

Agenda for Strategic Planning Committee Tuesday, 7th March, 2023, 10.00 am

Members of Strategic Planning Committee

Councillors: D Ledger (Chair), O Davey (Vice-Chair), M Allen, P Arnott, J Bailey, K Blakey, S Chamberlain, P Hayward, M Howe, B Ingham, R Lawrence, A Moulding, G Pratt, E Rylance and P Skinner

Venue: Council Chamber, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ

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1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 12)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

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 Initial feedback report on consultation on the draft East Devon Local Plan - consultation undertaken from 7 November 2022 to 15 January 2023 (Pages 13 - 22)

8 Proposed response to the Teignbridge Local Plan Regulation 19 Consultation (Pages 23 - 32)

9 Designated Neighbourhood Area Housing Requirements (Pages 33 - 44)

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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 14 February 2023****Attendance list at end of document**

The meeting started at 10.00 am and ended at 12.45 pm. The meeting was briefly adjourned at 11.41 am and reconvened at 11.49 am.

60 Public Speaking

The following speakers spoke on item 7 – Proposed response to Government consultation – Levelling-up and Regeneration Bill: reforms to national planning policy.

Councillor Chanot who spoke on behalf of Farringdon Parish Council advised that the Local Plan had been taken over by changes to Government policy and referred to Michael Gove's Steering Statement of 6 December 2022. There had been at least 30 councils who had recognised the importance of suspending any changes until the new National Planning Policy Framework (NPPF) was in place and suggested that the Strategic Planning Committee should follow suit. She referred to the Scrutiny Committee on 2 February where discussions took place about the failings of the consultation process and that a motion had been raised by the former Chair and member of Strategic Planning Committee that another consultation should be held with full facts presented and properly analysed once the NPPF had been published later this spring.

Councillor Chanot suggested that Strategic Planning Committee should recommend to Full Council that the Local Plan process be suspended until the revised NPPF was published. Thereafter the emerging local plan and sustainability appraisal and supporting evidence including the HELAA be revisited and be consistent with new Government Policy. Finally all residents should be afforded full details in line with transparency and all resident's views properly taken into account.

Councillor Hattan spoke on behalf of Bishops Clyst Parish Council raising concerns about question 11 which covered the examination of plans and for paragraph 35(b) on page 12 to be retained as the retained provisions in paragraphs 31 and 35 did not cover this.

He advised that the parish council had commissioned a report from a planning consultant on the Local Plan process who had raised several areas where the criteria for local plans would change. In particular, paragraph 17 of the NPPF consultation document which states 'Authorities can begin planning in line with these changes, should they be implemented following public consultation, in Spring 2023. We recognise that any changes to emerging plans which are necessary may result in delays in getting an up-to-date plan in place. So, to reduce the risk of communities being exposed to speculative development, we propose the following time limited arrangements. For the purposes of decision making, where emerging Local Plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation which included both a policies map and proposed allocation towards meeting housing need, those authorities will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a four year supply of land for housing instead of the usual five. These arrangements would apply for a period of two years from the point that these changes to the framework take effect, since our objective to provide time for review while incentivising plan adoption.'

The parish council questioned the prudence of continuing with the Local Plan process until the revised NPPF had been issued by Government and requested that Strategic Planning Committee recommended to Full Council that the local plan process be suspended until the revised NPPF was published and the housing targets reassessed.

Nigel Dutt sent in a question to the Assistant Director – Planning Strategy and Development Management and asked for it to be read out during the meeting. The question read as follows:

Following item 7 and noting the reaction by many other local councils, will the planning officers be making a recommendation at this meeting on whether the uncertainty around the proposed NPPF changes should have any immediate effect on the content or timescale of the proposed EDDC 2024 – 2040 Local Plan. In response the Assistant Director Planning Strategy and Development Management advised there was no intention to make any further recommendations at this stage.

The following statement was read out on behalf of Councillor Les Bayliss, Chairman of Cranbrook Town Council on item number 9 - District heating and its reliability and resilience.

