOTAL | 15,462 | 18,318 | | |

- 6.2. TABLE 16 clearly shows that the delivery forecasts in the Local Plan trajectory are now not expected to be achieved. Those forecasts were ambitious. They also pre-date the latest Planning Practice Guidance on Housing supply and delivery. The consequence of PPG is that the new forecasts are more cautious. The Covid 19 pandemic impacted on delivery in 2020/21. Furthermore, delivery on strategic allocations has been delayed, notably due to:

- the lack of funding for the Axminster relief road and now the nutrients neutrality constraint has prevented the previously forecast early delivery of the strategic allocation at Axminster (in the Rest of East Devon) between 2017/18 and 2025/26;
- the timing of the Cranbrook Plan DPD inspector's report, and subsequent plan adoption, which has led to longer forecast lead in times for applications in the Expansion Areas.

6.3. In producing the trajectory for the 2023 Housing Monitoring Update, the council is aware that work is currently in progress in preparing the emerging new East Devon Local Plan 2020 to 2040. To avoid prejudging or predetermining the new plan, the council has to be mindful that NPPF and PPG 'rules' relating to 'deliverable' and 'developable' will apply to the housing trajectory for the emerging local plan. In particular NPPF requires the Council to demonstrate that the emerging plan has a five year supply at the point of plan adoption. At this time the council has therefore categorised some sites with planning permission at 2023 as developable, meaning that they are not forecast to deliver housing before April 2031, i.e. after the end of the plan period of the adopted Local Plan. It may be that some developable sites deliver before that time.

Five year housing land supply by sub-area

- 6.4. The adopted Local Plan identifies non delivery of the five year housing supply as a specific trigger for policy review and action. 2023 is the second consecutive year that the Council is not able to demonstrate a five year housing land supply. Action is already underway through the preparation of the emerging new East Devon Local Plan to address the issue. NPPF paragraph 11d is also engaged (unless paragraph 11c applies), with the application of the presumption in favour of sustainable development in the planning judgment when determining relevant planning applications.
- 6.5. A further local plan monitoring requirement is identified in the paragraph 20.4 in the adopted local plan regarding five year land supply.

20.4 "In East Devon we will work to two sub-areas for five year land provision:

1. The West End - to include Cranbrook and other big strategic housing sites on the Western side of the District. On current assessment (under Devon Structure Plan housing 'requirements') we have less than five years' land supply in this area.

2. The Rest of East Devon - that is, everywhere else within our District. On current assessment (under Devon Structure Plan housing 'requirements') we have considerably more than five years' land supply."

(Note - the Devon Structure Plan was revoked on 20 May 2013)

- 6.6. TABLE 17 and TABLE 18 below provide an overview of the 5-year housing land supply against the two sub-areas for monitoring identified in paragraph 20.4 of the adopted East Devon Local Plan 2013 to 2031. This position should **not** be used in the operation of paragraph 74 of the NPPF, but is provided for context against the provisions of the development plan.

TABLE 17 Five year requirement plus buffer calculations

| East Devon and sub-area housing requirement and buffer for 01 April 2023 - 31 March 2028 | | | | | |
|---|--------------------|-----------------------------------|---------------------|--|--|
| | Calculation | Rest of East Devon | West End | District No. of dwellings | Item |
| A | | 348 | 562 | 910 | Basic annual requirement* |
| B | Ax5 | 1,740 | 2,810 | 4,550 | Basic five year requirement (excluding buffer) |
| C | | 0 | 0 | 0 | Past under or over supply |
| D | (B +C)x1.05 | 1,827 | 2,951 | 4,778 | Total five year requirement target (including 5% buffer) |
| E | D/5 | 365 | 590 | 956 | Annual target (assuming 5% buffer) |

TABLE 18 Five year supply

| Supply sources at 31 March 2023 with realistic prospects of delivering dwellings 01 April 2023-31 March 2028 | | | | | |
|---|--------------------|-----------------------------------|------------------|--|---|
| | Calculation | Rest of East Devon | West End | District No. of dwellings | Supply sources |
| F | | 1,475 | 1,562 | 3,037 | Extant permissions |
| G | | 0 | 620 | 620 | Cranbrook Plan DPD expansion zones (allocations) - unconsented** |
| H | | 414 | 22 | 436 | Future windfalls |
| I | F+G+H | 1,889 | 2,204 | 4,093 | Total five years deliverable supply |
| J | D-I | -62 SURPLUS | 747 SHORTFALL | 685 SHORTFALL | Five year supply surplus / shortfall (assuming 5% buffer) |
| Five year housing land supply position at 2023 monitoring point | | | | | |
| K | I/E | 5.17 | 3.73 | 4.28 | Years of land supply (assuming 5% buffer) |

7 APPENDIX 1 - Local housing need calculation

Government guidance on calculating local housing is set out in the Planning Practice Guide: Housing and economic needs assessment. Please see the guidance⁵ for further explanation. The Council has applied this guidance to calculate the local housing need for East Devon for use in the five year housing land supply calculation as at the 2023 monitoring point. The calculations are as follows:

TABLE 19 Average annual increase in households

| ONS 2014-based household projections: East Devon District | | |
|--|--|--------|
| A | Projected households 2023 | 66,244 |
| B | Projected households 2033 | 72,813 |
| C | Projected increase in households 2023-2033 (B – A) | 6,569 |
| D | Annual projected increase in households 2023-2033 (C/10) | 657 |

TABLE 20 2022 Affordability ratio

| Affordability Ratio (ONS data published March 2023 - Table 5c) Ratio of median house price to median gross annual (where available) workplace-based earnings by local authority district, England & Wales, 1997 to 2022 | | |
|---|--------------------------------|---------|
| E | Median house prices 2022 | 325,000 |
| F | Median workplace earnings 2022 | 32,000 |
| G | Affordability Ratio (E/F) | 10.16 |

TABLE 21 2023 Monitoring Point East Devon Local Housing Need

| | | |
|---|---|------------|
| H | Adjustment factor (PPG method) | 1.385 |
| I | Annual projected increase in households 2023-2033 (D) | 657 |
| J | Local Housing Need (annual) as at 1 April 2023 (I * H) | 910 |

⁵ [Housing and economic needs assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/housing-and-economic-needs-assessment)

Calculation of Adjustment factor (based on PPG standard method)

Adjustment factor is calculated as follows = (((((10.16 – 4) /4) * 0.25) + 1)

i.e.

$$10.16 - 4 = 6.16$$

$$6.16/4 = 1.54$$

$$1.54 * 0.25 = 0.385$$

$$0.385 + 1 = 1.385$$

Calculation of Local Housing Need (based on PPG standard method)

Local Housing Need = Annual projected increase in households 2023-2033 * Adjustment factor

i.e. 657 multiplied by 1.385 = 909.945

i.e. 910 dwellings per year (rounded)

The annualised housing requirement (950 pa) in the adopted East Devon Local Plan 2013-2031 is higher than the LHN. Therefore, under the standard method the 'capped figure' is 950 + 40% ie 1,330. The capped figure (1,330) is greater than the minimum annual local housing need figure (910) and therefore does not limit the increase to the local authority's minimum annual housing need figure. The minimum figure for this East Devon is therefore 910 dwellings pa.



Report to: Strategic Planning Committee

Date of Meeting 3 October 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Methodology for the designation of Green Wedges in the new Local Plan

Report summary:

During its deliberations on the 'Working Draft East Devon Local Plan', this committee agreed in principle that Green Wedges should be designated between nearby settlements which could be at risk of coalescence or loss of identity. In order to draw the boundaries properly, it is essential that we follow a defined process in a logical and transparent way: this report details the methodology proposed for achieving this. The criteria chosen seek to reflect the discussions and decisions taken by Strategic Planning Committee. Green Wedges in the current local plan will be reviewed, existing areas may change and additional areas may be identified.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Strategic Planning Committee:

1. Endorse the proposed methodology for defining Green Wedges, set out in appendix 1 of this report, and its use in the preparation of Green Wedge boundaries for consultation.
2. Agree that the proposed Green Wedges be brought to Committee in early 2024 for Members consideration.

Reason for recommendation:

To ensure that feedback is provided by East Devon District Council to reflect and highlight concerns and considerations raised by this council.

Officer: Ed Freeman – Assistant Director, Planning Strategy and Development Management, email – efreeman@eastdevon.gov.uk, Tel 01395 517519

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities

Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Medium Impact

Risk: Medium Risk; It is important that we set out how Green Wedge boundaries are to be defined to ensure a rational process is followed and can subsequently be justified

Links to background information See links in Appendix 1.

Link to [Council Plan](#)

Priorities (check which apply)

Better homes and communities for all

A greener East Devon

A resilient economy

1. Introduction

- 1.1 Green Wedges are areas of land that are locally designated through the Plan making process. In East Devon, Green Wedges are a long-standing local landscape designation but there is a requirement, as part of the local plan review, to reassess the policy and designations to ensure that they remain proportionate and appropriate.
- 1.2 General policies controlling development in the countryside apply in Green Wedges, but, in addition, there is a general presumption against development which is inappropriate in relation to the purpose of the Green Wedge. In East Devon, in locations where settlements are in close proximity and where there is considerable pressure for new development, it may be necessary to have additional Green Wedge protection in order to prevent coalescence and maintain their separate identities. The Green Wedge will perform a strategic function, and therefore be considered a strategic Local Plan policy, as a buffer between areas of development in order to prevent coalescence.
- 1.3 The current Local Plan identifies 10 parcels of land as Green Wedge areas, however as some wedges comprise more than one parcel of land, they are defined on the proposals map as 6 areas which comprise:

- a) Land to the East of Exeter and South of the A30 and an area to the South of Poltimore.
- b) Land adjoining the Exe estuary and West of the A376 North of Lympstone to the Royal Marines site and North of Exton to Marsh Barton.
- c) Land to the North and North East of Exmouth.
- d) Land between Budleigh Salterton and Knowle.
- e) Land between Seaton and Colyford and Colyford and Colyton.
- f) Land separating the villages of Rockbeare and Whimble from the new community (Cranbrook) site.

The adopted policy states:

“Strategy 8 - Development in Green Wedges

Within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence.”

1.4 In addition, several made Neighbourhood Plans include policies with similar aims to Green Wedges (although they may use different terminology). These will be taken into account in the new assessments. Once the new Local Plan is adopted it will take precedence over any 'made' Neighbourhood Plans where there is a conflict between the two. Including green wedge / equivalent designations from made and advanced emerging neighbourhood plans in the assessment work for the Local Plan will not guarantee their endorsement in strategic policy but will give the opportunity for fresh objective consideration as to whether these areas, alongside those areas currently designated in the existing Local Plan and others, can and should be carried through into the Local Plan as strategic Green Wedge designations.

2. Current Position

2.1 The first stage in preparing the new Local Plan was the Issues and Options consultation, which set out differing options/approaches that the plan could take, and ran from January to March 2021. In this consultation the Council identified the possibility of "Support(ing) designation of open spaces (for example Green Wedges) between settlements and local landscape protection areas" and this received support from respondents although a need to review the existing Green Wedge designations was identified.

2.2 After considering the feedback on the Issues and Options consultation, and suggested alternative policy approaches, at the Strategic Planning Meeting on 11th January 2022, Council Members discussed the proposed approach to Policy 71 (set out below) and resolved that:

"Green Wedges are designated following a landscape review to ensure that sufficient land is designated to restrict development and therefore prevent settlement coalescence and protect the separate identities and character of settlements in close proximity to each other. Extensive areas of Green Wedge that go beyond the area needed to achieve this aim would unnecessarily restrict development that would otherwise be acceptable". They indicated that the Green Wedges in the current local plan should be reviewed as a starting point. Alternative policy approaches- to not have Green Wedge areas in the plan; to have more extensive areas of Green Wedges; and to have very tightly defined and small Green Wedge designations- were rejected after considerable discussion.

71. Policy – Green wedges

It is proposed that a Policy be included to protect the separate character and identity of settlements in close proximity and prevent their coalescence, protecting their openness, role and function. In accordance with criteria to be established, development will not be permitted where it would conflict with the purposes of the green wedges, which are to:

- prevent the coalescence of settlements and maintain a sense of place and identity for neighbourhoods
- maintain the open character of a green lung contributing to health and wellbeing for residents
- provide accessible formal and informal recreation, sport and play
- provide valuable wildlife corridors and habitat
- protect areas of landscape importance and visual amenity

Policy will specify the location of the green wedges and they will be identified on the proposals map.

- 2.3 The Green Wedge policy in the adopted local plan has two main objectives- to protect the separate character and identity of settlements in close proximity and prevent their coalescence. The proposed approach to Policy 71 included 5 purposes, however it has become apparent whilst producing the methodology, and in response to the draft Plan consultation feedback, that some of these purposes may be considered as ‘additional benefits of designation’ rather than a main purpose of it. As such, they will be addressed through other policies in the plan and there is limited evidence available to justify them as essential to Green Wedge designation.
- 2.4 Given the Committee resolution, and the fact that the adopted policy has been successfully applied for many years, protecting character and identity and preventing coalescence are the focus of the proposed methodology and it is proposed that the wording of the Policy in the next draft Local Plan will be amended to reflect this.

3. Proposed Methodology

- 3.1 In order to achieve a consistent approach to the drawing of Green Wedges we will need to follow a methodology that sets out the circumstances in which they will be designated. This approach has been used successfully during the preparation of Local Plans in other authorities.¹
- 3.2 A set of criteria and a detailed assessment process has been devised to guide the detailed work of defining Green Wedge boundaries for inclusion in the next consultation on the local plan. This methodology is set out in Appendix 1.
- 3.3 It is anticipated that this work will be ongoing through the Autumn. The methodology will be a public document.

Financial implications:

There are no financial implications requiring comment.

Legal implications:

There are no legal implications requiring comment.

¹ [Report \(charnwood.gov.uk\)](http://report.charnwood.gov.uk)

APPENDIX 1

ASSESSMENT OF GREEN WEDGES IN EAST DEVON

1. Introduction

1.1 Purpose of this Report

1.1.1 East Devon District Council is in the process of preparing a new Local Plan. The purpose of this report is to assess areas of search around the Tier 1-4 settlements and other strategic allocations to identify whether they should be, either in whole or part, designated as a Green Wedge. The assessments will form part of the evidence base to support the preparation of the Local Plan.

1.1.2 Specifically, this Green Wedge Evidence Report will cover:

- The purpose of Green Wedge designations and their role as a plan making tool;
- Policy background for Green Wedges including an overview of national planning policy and the preparation of the new East Devon Local Plan;
- Assessment methodology for the review of potential Green Wedge areas and assessment against purpose criteria for Green Wedge designation;
- Analysis and evaluation of each area of search, setting out the results of the desk based research and on site assessments and evaluation against the purpose criteria for Green Wedge designation;
- Recommendations for the Proposed Submission stage of the East Devon Local Plan.

1.2 Purpose of Green Wedges

1.2.1 Green Wedges are areas of land that are locally designated through the plan making process. Green Wedge policies and designations should be reassessed as part of the review of a Local Plan.

1.2.2 General policies controlling development in the countryside apply in Green Wedges, but, in addition, there is a general presumption against development which is inappropriate in relation to the purpose and function of the Green Wedge. For example, in locations where settlements are in close proximity and where there is considerable pressure for new development, it may be necessary to have additional Green Wedge protection in order to prevent coalescence and maintain their separate identities. The Green Wedge will perform a strategic function, and therefore be considered a strategic Local Plan policy, as a buffer between areas of development in order to prevent coalescence.

1.2.3 Coalescence can be defined as, 'the process of coming or growing together to form one thing or system' (Cambridge English Dictionary). On this basis, the concept of coalescence is engaged not only when two settlements physically join, but also as they are perceived as coming closer together as a result of incremental development. Therefore, in the context of the coalescence of settlements, a reduction in the gap between settlements could also be described as part of the process of coalescence and potentially harmful to the identity of the settlements involved.

1.2.4 The primary function of green wedges in East Devon is to:

- prevent the coalescence of settlements and maintain a sense of place and identity for communities

1.2.5 Other benefits which may arise from, but are not a reason for, the designation are:

- maintaining the open character of a green lung contributing to health and wellbeing for residents and visitors
- encouraging accessible formal and informal recreation, sport and play space
- providing valuable wildlife corridors and habitat
- protecting areas of landscape importance and visual amenity
- maintaining space for communities to adapt and be more resilient to climate change

1.3 National and Local Policy Context

National Planning Policy

1.3.1 As Green Wedges are not national policy designations, the National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance do not specifically recognise them, however they both promote sustainable development and recognise that locally valued landscapes may be identified and protected through a Local Plan. Designating Green Wedges can contribute to the delivery of sustainable development which is a core principle of the NPPF.

1.3.2 We consider that Paragraph 20 is relevant to Green Wedges; they are part of our strategic approach to maintaining local identity and ensuring that the separation of nearby settlements is maintained:

Paragraph 20 - Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:...conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure.

1.3.3 The Planning Practice Guidance (PPG) was first introduced in 2014 and provides up-to-date government guidance. The PPG provides guidance to help in the implementation of policy in the NPPF. This paragraph offers useful guidance:

- Paragraph 036 - How can planning policies conserve and enhance landscapes? (ref ID: 8-036-20190721)

1.3.4 The National Design Guide characteristics are based on the objectives for design set out in Chapter 12 of the NPPF. The NDG expands upon the importance of identifying, and maintaining, identity and character in order to understand local context. This is considered to be essential to good design and creating high quality environments. Local character makes places distinctive and memorable and helps people to navigate them. Well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and improve quality of life.

1.3.5 The National Design Guide contains further detail on how an understanding of the context, history and cultural characteristics of an area should influence the location, siting and design of new developments. This will, in turn, create a positive sense of place that fosters a sense of belonging and contributes to well-being, inclusion and community cohesion. The National Design Guide sets out ten characteristics which work together, these include an attractive and distinctive identity which comes from the way that buildings, streets and spaces, landscape and infrastructure combine together and how people experience them. It is not just about the buildings or how a place looks, but how it engages with all of the senses. Local character makes places distinctive. Well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and neighbourhoods. Well-designed places buildings and spaces:

- Have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion.
- Have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- Are visually attractive, to delight their occupants and other users.

Local identity is made up of typical characteristics such as the pattern of housing, historic assets, special features that are distinct from their surroundings and the landscape setting of a settlement. Green wedges are one of the policy devices used to identify, protect and respond to local character and identity in order to respect and work within the context of existing settlement character and retain and create a strong sense of place.

East Devon Local Plan

1.3.6 East Devon District Council is reviewing its adopted Local Plan, and a new Local Plan, covering the period 2021-2040, is being prepared and will eventually replace it. The current Local Plan identifies 10 parcels of land as green wedge areas, however as some wedges comprise more than one parcel of land, they are listed as 6 grouped areas which are:

- a) Land to the East of Exeter and South of the A30 and an area to the South of Poltimore.*
- b) Land adjoining the Exe estuary and West of the A376 North of Lympstone to the Royal Marines site and North of Exton to Marsh Barton.*
- c) Land to the North and North East of Exmouth.*
- d) Land between Budleigh Salterton and Knowle.*
- e) Land between Seaton and Colyford and Colyford and Colyton.*
- f) Land separating the villages of Rockbeare and Whimble from the new community (Cranbrook) site.*

The adopted policy states:

“Strategy 8 - Development in Green Wedges

Within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence.”

1.3.7 The first stage in preparing the new Local Plan was the Issues and Options consultation, which set out differing options/approaches that the plan could take, and ran from January to March 2021. In this consultation the Council identified the possibility of “Support(ing) designation of open spaces (for example green wedges) between settlements and local landscape protection are as” and this received support from respondents although a need to review the existing green wedge designations was identified.

1.3.8 After considering the feedback on the Issues and Options consultation, and suggested alternative policy approaches, at the Strategic Planning Meeting on 11th January 2022, Council Members resolved that

“Green wedges are designated following a landscape review to ensure that sufficient land is designated to restrict development and therefore prevent settlement coalescence and protect the separate identities and character of settlements in close proximity to each other. Extensive areas of green wedge that go beyond the area needed to achieve this aim would unnecessarily restrict development that would otherwise be acceptable”. They indicated that the green wedges in the current local plan should be reviewed as a starting point.

1.3.9 This report constitutes the review that was agreed. The areas that derive from it, along with the proposed detailed policy wording, will be consulted upon at the next stage of plan preparation.

Neighbourhood Development Plans

1.3.10 In addition to the Local Plan, some Parishes have produced Neighbourhood Plans which, once made, form part of the Development Plan for East Devon. Currently, the following made Plans contain policies which seek to reinforce the adopted Local Plan green wedges or, in the cases of Ottery and West Hill, Sid Valley and Beer, protect additional areas of land.

1. *Budleigh – Policy NE7 Green wedges*
2. *Colyton – Policy Coly04 Green Wedges*
3. *Lypstone – Policy 3 Green wedges*
4. *Rockbeare – Policy Rock06 Green wedges*
5. *Ottery & West Hill – Policy NP4 Settlement Containment*
6. *Sid Valley (Sidmouth) – Policy 3 Settlement Coalescence*
7. *Beer- Policy BHE1 Beer Local Gap*

The areas identified through Neighbourhood Plans will progress to assessment along with those in the adopted Local Plan.

2. Assessment Methodology

2.1 Introduction

2.1.1 There is no nationally prescribed methodology for defining Green Wedges, therefore it falls to the District Council to define a methodology at a local level. There are several other local authorities that have developed a methodology for reviewing Green Wedges, and their Local Plans have been successfully adopted after independent examination. These methodologies generally use a combination of desk based research and site visit studies to inform an assessment of existing or potential Green Wedge areas against a set of Green Wedge purpose criteria. The methodology for this report therefore draws on these previously tested methodologies, particularly those adopted by Leicestershire¹ and East Cambridgeshire². It should also be noted that as, Green Wedges are local designations that some local planning authorities have chosen to adopt, their aims and purposes may vary from area to area (although their primary purpose is to protect the open/countryside area around settlements) and, whilst they are usually referred to as Green Wedges, they may also be known by other names such as Green Gaps or Countryside Protection Areas.

2.2 Stage 1: Selecting Areas of Search

2.2.1 The first step is to identify existing Green Wedges (or equivalent) identified through the Local Plan (areas subject to draft Local Plan consultation in late 2022 are here ([Draft Local Plan- Green Wedges](#)) and made Neighbourhood Plans (noting that some of these areas overlap). These are:

- a) Land to the East of Exeter and South of the A30 and an area to the South of Poltimore.*
- b) Land adjoining the Exe estuary and West of the A376 North of Lymptone to the Royal Marines site and North of Exton to Marsh Barton.*
- c) Land to the North and North East of Exmouth.*
- d) Land between Budleigh Salterton and Knowle.*
- e) Land between Seaton and Colyford and Colyford and Colyton.*
- f) Land separating the villages of Rockbeare and Whimble from the new community (Cranbrook) site*
- g) Land north of Sidmouth, between Sidford and Sidbury*
- h) Land between Ottery St Mary and West Hill*
- i) Land between Beer and Seaton*

Sites identified as proposed development allocations in the emerging Local Plan have been subject to landscape assessment, including in the context of their relationship to nearby settlements. In recommending allocations we have had regard to settlement coalescence and concluded that they would not be significantly harmful to these issues and therefore they will be excluded from the areas to be assessed as Green Wedges.

2.2.2 In addition, there may be a need for new green wedges in the areas around settlements in the hierarchy (tiers 1-4), and other major allocations not adjacent to these settlements. These are the locations where development is supported in principle in the Local Plan, so there may be potential for settlement coalescence. A desk based assessment has not identified any additional areas for

¹ [Report \(charnwood.gov.uk\)](#)

² www.eastcamb.gov.uk/sites/default/files/PE22%20Green%20Wedge%20Study.pdf

consideration to date, however additional areas suggested through the plan making process will be assessed using the methodology.

2.2.3 A new settlement to the east of Exeter is proposed in the draft Local Plan but the precise location has yet to be decided. It may be appropriate in future to designate a Green Wedge between this settlement and any nearby village/s. The master planning of any new settlement will need to ensure that risks of future settlement coalescence are designed out from the outset. In any event the scale of development at any new settlement within this plan period would not be likely to create such issues. We would therefore see the designation of a Green Wedge around any new settlement as something to be considered in a future plan review.

2.3 Stage 2: Desk Based Research

2.3.1 Stage 2 involves desk based research for each area of search to gather factual information that will inform assessment of the landscape, setting and character, including:

- land uses;
- environmental designations;
- landscape character;
- public rights of way and cycle routes;
- planning history; and
- areas developed or proposed for development.

2.3.2 The main sources of information for the desk based research will be Ordnance Survey Mapping, GIS data, websites (such as Magic- the Government website which has a comprehensive list of natural environment designations), aerial photography and Local Plan evidence base documents.

2.4 Stage 3: Site Visits

2.4.1 At this stage site visits will be undertaken to view each of the search areas from publicly accessible locations. In each location, the Officer will consider land uses; physical features; setting and character; landscape and visual impacts; threat of coalescence; boundaries (including infrastructure such as roads and railways; natural features such as watercourses and hedges; and existing built form with clearly defined edges); perception of distance between settlements (particularly from public vantage points including footpaths and cycleways) and sense of separation. Photos should be taken during the site visits to support the assessments.

2.5 Stage 4: Assessment Criteria

2.5.1 This stage draws together the findings of stages 2 and 3 to assess each area against the Green Wedge purpose criteria using a strength based assessment, as set out in the table below. It is not necessary for a green wedge to score strongly against both purpose criteria but a site should perform strongly overall if it is to be designated as a green wedge.

Green Wedge Purpose

| Purpose Criteria | Explanation | Strength | Evidence |
|--|--|---|--|
| 1. To prevent the coalescence of settlements | <p>This is an open area of land that preserves a physical separation between settlements, maintaining the existing settlement pattern. The Green Wedge would prevent development that would result in a significant erosion of a gap between neighbouring settlements or would result in the merging of neighbouring settlements, or neighbourhoods within an urban area. It may also protect important views into and out of settlements.</p> <p>Logical and defensible boundaries ensure the integrity of the designation is maintained.</p> | <p>Strong: The area provides an essential gap between two or more settlements, restricting development which would lead to the merging of these settlements by significantly visually or physically reducing the actual or perceived distance between them.</p> <p>Moderate: Provides a wider gap between two or more settlements, restricting further development which may lead to the merging of these settlements. There may be scope for some development, but the overall openness and the scale of the gap is important to restricting merging.</p> <p>Weak: Provides a less critical gap between two or more settlements which is either unlikely to restrict the merging or further merging between Settlements or is so large that such merging is highly unlikely.</p> <p>Does not meet the purpose: The gap between settlements is sufficient that the area plays no role in preventing the merging of settlements, or settlements have already merged.</p> | <ul style="list-style-type: none"> • Topography • Landscape character • Views (long and short range) • Perception of distance between settlements/built up areas • Sense of leaving one settlement and entering the next • Presence of built development |
| 2. To maintain a sense of place and identity for communities | <p>This is an open area of land that safeguards the setting, identity or character of separate settlements. The Green Wedge would prevent development that would result in a loss of the distinctive separate characteristics or identities of neighbouring communities and reinforces a distinct sense of place.</p> | <p>Strong: Settlements have separate, distinct and identifiable characters and a strong sense of place. They may have a strong boundary between the developed area and the countryside beyond. The Green Wedge protects an important landscape setting or landscape features which positively contribute/s to local character and/or identity. Such landscape features could be a key component of local character themselves.</p> <p>Moderate: Settlements have some distinct characteristics which contribute to their individual character and/or sense of identity. The boundary between the urban area and countryside may not be</p> | <ul style="list-style-type: none"> • Topography • Landscape character • Views (long and short range) • Perception of distance between settlements/built up areas • Sense of leaving one settlement and entering the next • Presence of built development • Development pressure and planning consents • Local Plan Call for Sites • Compatibility with preferred site |

| | | | |
|--|--|--|--|
| | | <p>consistently strong. The Green Wedge would protect areas of landscape which are important to the setting of the settlement but may not have a distinct or important character in their own right.</p> <p>Weak: While the adjoining settlements show some distinctive characteristics, the overall character is either generic or disparate so that it does not convey a strong sense of place. Development may be dispersed or bounded by features that are difficult to recognise or weakly defined. Some areas may be of low quality or degraded landscape character which does not contribute positively to local identity.</p> <p>Does not meet the purpose: There is no real sense of local identity or distinctiveness. The area may contain sporadic development with no discernible unifying local character and/or no real differentiation between urban area and countryside beyond. The area conflicts with the strategic allocations for new development set out in the new Local Plan.</p> | <p>allocations in the Local Plan</p> <ul style="list-style-type: none"> • Maps showing evolution of the settlement • Historic records and lists of heritage assets |
|--|--|--|--|

3. Assessment of potential Green Wedge areas

3.1 This section sets out the form for the assessment of each of the areas of search identified in Stage 1. The completed pro-formas will be added to this report and then a conclusion, with maps, will identify the areas to be designated as Green Wedges.

Green Wedge Assessment Pro-Forma (for each potential green wedge)

Add Map of proposed Green Wedge here

| | |
|--|--|
| General description of location | |
| Parish/es | |
| Area | |
| Date of site visit/s | |

Desk Based Research

| | |
|---|--|
| Planning History and Development Pressure | |
| Other Relevant Planning policies/ Allocations (inc Neighbourhood Plans) | |
| Local Plan Consultation Responses | |
| Environmental or Heritage Designations (Within or adjacent) such as Conservation Area, Registered Historic Park and Garden, listed buildings, SSSI, SAC, CWS | |
| Landscape Character Areas | |
| Other Considerations | |

Site Visit Research

| | |
|---|--|
| Land use and Landscape | |
| What are the main land uses within the area of search? | |
| What are the main land uses adjacent to the area of search? | |

| | |
|---|--|
| <p>What are the main landscape features within the area of search? (e.g. hedgerows, woodland, ponds, rivers)</p> <p>Noting the presence of features such as trees, hedges and woodland which have the effect of screening or enclosure can have a marked influence on the sense of separation. Where there is a higher proportion of established woody vegetation this can reinforce and strengthen the sense of separation between settlements. Conversely, when vegetation cover is more limited and the landscape more open the sense of separation is reduced.</p> | |
| <p>What are the main landscape attractors/detractors? (Landscape elements, e.g. pylons, mobile mast etc.)</p> | |
| <p>Topography Noting the pattern of landform can reinforce the separation between settlements (e.g. a ridge between settlements). Alternatively, landform may play a more neutral role (e.g. if the land is broadly level).</p> | |
| Setting and Character | |
| <p>Views- are views long or short range? Are views worthy of protection (and do they encompass or focus on areas/features of particular importance)</p> <p>Public views- the degree of openness to public view from roads, rights of way and publicly accessible land influences the perceptual role a green wedge could perform in the locality. Locations with open public views can strongly reveal the openness and sense of separation. Conversely, locations with limited access and/or appreciation of the landscape would have a reduced role.</p> <p>Locations where there is inter-visibility from or between settlements will be of a relatively greater sensitivity.</p> <p>Views which focus on locally important or distinctive features or landmarks may contribute to a sense of character or identity.</p> | |

| | |
|---|--|
| | |
| <p>How do existing settlements sit within the landscape? the character of an area of land can affect the appreciation of a neighbouring settlement or development (e.g. where properties in a settlement front onto open countryside and there could be a strong historic, visual or functional relationship with the adjacent land). Conversely, physical barriers such as major roads, railway lines and associated earthworks or where buildings back onto an area may reinforce separation despite the proximity.</p> | |
| <p>Does the area of search, in whole or in part, have an identifiable character and sense of place? This can include the history and heritage of the settlement, its surroundings and the wider area, including cultural influences</p> | |
| <p>What is the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character? This can include historical building typologies such as the terrace, town house, mews, villa or farmstead, the treatment of façades, characteristic materials and details as well as strong boundary treatments</p> | |
| <p>Any other features that contribute to sense of place or local character and how someone might experience them. Eg legibility - how easy it is for people to find their way around; roofscapes; the scale and proportions of buildings; the scale and proportions of streets and spaces; hard landscape and street furniture; soft landscape, landscape setting and backdrop; nature and wildlife, including water; the significance and setting of heritage assets, natural features or any other specific features that merit conserving and enhancing</p> | |
| <p>Threat of Coalescence</p> | |
| <p>Can more than one settlement be seen from a single position?</p> | |

| | |
|--|--|
| Are there long views or vistas across settlements and/or across the wider landscape? | |
| Perception of distance within the area of search to neighbouring settlements (e.g. clearly visible, moderately close, distant). Are there any physical features that disrupt views? (e.g. roads, railway, pylons) | |
| Does the area of search provide a landscape setting for an adjacent urban area? | |
| Potential Green Wedge Boundaries | |
| Description of potential Green Wedge Boundaries within the area of search | |
| Does an alternative boundary or boundaries exist? | |
| Development Impact | |
| What built development exists within this area of search? Comment on form, density, pattern | |
| What effects would built development in this area have? | |
| Other Notes: | |

Photos to be added here

Evaluation Against Green Wedge Criteria

| Green Wedge Purpose | Comments |
|--|----------|
| 1. To prevent the coalescence of settlements | |
| 2. To maintain a sense of place and identity for communities | |

Conclusion- Should this area be designated as a Green Wedge?

| |
|--|
| |
|--|

Report to: Strategic Planning Committee

Date of Meeting 3 October 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Response to Government consultation on plan-making reforms

Report summary:

This report provides feedback on the consultation that the Government are undertaking on proposed new style local plans. These proposed changes are linked to and have their legislative basis in the Levelling-up and Regeneration Bill (which is currently progressing through Parliament). The proposed changes seek to speed up the plan making process while seeking to engage communities more in their production. The closing date for responses is 11.59pm on Wednesday 18 October.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Committee endorse the proposed response to the consultation as set out in this report and that these be submitted as the Council's response to the consultation.

Reason for recommendation:

To ensure that feedback is provided by East Devon District Council to reflect and highlight concerns and considerations raised by this council.

Officer: Ed Freeman – Assistant Director, Planning Strategy and Development Management, email – efreeman@eastdevon.gov.uk, Tel 01395 517519

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information The consultation can be viewed at: [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/levelling-up-and-regeneration-bill-consultation)
Links to other background documents are contained in the body of this report.

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

1. Consultation on changes to the local plan making system and timing issues

- 1.1 On the 25 July 2023 the Government started consultation on proposed changes to the local plan making system. These proposed changes are linked to and have their legislative basis in the Levelling-up and Regeneration Bill (which is currently progressing through Parliament). The consultation closes on 18 October 2023.
- 1.2 The consultation sets out a new way of producing local plans that the Government consider will make plan making simpler and quicker. In part this lies in the form and format of plans becoming more standardised across England with set templates being established for use in production. Also the consultation sets out proposals for a more consistently applied structured approach to local plan making.
- 1.3 The overall impression (from an officer interpretation) through the consultation is that there will be less flexibility for planning authorities to identify matters they regard as appropriate for inclusion in a plan, with more emphasis on complying with defined process and matters set by Government. But there is an expectation of there being less stringent evidence requirements in the future.
- 1.4 The local plan making consultation places a lot of weight on the importance of plans setting out, and starting with, a locally defined vision that should be endorsed through public engagement. Whether in reality a vision can or will be largely or fully endorsed, especially if it contains challenging proposals (for example building a new town), will no doubt be a matter for debate. However, the consultation sets out a case for greater public engagement in plan making and places weight on a case that through active engagement, that captures and reflects public and consultees views, people will sign up to the vision and this will then be logically translated into policy and land development allocations (that are supported). Those challenging might question, however, if this is really going to happen and can it be so easy - especially so when a plan puts lines or boundaries on a map, say around a green field in East Devon, and says this is where new houses are going to be built!
- 1.5 The Government advise that under the new system there will be a four month period during which early scoping of plan content and participation takes place before the clock

formally 'starts ticking' on plan making. This then leads into a defined programme of plan making that stretches over (up to) 30 months (2½ years) through to final plan adoption. It should be noted that currently the bulk of local plans take much longer than this to produce (at least seven years on average) - perhaps the Government are being overly ambitious in their expectations? Under the proposed new timetable arrangements there will be what are termed 'Gateway' stages where plan making is checked against defined process/content assessments. The first two 'Gateways' are less formal but the third and last one directly informs plan examination.

- 1.6 Through the consultation there is increasing emphasis placed on use of new technology and standardised ways of recording information and data and making it accessible. Use of new technology is seen as essential to gain wider public buy-in and making plans more accessible and engaging and also to ensure timely (if not speedy) production.
- 1.7 The consultation advises that the current existing plan making system will remain in place and operational for emerging plans that are:
- submitted for examination up until 30 June 2025; and
 - which will then be adopted by 31 December 2026.
- 1.8 For our emerging East Devon Local Plan these dates look critical. We could move ahead under the current plan making system or wait for the new system to be in place. To run to the current plan making system we would, however, need to avoid any lengthy delays to ensure we submit before the 30 June 2025 (ideally well before). Then, amongst the unknowns, is how long the plan will stay at Examination, a lengthy Examination could push adoption to a point where it would not be possible until after 31 December 2026. Though there may ultimately be flexibility to adopt after this date.
- 1.9 It might be possible to start formal preparation of a plan under the new system in late 2024. But based on the consultation wording there will be a phasing in of dates that selected planning authorities can start at and an actual possible formal start, for many planning authorities, could well be some time later. There could also be timetabling challenges that the Government (or perhaps a future one) faces with introduction of the new system and maybe it won't be introduced at the times outlined or could be somewhat different from that envisaged at present. For our thinking about timetables seeking to get in early on new ventures and systems may have some attractions, but it's not without unknowns and risks.

2. How we have set out proposed response

- 2.1 The consultation issued by the Government includes explanatory text about the new proposed plan making system and asks a series of questions around this text, 42 in total. It should be noted that the consultation covers local plan making (as falls to East Devon District Council) as well as mineral and waste plans. But as minerals and waste planning is not the statutory responsibility of East Devon District Council (for us Devon County Council is the relevant authority) we do not comment on waste and minerals plan matters, other than briefly responding to specific questions about waste and mineral plans.

- 2.2 In the text in the next section of this report we use the key headings found in the consultation and under these provide a succinct summary of key themes in the consultation and in some cases some comments about issues, concerns and matters that may be relevant in an East Devon context. The questions asked are shown in shaded text as is a suggested response to the consultation question asked.
- 2.3 This report sets out a flavour of the consultation material though it is not fully comprehensive, officers of the Council have, however, sought to give a fair and balanced overview of the consultation highlighting what are seen to be the key points it raises. Also the intent has been to make it explicitly clear what the government are consulting on and what is comment made by officers of the Council around matters raised and their potential relevance to East Devon and the Council.
- 2.4 **It is stressed that to understand the Government consultation fully, and the full context of the questions asked (and as such the suggested responses) the consultation document from Government should be read in full alongside this committee report.**
- 2.5 The recommendation is that the answer text in the shaded boxes (in the next section of this report) is submitted as the East Devon District Council consultation response to the consultation.
3. **Summary comments about the consultation and proposed response by East Devon District Council**

Chapter 1: Plan content

- 3.1 The consultation advises that local plans play an important role in directing development and providing local communities with certainty over their areas. The government set out that their ambition is that new-style local plans are simpler, shorter and more visual, showing more clearly what is planned in local areas so users can engage more easily.
- 3.2 The Government advise that they want local plans to tell the 'story' of how the planning authority's area will develop, what is needed to ensure development achieves the right outcomes, and how this will contribute positively to good place making and environmental enhancement. The government say plans should have a locally distinct vision which will anchor the plan, provide strategic direction for the underpinning policies and set out measurable outcomes for the plan period.

Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?

East Devon District Council welcomes principles around local plans being accessible and clear, setting out issues around how an area will develop. These, of course, are considerations that can be readily applied to plan making under the current system and as such, going forward, the Government will need to more fully articulate how the principles will work in practice and therefore how they will be an enhancement and improvement on the system of plan making that exists at present. Lack of detail in proposals at this stage limit the degree to which comment can be made, suffice to say that making changes that actually make the plan making system better (rather than making changes for the sake of making changes) will be a challenge for Government.

Plan visions

- 3.3 The consultation advises that visions can be an important means of setting the wider context and detailing the planning authority's key aims and priorities, in a way to be clearly understood by communities and other stakeholders. They advise, however, that visions in existing plans are often too long, generic and high level, and do not sufficiently capture the uniqueness of the places they describe or the views of the communities that they serve.
- 3.4 The Government see focussed and specific visions as a tool to give communities a much stronger voice in the plan-making process which should:
- serve as a "golden thread" through the entire local plan, with policies and allocations linking directly to delivering the outcomes set out in the vision;
 - set out measurable outcomes for the plan period, underpinned by the planning authority's evidence base, which are actively monitored following adoption of the plan
 - be supported by a key diagram which sets out the vision spatially for the plan area.
- 3.5 The Government propose to provide a user-tested digital template which can be used by authorities during plan-making.
- 3.6 Members of Strategic Planning Committee will recall that there has been recent committee debate around revisiting the vision of the draft East Devon Local Plan and a subsequent workshop session. The consultation on the vision aspect of the new local plan making system does not provide detailed guidance on what the Government necessarily see a vision containing, but it intends to provide a user-tested digital template which can be used by authorities in plan-making.

Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?

East Devon District Council supports the inclusion of a vision in local plans which clearly and concisely articulates how the local authority area will look by the end of the plan period. A challenge for Government will be, however, to establish a plan making system where this development of a vision can genuinely take place that accords with Government expectations whilst still providing flexibility for planning authorities to capture what is truly relevant and important for their own local circumstances and situations.

Local development management policies

- 3.7 The Levelling Up and Regeneration Bill provides for the creation of National Development Management Policies which will be consulted on separately. By dealing with nationally important matters, the Government advise that local plans will be more streamlined and focus on matters that are considered to be genuinely local.
- 3.8 The proposed approach for local development management policies is they should be underpinned by appropriate justification and, wherever possible, enable delivery of the plan's vision.

Question 3: Do you agree with the proposed framework for local development management policies?

East Devon District Council support the principles for local development management policies, to enable locally-specific issues and challenges to be considered effectively when determining planning applications. For example, East Devon requires local policies relating to development in coastal areas, clearly not applicable to 'inland' local authorities. There should, therefore, be sufficient flexibility built into the new system to ensure that planning authorities can identify matters that are specifically relevant or important for their area to enable local policies to be developed.

Templating and digital efficiencies

- 3.9 The Government express concern that local plans lack standardisation and consistency across planning authorities in respect of text and maps. They consider that it can be challenging for users to navigate and engage with different plans to understand what matters to them, resulting in wasted time and effort.
- 3.10 The government are seeking consistency in plans, using defined national data standards and a series of templates, setting out standardised approaches to specific parts of the plan. Though they advise that templates will be designed to provide flexibility, for example to allow for individual local circumstances and to enable local innovation.

Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?

East Devon District Council support the use of templates to prepare local plans, to save time and provide consistency in the structure and content of local plans. We support a templated contents page and approaches to drafting and presenting specific policies. However, there is a danger that local plans could become formulaic, so sufficient flexibility should be provided so that locally-specific issues can be included within the template. For example, the spatial strategy for development will vary between local authorities, so the template should enable flexibility to reflect this.

Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?

East Devon District Council are not a minerals and waste planning authority and as such would leave it to responsible waste and mineral planning authorities to comment in detail. However, whether through the proposed new plan making system, and indeed through the plan making system that exists at the present time, we welcome legible and easy to understand plans.

Chapter 2: The new 30 month plan timeframe

- 3.11 The Government propose that local plans are to be prepared and adopted within 30 months, with this time length striking a balance between needing plans to be made more quickly and kept up to date more effectively, with a realistic view on what is achievable. Stages are:
- **A scoping and early participation stage** – including requirements to “notify” the public and stakeholders and “invite” participation with a minimum of four months’

notice before they intend to formally commence the 30 month plan preparation timeframe.

Then over the next 30 months:

- **Plan visioning and strategy development** including a requirement to undertake visioning about the future of the area and the first formal public consultation on the plan.
- **Evidence gathering and drafting the plan**
- **Engagement, proposing changes and submission of the plan** including a requirement for the second public consultation.
- **Examination**
- **Finalisation and adoption of the plan**

Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?

Whilst East Devon District Council agree with the principle of speeding up the process for preparing a plan, and agree it is useful to specify a time period, we do not consider it possible to adopt a local plan 30 months after the plan preparation process begins. Whilst the consultation proposals simplify the plan-making process to a degree, we do not believe it will result in the necessary reduction in timescale from a current average of seven years, to just two and a half years. Should the government wish to retain this 30 month time frame (or define what we would suggest should be a longer reasoned time frame) then considerable thought and attention should be applied to examining how it can be made to work in practice and what the wider implications may be. We would also highlight that part of the plan making process, and therefore timetabling concerns, fall to the Planning Inspectorate (that is after the submission of plans). We would trust the Planning Inspectorate will be free to comment on the timetabling issues and implications from their perspective, including such simple matters as do they have the staff and resources to meet deadlines.

The scoping and early participation stage

- 3.12 During this stage the Government advise that planning authorities should define what will be included in the plan and what is not within scope. They see it as essential to help balance the time and resources available and establish support from elected Members on the main messages that will shape the local plan.
- 3.13 The Government see project planning as essential and authorities should resource the necessary project management skills so that planning teams can focus on shaping the plan content and engaging with stakeholders. There will be a need for a Project Initiation Document, using a digital template provided by government. This stage should:
- i. define the scope of the local plan and identify evidence required to create a sound plan;
 - ii. identify any local issues likely to be relevant to the plan or environmental assessment;

iii. set out the project management, governance, risks to delivery and resourcing arrangements; and

iv. outline the overall approach to community and stakeholder engagement.

3.14 The project plan should also consider introducing the Infrastructure Levy and Infrastructure Delivery Strategy (a consultation on this recently closed) and the project plan should tie in with the authority's wider corporate strategies.

Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?

East Devon District Council agree that a Project Initiation Document (PID) will help define the scope of the local plan. However, given the specialist nature of such a document, project management training will be required. It also needs to be made clear if, how and when the PID will be updated, as necessary, throughout the plan making process.

Plan visioning and strategy development

3.15 This is the first stage that happens at the beginning of the 30 month timeframe. The Government advise that the purpose of this stage is to establish the vision, aims and objectives of the plan. It builds on work done at the scoping stage; to confirm the evidence required to support this; and the spatial options and topics to be covered in local policies as part of the plan.

3.16 There is a proposed eight-week mandatory consultation window and it will be the first opportunity for all stakeholders to formally comment on the issues an area is facing and how they may be tackled in the local plan.

Evidence gathering and drafting the plan

3.17 This is second stage within the 30 month timeframe and marks the mid-point between scoping and examination. The aim at this stage is to decide on an appropriate strategy for the local plan in terms of the spatial options and policies that will best meet the planning authority's vision, aims and objectives.

Engagement, proposing changes and submission

3.18 This is the final stage before the submission of the plan and consultation advises it needs to be as focused as possible. The Government expect that issues are resolved with statutory consultees and stakeholders during the mandatory consultation window, with an opportunity to make modifications to the plan prior to the submission.

Examination and amendments

3.19 Examination is expected to last a maximum of six months, to move away from the current situation where examinations can potentially last for several years.

Monitoring and updates

- 3.20 The Government advise that following adoption of the plan there will be a need to monitor how the plan is performing, to ensure that key objectives are being met and that policies are effective. A proposed detailed monitoring return, which planning authorities would be expected to complete within four years of the plan being adopted, is designed to ensure that updates to plans can be more targeted and focused.

Chapter 3: Digital plans

- 3.21 The Government advise that their ambition is to bring planning and plan making into the digital age and transform, they advise, how things are done for the better; to provide faster, simpler, more accessible plans and policies to deliver better outcomes, informed by up-to-date data and shaped more actively by communities and other stakeholders.
- 3.22 A common format based on standardised data across plan-making is proposed to help to ensure that open, standardised data can drive an improved local plans system leading to greater efficiency and transparency in the plan-making process.

Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?

East Devon District Council consider the greatest need for data standardisation in plan-making relates to: the receipt, publication and consideration of public consultation responses; and the identification of sites being considered in plan-making. We would suggest that it is a far from simple task to create systems for undertaking these tasks in a time efficient and effective manner. Therefore it is an area that is worthy of serious further investigation by Government, based on a full practical understanding of complexities involved (rather than a theoretical or abstract review), in order to ensure systems exist to undertake relevant tasks and efficiently manage data.

Listening, understanding and removing barriers

- 3.23 The Government identify the following challenges and barriers where they advise digitalisation could help:
- lack of clear guidance on how to make plans leads to inconsistency and delays
 - lack of standard formats and terminology makes plans inconsistent, time consuming to develop and hard to use
 - uncertainty about evidence requirements and fear of challenge at examination drives over production of evidence which is resource intensive and leads to delays
 - lack of clear communicable timelines and updates prevents users from understanding and getting involved
 - plans are static and PDF-based meaning they go out of date quickly
 - poor monitoring and feedback loops make it difficult to understand if the plan and its policies are working well
 - the majority of people do not engage in plans, or know why and how they can be involved
 - plans often involve making difficult local decisions but the political nature of local decision making and how it shapes plan content is often not understood

Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?

East Devon District Council recognises these challenges in preparing local plans. However, it is not clear how some of them can benefit from digitalisation, for example how can the political nature of local decision making and how it shapes plan content benefit from digitalisation.

Learning and building on best practice, innovations and investment

3.24 The Government highlight the importance of using the very best digital tools, technologies and innovations and apply and adapt these. Technology is seen as relevant by Government to:

- visualisation of plans, policies and spatial data
- templates, checklists and step-by-step guides to provide clarity and efficiencies
- standardisation of data for consistency, access and use
- dashboards and platforms for transparency and communication
- search tools to better access information
- automation tools and AI to process and report
- the sharing of best practice via case studies and blogs

Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?

East Devon District Council agrees with these opportunities and does not have any other suggestions. We are concerned, however, that it is one thing to make generalised observations about how things could be better, but another to ensure systems exist in reality and will actually work. The Government need to consider the real practicalities of systems and their operations. The introduction of new technologies will require additional resourcing and the upskilling of planners when qualified planners are in short supply and those who are practicing are extremely busy and will have little time to be involved in such changes.

Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?

The processing, analysis of, and responding to, public consultation responses is a significant aspect of the work required to prepare a local plan, so East Devon District Council consider this area is a priority to deliver efficiencies in the plan-making process. But we would reiterate the complexities that continue to exist around establishing and implementing systems to ensure efficiency of working.

Chapter 4: The local plan timetable

3.25 In the current system the Government consider it can be challenging for communities and other stakeholders to understand when a local plan will come forward and when they can get involved. They consider that Local Development Schemes (the project plan for plan

making) are typically long, complex and technical documents which are not updated often enough and therefore do not accurately reflect the stage of preparation local planning authorities are at.

- 3.26 The Levelling Up and Regeneration Bill sets out that the local plan timetable must include:
- the matters the local plan is seeking to address
 - the geographical area of the local plan
 - what (if any) supplementary plans the local planning authority is looking to prepare, as well as the subject matter and geographical area or sites these supplementary plans relate to
 - how the authority seeks to implement its authority-wide design code
 - details of joint plan-making (including any joint committees), where relevant (including for supplementary plans)
 - a timetable for the preparation of the local planning authority's local plan and any supplementary plans they are seeking to prepare
- 3.27 The Government propose to set out in regulations a requirement for planning authorities to revise their timetable at least once every six months, or earlier upon reaching a key milestone in the preparation of the plan. The government propose to set out in guidance an expectation that planning authorities should put in place the governance and delegation arrangements needed to enable this to happen, stating that planning authorities will no longer need to go through full Council sign-off each time the local plan timetable is revised.

Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?

East Devon District Council agrees with the proposals for more regular updating on the local plan timetable, and a more simplified and standardised process for doing so.

Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?

No – East Devon District Council consider that a six month review of the timetable, or earlier if appropriate, provides sufficiently regular updates on plan-making progress, without being too burdensome on the council.

Chapter 5: Evidence and the tests of soundness

- 3.28 The Government highlight that the amount of evidence produced to support a local plan takes a significant amount of time and resource to produce and can often feel disproportionate. It is advised that ensuring that evidence is proportionate is seen as a key component in meeting a 30 month end-to-end plan-making timeframe, as well as allowing planners to focus on activities such as community engagement.
- 3.29 The Government advise that they favour clearer expectations set through national policy and guidance with:

- Increased standardisation of key evidence and data
- Freezing data or evidence at particular points of plan making
- Streamlined, focused new style plans
- Support on evidence provided through gateway assessments

Changes to national policy and guidance

- 3.30 The Government advise that planning authorities will need to produce evidence to inform and explain their plan in a proportionate manner with more clarity given on what evidence is expected and what 'proportionate' evidence looks like. The consultation document presents a direction of travel to achieve these aims, the majority of these changes would be brought forward through the next review of the National Planning Policy Framework, and so there will be an opportunity to comment on detailed proposals at that stage.
- 3.31 The Government are proposing to simplify evidence required and tested at Examination to greater certainty for those involved over what is needed. Under proposals Planning authorities are to complete a new, light touch and templated 'statement of compliance with legislation and national policy' – which would set out where in the suite of evidence each national policy has been considered, acting as a signposting document.

Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?

East Devon District Council agree that ensuring a proportionate evidence base is key to meeting the 30 month timescale to prepare a local plan. Evidence gathering on particularly technical subjects can take a significant amount of time (1-2 years in some cases), so the Government will need to be very clear on what proportionate evidence looks like. The council supports the direction of travel to set clearer expectations on evidence and provide guidance on 'what good evidence looks like', noting that further consultation will be undertaken on the detail through the next review of the NPPF.

Standardisation of key evidence and data

- 3.32 The Government favour standardisation of evidence which they consider would help provide greater clarity on what is expected and reduce discussions around specific methodologies at examination. Standardisation is also identified by government as presenting opportunities to make better use of data and digital processes and tools.
- 3.33 Topics identified that might benefit from standardisation and/or more readily available baseline data are cited as: development need; sites identification, assessment and selection; and impact assessments (for example, transport assessments). There is also an emphasis on seeking to strengthen monitoring processes and a new requirement to prepare Infrastructure Delivery Strategies with a more unified approach to identifying the infrastructure that is required to support growth.

Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?

East Devon District Council supports the standardisation of evidence requirements, an important aspect of preparing proportionate evidence to complete a local plan in 30 months. The council consider it would also be beneficial to standardise evidence requirements for local plan viability assessments. We also have experience of confusion arising during the preparation of a Strategic Flood Risk Assessment due to consultants receiving different advice from Environment Agency regional offices and would welcome standardisation of the detailed advice arising from national guidance. There would also be benefit in standardising the approach to calculating housing requirements for designated neighbourhood areas as this is hugely complicated and very hard to engage communities in. However, whilst standardisation can have benefits there is a danger of evidence documents becoming too formulaic failing to really unpick locally important or significant matters and issues or underlying local nuances. So there does need to be flexibility to choose to do more in evidence gathering, and more importantly associated assessment and interpretation, where it would add value to plans and plan making.

Freezing of data or evidence

3.34 The Government consider that there is a case for 'freezing' data or evidence at certain points in the plan-making process to reduce iteration and delay, as well as the resources required to update. It is advised this would be established through national policy or guidance rather than regulations, and Inspectors at examination would still be able to request up-to-date evidence if needed to properly assess soundness.

Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?

East Devon District Council support the freezing of data or evidence at certain points to enable plan-making to progress rather than keep revisiting it, which will likely lead to delay beyond the 30 month timescale for producing a local plan. The council favour agreeing the scope of evidence or the methodology followed earlier in the process, which is then not changed or only changed under limited prescribed circumstances. This provides greater certainty to the council and the community on evidence requirements from the outset of preparing a plan, reducing uncertainty and allowing plan preparation to progress more swiftly. Though if or where circumstance have changed, and new evidence shows a different picture or pattern emerging that may suggest or require alternative policy approaches, then flexibility does need to exist. Through any new plan making system the Government will need to give careful consideration around how this can be best made to happen.

Regulations

3.35 The Government are proposing to amend the requirement for the submission and publication of evidence set under secondary legislation. Currently local planning authorities are required to submit 'such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan'. When implementing the plan-making reforms, the Government are proposing a requirement to submit only such supporting documents as the planning authority considers strictly necessary to show whether the plan is sound.

- 3.36 It is advised that this would not prevent planning authorities choosing to publish wider materials to help to explain decisions taken. It would also not preclude the Inspector from requesting additional evidence at examination if they felt it was necessary.

Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?

East Devon District Council support this proposal, as long as guidance makes clear which supporting documents are related to the soundness of the plan. This will ensure only strictly necessary evidence documents are submitted.

Chapter 6: Gateway assessments during plan-making

- 3.37 The Government contest that a challenge in the current system is the number of local plans that are submitted for examination with deficiencies. At best, they consider, this results in delays during examinations, but may also result in plans failing late in the preparation process. This can be frustrating for all of those with an interest in the plan, wasting resources and leaving authorities more vulnerable to speculative development.
- 3.38 The Levelling Up and Regeneration Bill requires authorities to seek observations and advice from a person appointed by the Secretary of State at times which will be prescribed in regulations - mandatory gateway assessments ('gateways') into the new local plan process. These, the government advises, will ensure a more supportive approach to plan-making, and provide greater visibility to key stakeholders and the wider community about how their local plan is progressing.

Purpose of the gateway assessments

- 3.39 The consultation sets out that gateways should:
- **ensuring the plan sets off in the right direction** – that the planning authority has the right tools and resources to deliver, that the scope of the plan and associated supporting information and evidence is appropriate, and that key risks are identified with suitable mitigation proposed
 - **ensuring compliance with legal and procedural requirements and (wherever possible) supporting early resolution of potential soundness issues** – that the plan has met all the necessary legal and procedural requirements to progress to examination in public, and as far as is possible prior to examination that potential soundness issues have been addressed
 - **to monitor and track progress** – that the planning authority is having regard to the observations and advice provided through the gateways, and that the plan is on track against its timetable, and communities and other interested parties have information about how plans are progressing

Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?

East Devon District Council agree with the overarching purposes of gateway assessments but are concerned that the focus of the gateway assessments seems to be more about process rather than the content of local plans. Therefore, the council feels that gateway assessments should have greater emphasis on plan content and whether the vision and aspirations of the plan are in themselves positive and achievable.

- 3.40 The Government propose to introduce, via regulations, a requirement for planning authorities to undertake 3 gateways:
1. at the very beginning of the 30 month process, following work undertaken at the scoping stage
 2. part-way through plan preparation (between the two mandatory consultation windows)
 3. at the end of the plan-preparation process (following the second mandatory consultation window), at the point the local planning authority intends to submit the plan for independent examination in public
- 3.41 The role of the first and second gateways will be advisory, and the appointed person will have no power to halt or delay the plan preparation process. However, planning authorities will be required to have regard to their observations and advice in preparing their plan.
- 3.42 The third gateway will have a binding role, as planning authorities will be required to submit their draft plan for examination where the appointed person has advised that the prescribed requirements are met. The proposal is that such requirements would be focused on legal and procedural requirements.
- 3.43 It's advised that each gateway should ordinarily last no more than four weeks and it is proposed that there should be a 'gatekeeper' organisation that manages the end-to-end gateways process, including appointments on behalf of the Secretary of State. By default, it's expected that planning Inspectors will routinely conduct gateway assessments (and would always do so at the third gateway) but with scope for alternative or additional assessors to support the gateway assessment process.

Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?

East Devon District Council agree with these proposals, but greater emphasis should be made on the content of local plans, as opposed to the current focus on process. For example, Gateway 1 should include assessment of the vision.

Considerations needs to be given to the impact of 3 gateways of 4 – 6 weeks in length on the overall timetable for production of the plan. It would further suggest that a 30 month overall timetable is unrealistic.

- 3.44 The Government advise, in order to be successful, there needs to be flexibility in how the different gateways are delivered. Further work is planned to develop a detailed working model for gateways but the government propose that the following key topics would be explored through each gateway:

Gateway 1

- Review the Project Initiation Document, including:
 - Proposed scope of the plan and identifying the evidence required to create a sound plan
 - Project management, governance, risks to delivery and resourcing to deliver against the local plan timetable
 - The overall approach to engagement with communities and stakeholders, including statutory bodies throughout the plan preparation process
- Data and digital approach
- Early scoping of relevant SEA (and subsequently EOR) requirements
- Scoping out topics where local specific development management policies may be required.
- Headline position on delivering new homes based on the standard method and recent Housing Delivery Test (HDT) results and, where possible, describe the high-level options available to deliver development needs in the area.
- Headline positions on how plan will reflect any relevant Local Nature Recovery Strategy

Gateway 2

- Progress against Project Initiation Document and programme
- Progress against observations or advice received at Gateway 1
- Topic-specific advice based on planning authority and appointed person identified issues (around emerging plan and evidence)
- Data and digital requirements (including policies map)
- Progress with relevant SEA (and subsequently EOR) requirements
- Engagement with communities and statutory bodies
- Compliance with the requirement to have regard to certain matters, including any relevant Neighbourhood Priorities Statements

Gateway 3

- Procedural and legal requirements met
- Regard had to observations and advice at Gateways 1 and 2
- Evidence prepared as proposed and any previously identified gaps addressed
- Relevant SEA (and subsequently EOR) published, including explanation of compliance with national requirements
- Summary of representations available
- Digital and data requirements met (including policies map)
- Nationally defined templates used, where appropriate
- Engagement activities undertaken in line with Project Initiation Document with regard to national guidance
- SDS general conformity statement prepared (where relevant)
- Practical readiness for examination (e.g. venue identified for hearings etc.)

3.45 Other interested parties will not be invited to participate in workshops or contribute to reports. Under the provisions within the Levelling Up and Regeneration Bill, planning authorities must publish the final report as soon as is reasonably practicable and it is expected that the report will detail where the involvement of third parties will be required to

resolve issues, acting as a key 'sign-posting' document for those with an interest in the plan.

Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?

East Devon District Council broadly agree with the gateway assessment process and the scope of key topics. However, as other interested parties are not invited to participate in the assessment, additional issues could be raised by these parties subsequent to publication of the assessment, for example issues which go beyond a local authority's boundary. Gateway 3 should also cover the requirement to appoint a Programme Officer as part of practical readiness for examination.

Funding

3.46 It is proposed that there will be a standard fee for each gateway defined in regulations with charges developed in close partnership with the Planning Inspectorate taking into consideration wider sectoral views.

Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?

Planning authorities are already charged for local plan examinations, so East Devon District Council do not agree with charging planning authorities for gateway assessments in addition. Charging could also put off authorities from undertaking the Gateway 1 and Gateway 2 assessments which are 'only' advisory. The Government should identify and provide funding, or otherwise address cost matters, for these Gateway assessments.

Chapter 7: Plan examination

3.47 The government advise that Examination is a critical part of the plan preparation process and will remain so in the reformed plan-making system. The government set out that they believe that the overall examination process, in its current form, broadly continues to provide a good basis for testing local plans but that they frequently take too long, in extreme cases lasting several years. This does not align with the government's aim for plans to be prepared and adopted in 30 months.

3.48 The government propose that examinations should take no longer than six months and if consultation on proposed modifications to the plan is needed, this should add no more than three months to the overall examination process, though recognising that some plans can deal with particularly contentious or complex matters and can cover significant geographies so timeframes are not intended to be prescribed in regulations.

3.49 The government's emerging proposals include:

- appointing an Inspector when the planning authority commences the third gateway assessment, to reduce delays at the beginning of the examination process
- using panels of two or more Inspectors by default, to allow for more parallel working and increase efficiency at key stages of the process;

- revising the way the Matters, Issues and Questions stage of the process works, so that only the relevant planning authority is invited to submit responses to questions posed by the examiner and these will relate directly to the soundness of the plan.
- providing the opportunity for third parties to submit a short statement in writing which can be considered by the Inspector, where they do not wish to attend a hearing
- streamline the main modifications stage so that only the most significant amendments are consulted on, and then for only three weeks by default, and longer by exception only.

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

East Devon District Council broadly agrees with proposals to speed up plan examination, and do not suggest any additional changes. However, even with the best of wills the examination process can become lengthy and complex, this can be especially so where Inspectors apply natural justice in respect of providing scope for all to be involved, including the technical experts and laypersons. Therefore, the Government should give very careful and detailed consideration on if and how the proposals can be made to work. This should draw on the experience of parties directly involved on the plan examination process.

It will also be important to ensure that the examination is appropriately resourced. The doubling up of inspectors will have significant resource implications for the planning inspectorate. Inspectors will have to work more quickly to hear and consider all of the issues in good time and it is suggested that the resources do not currently exist to do this.

There also needs to be some realism on the timetables for examination with nearly all examinations involving consultation on main modifications it is unrealistic to think that any will be concluded within 6 months.

Examination pause

- 3.50 The Levelling Up and Regeneration Bill provides a new power for Inspectors to pause the local plan examination for a time bound period for up to 6 months.
- 3.51 The government anticipate that the pause may be activated by the Inspector if a significant issue was identified that could not reasonably be resolved without further work by the planning authority. The Inspector would write to confirm the problem and the work required and may ask for an overall timetable and regular progress reports.
- 3.52 If the relevant matters have been dealt with to the necessary degree before the end of the pause period, then the examination will resume. If not, the Inspector will be required to recommend that the authority withdraw the plan.

Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?

Whilst greater clarity on the pause period is welcomed, to prevent plans becoming stuck in an examination process that lasts for years, however six months is considered to be too short

particularly if there are significant issues to resolve. East Devon District Council consider that a slight extension to at least a nine month pause period would provide greater opportunities for issues to be addressed, before the drastic step of withdrawing the plan. The end goal has to be to get a sound plan in place as quickly as possible. The withdrawal of a plan in order to meet a timetable requirement when a further few months pause would resolve the issue seems contrary to the overall objectives.

Chapter 8: Community engagement and consultation

- 3.53 The government advise that the English planning system gives communities a key role in planning, so they can take an active part in shaping their areas, and to build local pride and belonging.
- 3.54 However, the government consider that existing practises of engagement and consultation in plan-making are widely perceived to be narrow and ineffective. They suggest that for many consultations on plans can feel too technical and difficult to engage with, discouraging people from having their say whilst disproportionately drawing views from people from a narrow set of demographic groups. The government consider that those voices who may benefit most from new development are often the quietest in the planning process.
- 3.55 The government advise they have heard from statutory bodies that they face challenges identifying the resources needed to feed in their technical expertise, with little warning and limited time to comment.
- 3.56 The government are clear that communities must remain at the heart of the plan-making process, and that local people must have a meaningful say on planning policies that will affect them and their local areas. They want to encourage open dialogue between authorities, communities, and other key stakeholders such as statutory bodies about key local decisions and trade-offs, to help influence the production of genuinely local plans at the earliest stages of plan-making.
- 3.57 To encourage engagement the government have grouped proposals around the following 4 themes:
- **the role of digital** –to improve the quality, quantity and diversity of participation within the local plans process, when used in combination with traditional methods;
 - **planning and monitoring the engagement approach** – supported by proposals for a new Project Initiation Document requirement and gateway assessments;
 - **a focus on early participation** – introducing a proposed new requirement to “notify” and “invite” participation at the start of the plan-making process, to complement the scoping stage and to encourage early and increased quality of engagement; and
 - **a more standardised approach to consultation** - two mandatory consultation windows.
- 3.58 The Government advise that digital has the opportunity to play a transformative role in the way that planning authorities engage people during the plan preparation process, improving both the quality and quantity of responses, and how efficiently those responses are analysed and incorporated into the plan making process. Modern digital engagement tools, combined with more consistent data, could reduce the time it takes to process

representations, remove barriers to engagement and improve planning authorities' abilities to understand community views.

- 3.59 In the current system, planning authorities are required to produce a Statement of Community Involvement (SCI), which is typically produced outside of the plan process. These are used to set out how the public, statutory bodies and other interested parties will be involved in the preparation of the local plan and other parts of the development plan.
- 3.60 However many SCIs are out-of-date and most go no further than reiterating basic legal requirements on consultation preventing authorities from expressing creative solutions for engaging with communities because of legal compliance concerns.
- 3.61 The levelling up bill removes the requirement to prepare an SCI, instead authorities will need to outline their overall ambitions and approach to engagement and consultation through their Project Initiation Document which will form the basis for discussion at Gateway 1. The Project Initiation Document may include how a planning authority intends to connect with groups who have had traditionally low levels of engagement, and how the use of hybrid approaches to engagement might contribute to overcoming this.

Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

East Devon District Council agrees with including the overall approach to engagement within the Project Initiation Document, as that is when the scope, evidence and project management relating to the local plan is agreed. The approach to engagement should specify the consultation methods that will be used in preparing the plan, rather than a "wish list". For example, the use of online consultation software, public consultation events, and workshops with specific stakeholders (such as town/parish councils). The council agree that the PID should set out how consultation will aim to connect with groups who typically engage less in plan-making. But the Government need to recognise that local plans can, by their very nature, get into technical matters, often relating to complex matters such as in respect of legal considerations and financial viability. They will also frequently have no choice but to promote policies that can be unpopular, including in respect of such matters as addressing housing requirements that many in our communities believe are being imposed on them from Central Government rather than being a local response to local assessment and understanding of need.

The way in which we consult also needs to take into account the fact that not all communities have access to high-speed broadband and not everyone has access to or is able to access on-line consultation materials. Consultations have to be accessible and inclusive.

A focus on early participation

- 3.62 The government advise that they have frequently heard from communities and statutory bodies that they are involved too late in plan making and that they have been given insufficient notice to comment on the plan. To ensure communities have a stronger role in shaping the vision and strategy for their area, the government advise of a stronger emphasis on early participation during the initial stages of plan-making will be key. New requirements will sit within the scoping stage, prior to commencement of the 30 month process and before the first mandatory consultation window.

3.63 In addition to informing plan options, the government also propose that early participation should inform the Project Initiation Document, providing an important opportunity for planning authorities to test how the community would wish to be engaged later on in the process. They suggest outputs of such questions could feed into the ambitions and overall approaches to consultation during the 30 month timeframe, which the planning authority would be expected to include here.

Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?

East Devon District Council supports this proposal. However, good plan making can and should already be supported by early engagement work. We would, therefore, suggest that the Government needs to give very careful consideration to matters around how early engagement can genuinely be made better in the future and what process can be put in place to ensure that effective early engagement leads on to better final plans.

There is also concern that communities generally only engage in plan making when there are clear proposals be consulted on that directly affect people and engaging communities in high level principles and strategic visions is very challenging. It is therefore suggested that it is not in fact engagement at the early stage of plan making that is key here.

Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?

East Devon District Council consider that early participation should inform the Project Initiation Document, as this will ensure that the scope, evidence requirements, and approach to consultation can be agreed and documented at the beginning of the plan preparation process. A relatively simple approach setting out some key baseline evidence, a draft vision, initial principles, and approaches to engagement should facilitate early participation. Sufficient detail should be included to make early participation more meaningful. But also, the system should have an element of flexibility built in so that approaches can be adapted over time if circumstances or considerations change or evolve as plan making progresses.

A more standardised approach to consultation

3.64 The government propose two rounds of consultation: the first for a minimum of eight weeks after scoping following the first gateway assessment; and the second for a minimum of six weeks shortly before the final gateway assessment, prior to submission of the plan for examination. Regulations will:

- define the role and purpose of these windows more clearly, reflecting where these sit within the wider end-to-end local plan process; and
- enable the submission of representations in a form which maintains and strengthens accessibility for communities, but makes it easier for planning authorities to process.

3.65 The Government proposes that:

- The first window should build on outputs from the early participation carried out in the scoping phase. To ensure that communities can meaningfully influence the plan, we

expect that questions asked at this consultation will focus on validating the vision for the area and test the broad options for the plan, including the key spatial choices.

- The second should seek views on the draft plan which the planning authority intends to submit for examination.

3.66 To make representations easier for planning authorities to analyse, the government propose to develop a series of templates that authorities should use to collect responses. Templates have the ability to support planning authorities in analysing responses more effectively and can be used to ensure that submissions are 'machine readable' wherever possible and not submitted in PDF format by default.

Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

Yes, East Devon District Council agrees that this proposal will provide greater clarity on the role and purpose of the two mandatory consultation windows. However this means that communities will only have one opportunity to comment on the substantive content of a draft plan. At the moment the Reg 18 and Reg 19 consultation gives two opportunities to comment on the draft content of a plan and these proposals mean this would be reduced to 1 opportunity and therefore they will have less input in reality than under the current system.

Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?

Yes, the council agrees that templates will assist in analysing responses. However, it should be recognised that not everyone has access to the technology that will enable ready use of templates that are 'machine readable'. Recent experience of consultation in East Devon that was focussed around an interactive online portal was that many respondents were either unable or unwilling to make comments online. Many submissions were made through email, physical letters or signed petitions, possibly reflecting the demographic profile of East Devon and certainly requiring extensive staff time to 'process'. More guidance would be welcomed on whether the proposed approach would compel responses to be made in a particular format together with due consideration to the 'trade-offs' between wanting as many to contribute as possible and enabling effective use of consultation responses.

Chapter 9: Requirement to assist with certain plan-making

3.67 The Levelling Up and Regeneration Bill sets out a "Requirement to Assist with Certain Plan Making". This will give plan making authorities the power to legally require that "prescribed public bodies" provide assistance to develop or review of plans. The government plan to set organisations within the definition of prescribed public bodies within regulations, The initial proposal is that the list will include:

- Environment Agency
- Historic Buildings & Monuments Commission for England (Heritage England)
- Natural England
- Civil Aviation Authority
- Homes & Communities Agency
- Integrated Care Boards

- Office of Road and Rail
- Highway Authority, Local Transport Authority, Integrated Transport Authority or Transport for London
- Local Enterprise Partnership
- Local Nature Partnerships
- Local Nature Recovery Strategy responsible authorities
- Health & Safety Executive
- Lead Local Flood Authority
- National Health Service Commissioning Board
- Rail Infrastructure Managers or Rail Network Operators
- Sport England
- Energy Undertakers
- Telecommunications Undertakers
- Water & Sewerage Undertakers
- Other bodies, where relevant – those applicable in East Devon are:
 - Marine Management Organisation
 - County Councils
 - Crown Estate Commissioners
 - Forestry Commission

Question 29: Do you have any comments on the proposed list of prescribed public bodies?

No comment.

3.68 The Government proposed approach is that at the beginning of the plan preparation process, in other words during the four months initiation period before the 30 month timeframe begins, plan making authorities notify all relevant interested parties when they commence work on a new plan or revised plan. They consider that in the majority of cases this should result in engagement from those bodies at appropriate stages in the plan-making process. But earlier contact could also be made.

Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.

East Devon District Council agree with notifying the prescribed bodies at the beginning of the plan preparation process, to ensure we are aware of key issues arising from development proposed in the local plan. Although the council already notify such bodies early on when preparing a local plan, we welcome the additional powers to assist in the Bill in cases where engagement from such bodies is not forthcoming. It will be useful to confirm that prescribed bodies are not able to charge local authorities for their time in engaging in the plan process. Whilst it might be going too far to compel all such bodies to actively engage there should be greater encouragement for them to do so noting that some organisations are far more active to be involved than others and some may be not forthcoming at all.

The government also needs to address the resourcing of statutory consultees so that they have the capacity and resources to engage actively in supporting the plan making work of local authorities.

Chapter 10: Monitoring of plans

- 3.69 The overall purpose of monitoring and reporting is identified as being to ensure that plans are meeting their key objectives, policies are effective and that updates to the plan are effective. This will be more important with the clear requirement for a plan update to commence, at the latest, 5 years from adoption. Monitoring is also seen as a powerful tool to build more trust in the planning process, by showing transparently how well plans are delivering.
- 3.70 It is suggested that a clearer, more focused future approach to monitoring will ensure that planning authorities have a better understanding of how the plan is performing, and the impact of development on the local environment to ensure that subsequent updates to plans can be more targeted. To support this, the Government propose that monitoring in the new system will have two distinct elements:
1. **a light touch annual return.** This will include progress against plan making activities proposed in the plan timetable, and as a minimum it will also report on a small number of nationally prescribed metrics to assess the implementation of key policies against the output of the plan – set out in the table below. These are intended to remain stable to enable the identification of trends over a longer period. Planning authorities will be free to supplement this list with any locally significant metric that they choose; and
 2. **a detailed return to inform updates to the plan.** By 4 years after adoption of a local plan, at the latest, planning authorities should prepare a fuller analysis of how planning policies and designations are being implemented, and the extent to which the plan is meeting the overall vision for their area. This may also consider where policies are no longer relevant. This detailed monitoring return should inform a forthcoming update of the plan, which will need to commence five years after adoption, at the latest.

| Proposed monitoring metrics (for local plans) | Detail of metrics |
|---|---|
| Housing | Net additional dwellings completed (including conversions) |
| | Net affordable units completed |
| | Proportion of new homes permitted on brownfield land |
| | Net additional pitches & plots for gypsies and travellers |
| Economy | Net change in employment floorspace |
| Environment and Open space | Net change in designated open space |
| | Net change in designated habitats due to development |
| | Delivery of 10% Biodiversity Net Gain |
| | Progress toward net zero emissions from buildings (to be developed) |

Proposed monitoring metrics (for local plans)

Detail of metrics

Environmental Outcome Reports (EORs)

Assessment of the contribution to meeting Environmental Outcomes and identification of any remedial action that needs to be undertaken

3.71 To ensure that monitoring is meaningful and tailored to local circumstances, the government also propose that on top of the minimum requirement for reporting, planning authorities should monitor against the success of implementation of their specific vision for the local plan. The vision set out by each authority will be underpinned by evidence and based on measurable outcomes that authorities can monitor and report against.

Question 31: Do you agree with the proposed requirements for monitoring?

A common occurrence under the existing plan-making system is for numerous monitoring indicators of local plans, which cannot actually be measured in practice, and sometimes have limited relevance to planning decisions (for example, crime levels). Therefore, the council supports a more focussed approach to monitoring, comprising a light touch annual return, and a detailed return to inform updates to the plan.

Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?

The Government should ensure that the metrics are capable of being monitoring by all local authorities. For example, is “net change in designated open space” and “net change in designated habitats due to development” capable of being measured? It is unclear as to whether the “delivery of 10% Biodiversity Net Gain” relates to the number of approved planning applications, or as a whole across the local authority area.

As the intention is for a light touch annual return, East Devon District Council do not consider any other metrics should be required to report on.

Chapter 11: Supplementary plans

3.72 The Levelling Up and Regeneration Bill provides for the creation of new supplementary plans. These plans are intended to be produced at pace to enable planning authorities to react and respond positively to unanticipated changes in their area separate from the local plan or minerals and waste plan preparation process. This could include allocating and shaping an unexpected regeneration opportunity or introducing new site-specific policies including in relation to design, infrastructure or affordable housing. The government advise that Supplementary Plans are not intended to be used routinely; planning authorities should prioritise including all policies in their local plan, leaving supplementary plans only for exceptional or unforeseen circumstances that need resolving between plans.

3.73 It is advised that the exception to this is where local planning authorities will also be able to use supplementary plans to discharge the new Bill requirement to produce an authority-wide design code which will be used to provide, or reinforce an authority’s overarching design vision, setting out high level strategic design parameters to apply to development.

- 3.74 The Government advise that reforms will remove the role of Supplementary Planning Documents and Area Action Plans. Supplementary plans will have the same weight as a local plan and other parts of the development plan, giving communities and applicants much more certainty about the documents that applications are determined in line with. They will therefore also be subject to consultation and an independent examination.
- 3.75 The Government advise that the Bill places certain limits on the allowable scope of supplementary plans (either by subject matter or geographically), so that they do not subvert the role of the local plan as the principal planning policy framework for the local planning authority's area. Supplementary plans prepared by planning authorities are limited geographically to matters relating to a specific site or two or more nearby sites. However, a supplementary plan prepared by a local planning authority may set out a design code, which may cover a wider area. This will allow supplementary plans prepared by planning authorities to address site-specific needs or opportunities which require a new planning framework to be prepared quickly.
- 3.76 It's advised that planning authorities need to set out any supplementary plans which they are to prepare and certain details including: the subject matter and geographical area, site or sites to which each of those supplementary plans is to relate and whether the authority is to prepare a joint supplementary plan. Supplementary plans will not have a defined preparation time such as the 30 months proposed for local plans and minerals and waste plans.
- 3.77 The Bill sets out that supplementary plans must be in general conformity with a relevant operative spatial development strategy and the relevant plan-making authority must have regard to any other part of the development plan which has effect for the area or a site to which the plan relates when preparing a supplementary plan. They can be prepared prior to the adoption of a new style local plan.
- 3.78 For site based supplementary plans, when assessing whether two or more sites are 'nearby' to each other, the Government suggest important factors could include: geographical distance between sites; relationship to sites in other similar sized settlements or neighbourhoods; or for the delivery of planning obligations.

Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?

Given that supplementary plans should only be used in exceptional circumstances, there should be a limited number of factors when assessing whether two or more sites are 'nearby' to each other. Geographical distance is obviously the key point, and it would be useful to the Government to clarify what distance between sites constitutes 'nearby'.

- 3.79 Government advise that depending on content, supplementary plans may be subject to Environmental Assessment (or subsequent Environmental Outcomes Reports) obligations, expecting planning authorities to use an environmental screening approach for supplementary plans similar to that used for neighbourhood plans.
- 3.80 Given the possible diversity and flexibility of supplementary plans, different preparation procedures may be suitable for different types of supplementary plans.

Question 34: What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.

East Devon District Council consider it would be overly prescriptive to specify such detailed preparation procedures in regulations. Instead, planning practice guidance should give examples of preparation procedures, which can reference, and be informed by, best practice and updated accordingly.

Consultation

- 3.81 The government set out that Supplementary plans will undergo formal consultation with communities and stakeholders, including statutory bodies and independent examination. The consultation continues by stating that a key objective for planning reform is to enhance opportunities for public involvement,
- 3.82 The government state they remain committed to support planning authorities on plan-making engagement and intend to set out in guidance that informal engagement will be encouraged throughout the supplementary plan-making process. They plan to set out in regulations that supplementary plans should have a minimum of one formal consultation stage, the timeframe for which will be set out in the local plan timetable or minerals and waste plan timetable.

Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?

The relatively limited focus of supplementary plans (on a particular topic, or site(s)) compared to a local plan, means they should be simpler to prepare and undertake consultation on. Therefore, East Devon District Council agrees that a single formal stage of consultation is sufficient though there should be flexibility to allow for more consultation should new issues arise or become relevant as the plan making work progresses.

Examination

- 3.83 The Bill's approach to the independent examination of supplementary plans is broadly modelled upon the existing arrangements for neighbourhood plans (which already form part of the development plan once brought into force). The consultation advises that the general rule is that the independent examination is to take the form of written representations. However the examiner has scope to consider oral representations.
- 3.84 The Bill provides two options for the independent examination of supplementary plans. Plan-making authorities may submit their draft supplementary plan to the Secretary of State, for the examination to be carried out by a person appointed by the Secretary of State, or to an examiner of the authority's choosing who is an independent, impartial person and who is suitably qualified.

3.85 The government believes that the examination process for neighbourhood plans remains fit for purpose. However, they have heard views that, for especially large, complex, or locally contentious supplementary plans, it might be more appropriate for the examination to be carried out by a person appointed by the Secretary of State.

Question 36: Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage.

East Devon District Council believe it will be too complex to set thresholds to guide the decision about the choice of supplementary plan examination routes. There are too many potential inter-relating factors that could be considered, including the examples highlighted in the question. The complexity involved will make setting thresholds rather arbitrary.

- 3.86 The Bill sets out that an examiner cannot recommend that a supplementary plan is adopted until they consider that the relevant procedural requirements have been met. These include consideration of whether the authority or plan:
- a. has had regard to, where necessary, to other parts of the development plan when preparing their supplementary plan
 - b. is in general conformity with an operational strategic development strategy
 - c. secures that local development and use of land contribute to the mitigation of and adaption to climate change
 - d. if the supplementary plan includes sites that are “nearby” to each other
 - e. have complied with any requirements relating to the preparation of supplementary plans set out in regulations, including requirements in relation to consultation with the public
 - f. has had regard to government guidance that may be relevant.

Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?

East Devon District Council agrees that this is a proportionate approach.

Supplementary Planning Document transition

3.87 Supplementary Planning Documents (SPDs) provide advice or guidance which covers a wide range of topics, local detail and evidence and are an expression of a planning authority’s position on how this is expected to be treated in decision taking. The Government confirm that SPDs will remain in force until planning authorities adopt a new style local plan. East Devon District Council currently has four adopted SPDs:

- Affordable Housing (adopted 2020)
- Planning Obligations (adopted 2017)
- Gypsy and Traveller Site Design and Layout (adopted 2017)

- University of Exeter Science Park (adopted 2008)

3.88 The government advise that planning authorities should review their SPDs to identify whether the advice or guidance is still relevant and consider whether the content should be revised and remain as guidance, or should be integrated into their new-style local plan.

Chapter 12: Minerals and waste plans

Chapter 12 of the consultation relates to mineral and waste planning and matters highlighted in the consultation document are not summarised in this report.

Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?

East Devon District Council, not being a mineral or waste planning authority has no comments to make other than to note the importance of waste and mineral plans, and policies within, being compatible with broader planning and development objectives of planning authorities producing local plans.

Chapter 13: Community Land Auctions

- 3.89 The government set out that Part 5 of the Levelling Up and Regeneration Bill provides for time-limited pilots of Community Land Auctions (CLAs), expiring ten years after the date the first CLA regulations are made. CLAs are a longstanding idea for capturing uplift in land value, akin to competitive tendering, and are a process of price discovery. They provide an alternative approach for identifying land for allocation for development which seeks to improve land value capture for the benefit of local communities.
- 3.90 The consultation sets out that the value of land typically increases at numerous points in the development cycle. For example, land value increases when land is allocated in a local plan, and when planning permission is granted (with 'hope value' increasing in relation to the likelihood of either of these events). The current system of developer contributions captures a proportion of this value uplift via negotiated agreements between the local planning authority and the developer (section 106 planning obligations) or through a local levy mechanism such as the Community Infrastructure Levy (CIL), or the proposed Infrastructure Levy (IL) as introduced through the Levelling Up and Regeneration Bill. Both section 106 and CIL rely on local planning authorities making assumptions about the premium required by a landowner to release their land for development. Under this system there is a risk that developer overpay for land and then seek to negotiate down the planning obligations to ensure development remains viable. A CLA seeks to ensure that the Local Planning Authority understands the actual price that a landowner would release their land for development rather than making these broad assumptions and then make more informed decisions about which sites should come forward informed by this information.
- 3.91 The consultation advises that CLA arrangements provide the opportunity to pilot a further innovative approach in certain areas, which may support increased land value capture. DLUHC expects that CLA arrangements will be put in place and run in a small number of local planning authorities, who will put themselves forward to participate in the pilot,

referred to throughout the remainder of this section as ‘piloting authorities’. The detailed design of CLA arrangements will be set out in CLA regulations, and it is government intention to pilot CLA arrangements in different areas with different characteristics, to ensure that their effectiveness can be measured across a variety of geographical areas. In piloting authorities, land will be brought forward and allocated for development in the local plan through the CLA arrangement.

3.92 The proposed government approach for Community Land Auctions is:

- **Identification of land for allocation in a local plan** - In piloting authorities, as part of the site identification and selection process, landowners ‘bid’ to have their land selected for allocation in an emerging local plan by stating the price at which they would willingly sell their land for development. The offer from the landowner, once an option agreement is in place with the piloting authority, becomes a legally binding option.
- **Assessment of land put forward for allocation** - Once the piloting authority has acquired options over land put forward in the site identification phase, they will then decide which land to allocate in their emerging local plan by considering a range of factors that will be set out by the government. Unlike the conventional local plan-making process, the Bill sets out that when CLA-piloting authorities are making decisions surrounding site allocation, they will also be able to consider the financial benefits that they are likely to accrue from each site.
- **Consultation and examination** - Piloting authorities will be required to consult on the proposed land allocations in their draft local plan, before the plan is submitted and independently examined in public, in accordance with the local plan preparation procedures.

3.93 The examination of local plans where a CLA arrangement is in place will be the same as the examination of local plans in areas where CLA arrangements are not being piloted. With the difference that an Inspector will also be permitted to take into account any financial benefits that the piloting authority has, will or could derive from a CLA option when deciding whether or not the plan is sound.

3.94 Consultation advises that once the local plan is adopted and sites are allocated, the piloting authority can sell the CLA options over the land the piloting authority has allocated for development. Local plans will need to include policies setting out the type of development that will be acceptable on allocated sites and may also set out on-site infrastructure requirements, or requirements relating to affordable housing, and how other local and national policies will be applied.

3.95 If the CLA option is sold, the piloting authority keeps the amount the successful bidder paid for the option (the “CLA receipts”). The successful bidder owns the option and can exercise the option (to purchase the land) by paying the price set out by the original landowner in the option agreement to the landowner. Piloting authorities can also exercise options themselves to buy the land, and either sell the land to a successful bidder, or develop the land themselves. Planning permission will not be granted automatically on sites that have been allocated in the local plan through the CLA arrangement, and planning permission will need to be sought in the usual way.

Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?

East Devon District Council would advise that the Government should test the introduction of Community Land Auctions as set out in the consultation. We are fully aware, from very real practical experience, of the challenges that can arise from not being able or allowed to capture sufficient value from land in order to deliver necessary and often essential infrastructure to support and facilitate high quality development. These factors significantly affected the planning and delivery of Cranbrook new town and could potentially have been addressed through the Community Land Auctions process. In principle therefore Community Land Auctions would be welcomed.

As a Council we have considerable experience of bringing forward and delivering major new development. This particularly includes the new town of Cranbrook. Whilst development started more than a decade ago, issues that trace back to initial land transactions and the associated setting of values, are still impacting delivery today, notably in relation to the town centre. Greater visibility and transparency around land values coupled with the ability to ensure that highest possible proportion of the uplift from agricultural value is channelled back in to securing community infrastructure is something that the Council would welcome.

The proposed Community Land Auction would certainly provide an additional and welcome addition to the mechanisms available to the Council in this respect. But we are mindful also of the need for such a mechanism to reinforce rather than subvert established planning principles that are core to the achievement of sustainable development. This is vital to ensuring wider confidence of communities in the planning process. Whilst we believe that land values can also have a significant influence on the form that development takes, the CLA approach should only be used to differentiate between proposals that are of comparable planning merit.

Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?

It will be important to have safeguards in place to ensure that site selection is not too heavily influenced by this and used to override other considerations such as impacts on the landscape, bio-diversity etc. However ensuring that the infrastructure required to support development is delivered and in good time is vital to delivering genuinely sustainable development. If one site can achieve this and another cannot then this should clearly weigh in favour of the site that can, however this should not be at the expense of all other factors. The key will be to ensure that the most sustainable form of development overall is brought forward having due regard to all issues.

Chapter 14: Approach to roll out and transition

3.96 The government advise that they are committed to ensuring a smooth transition from the current to the future plan-making system. Key milestones are identified as:

- plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans for independent examination under the existing legal framework and

- all independent examinations must be concluded, with plans adopted, by 31 December 2026. These plans will be examined under the current legislation.
- 3.97 The consultation advises that this would mean that if an authority were to fail to meet the adoption deadline, or their plan were to fail at examination or be withdrawn, they would, in general, be required to commence preparation of a new-style plan immediately.
- 3.98 The consultation advises that authorities that have prepared a local plan which is more than 5 years old when the new system goes live (and are not proactively working towards the 30 June 2025 submission deadline under the current system) will be required to begin preparing a new style local plan, spatial development strategy or minerals and waste plan straight away.
- 3.99 Authorities that have prepared a local plan when the new system goes live will not be required to begin preparing a new-style plan until their existing plan is 5 years old. The period of 5 years applies from the date of adoption. Authorities can begin preparing a new plan sooner if they wish.
- 3.100 The government propose to provide expert plan-making support to a first, small cohort of around ten “front runner” authorities to prepare new-style local plans. This will ensure there is a strong foundation of learning and best practice for other authorities to draw upon. The first cohort of local planning authorities, the “front runners” could start plan-making from autumn 2024. The next key milestone would be 30 June 2025. This would be seven months after the first cohort had started, so all the first gateway assessments should have been completed and there will be learning and best practice for other authorities to draw on.
- 3.101 The consultation advises that remaining authorities would be:
- ranked chronologically by the date that they have most recently adopted a plan containing strategic priorities
 - grouped together sequentially into groups of up to 25 authorities
 - each groups allocated a 6 month plan-making commencement window (a “wave”), within which plan making should start
- 3.102 The consultation advises that this approach provides an even distribution and avoids a large bulge of authorities starting plan-making shortly after the new system in in place. It will also help ensure that sufficient resources are available to deliver gateway assessments and independent examinations.
- 3.103 An alternative option identified in the consultation would be to allow authorities to begin plan-making earlier than these dates should they wish to, with the waves acting as a final ‘back stop’ by which authorities should have begun preparing their new plan. This however raises a risk of losing some of the benefits of putting authorities into waves, if high numbers decide to start in the same time period (i.e. a larger number than can be managed by the professional capacity in the sector).

Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?

East Devon District Council prefer the option to rank local planning authorities chronologically by the date they have most recently adopted a plan, as this will ensure that the oldest plans are updated first (assuming that is the intention of the chronological order). However, we would

question the overall logic for phasing and would see merit in leaving it to planning authorities to come forward earlier and to timing that suits their needs and circumstances with any new style plans, rather than being held back by Government scheduling. This consideration highlights the importance of appropriate Government funding to support any new plan making system and this, in particular, will include ensuring that the Planning Inspectorate is appropriately resourced to meet needs and expectations of planning authorities for plan examinations.

- 3.104 The consultation advises that government have introduced a Capacity and Capability programme, which will seek to provide direct support to local planning authorities that is needed now. This comprises direct funding now, delivering upskilling opportunities for existing planners, and further developing the future pipeline into the profession in order to continually improve the resilience of local planning authorities.
- 3.105 The programme consists of a number of interventions, including a new 2-year graduate programme delivered through the Local Government Association, funding to support the national roll out of Public Practice, a social enterprise in the built environment sector, to support their work in helping local authorities to recruit and develop skills planners and built environment professionals, and an extension to the bursary scheme through the Royal Town Planning Institute (RTPI) which increases the size of the bursary from £2,000 to £5,000 for over 50 students.
- 3.106 The Government have also launched the Planning Skills Delivery Fund to support local authorities to help clear the backlog of planning applications as well as providing funding to support the development of core skills needed for the implementation of the measures contained in the Levelling Up and Regeneration Bill.

Chapter 15: Saving existing plans and planning documents

- 3.107 This chapter of the consultation document sets out what will happen to existing Development Plan Documents, adopted under the Planning and Compulsory Purchase Act 2004 and historic polices saved under Schedule 8 to the 2004 Act, following the implementation of the reforms set out in the Levelling Up and Regeneration Bill.
- 3.108 The Government are proposing that when the new plan-making system comes into force, existing Development Plan Documents and saved policies will remain in force until the local planning authority adopt a new-style local plan. When that new-style plan is adopted, in line with the current arrangements, those existing Development Plan Documents and saved policies will automatically cease to have effect.
- 3.109 To clarify, East Devon District has adopted three Development Plan Documents:
- East Devon Local Plan 2013-2031 (adopted 2016)
 - East Devon Villages Plan (adopted 2018)
 - The Cranbrook Plan (adopted 2022)

Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?

Yes, East Devon District Council agrees that existing Development Plan Documents remain in force until new-style local plans are adopted.

4 Conclusions and what happens next

- 4.1 Following consideration and agreement by Strategic Planning Committee, the consultation response will be submitted to the Government by the closing date of 11.59pm on Wednesday 18 October 2023. The Government will then analyse all consultation responses, and confirm or otherwise the proposed plan-making reforms.

Financial implications:

There are no financial implications at this consultation stage.

Legal implications:

The legal implications are set out in the report.