“The report in front of councillors today was considered in draft form at the meeting of the Cranbrook Strategic Delivery Board on 23 January 2023. At that meeting, the councillors who represent Cranbrook advised that the report was misleading in two respects:

1. The report downplays the impact on the number of homes affected. The figures seem to indicate that the bulk of the 1,700+ homes were affected for less than one day which is incorrect. Cranbrook residents have been experiencing difficulties with the district heating system multiple times every year, not just in December as stated the report.
2. The report also downplays just how poor E.ON's customer service was. It collapsed and totally let down hundreds of households. One district and town councillor sat at home providing a response to those who needed it and relaying engineering calls – not E.ON's contact centre.

In Cranbrook Town Council's opinion, the current system is not fit for purpose. Another example is the current meter and billing issues and E.ON's total failure to respond to and resolve these.

Whilst the report talks about the resilience of district heating itself, what it does not talk about is the lack of E.ON ability and resilience to respond locally to issues. It doesn't challenge the lack of availability of sufficient engineering staff to respond to major outages which arise regularly outside normal working hours. There seems to be a need to challenge the ongoing investment by E.ON in providing enough resources to respond when needed. Even the best systems fail from time to time and the test is whether the organisation is able and ready to provide a prompt and effective response when that happens. Telling people who report a failure of heating and hot water on a Friday evening that they will have an engineer appointment the following week is not helpful. Those with boilers can turn to an emergency heating engineer if one is needed – with district heating that is not an option.

On balance, Cranbrook Town Council would probably endorse the recommendation to support the roll-out of district heating networks but there has to be a much more robust challenge and oversight by East Devon District Council in the future. East Devon District

Council has been leaving the private sector to get on with it in Cranbrook unchecked. That has to change with Cranbrook and also with regard to the emerging Local Plan which to date is proposing the same approach with the proposed second new community. Please learn lessons and improve.”

61 **Minutes of the previous meeting**

The minutes of the Strategic Planning Committee held on 1 November 2022 were confirmed as a true record.

62 **Declarations of interest**

Minute 65. Proposed response to Government consultation - Levelling-up and Regeneration Bill: reforms to national planning policy.
Councillor Paul Hayward, Affects Non-registerable Interest, Employed by Axminster Town Council, All Saints Parish Council and Chardstock Parish Council.

Minute 67. District Heating: Reliability and Resilience.
Councillor Kevin Blakey, Affects Non-registerable Interest, Resident of Cranbrook and Cranbrook Town Councillor.

Minute 67. District Heating: Reliability and Resilience.
Councillor Kim Bloxham, Affects Non-registerable Interest, E.ON Liaison on behalf of Cranbrook Town Council; Cranbrook Town Councillor and a resident of Cranbrook.

Minute 67. District Heating: Reliability and Resilience.
Councillor Paul Hayward, Affects Non-registerable Interest, Family members live in Cranbrook.

Minute 69. Infrastructure Funding Statement.
Councillor Paul Hayward, Affects Non-registerable Interest, Employed by Axminster Town Council, All Saints Parish Council and Chardstock Parish Council.

63 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

65 **Proposed response to Government consultation - Levelling-up and Regeneration Bill: reforms to national planning policy**

The Committee considered the Assistant Director Planning Strategy and Development Management's report that sought agreement to how the council responds to the Government's consultation on changes to the National Planning Policy Framework.

Key issues raised throughout the consultation that could have implications included:

- Housing numbers and housing need. Members noted that the Government consultation was not proposing to withdraw the standard method for calculating housing need;

- Additional guidance to help authorities with an alternative method for assessing housing need where characteristics apply such as islands with a high percentage of elderly residents or university towns with a high percentage of students. Members noted that the council's response focused on environmental constraints such as the Areas of Outstanding Natural Beauty that should be taken into account when considering housing numbers;
- The soundness for local plans and the need to remove the word 'justified' as a requirement. Members noted it was difficult to understand the significance at this stage.
- Five year housing land supply requirements. Members noted that the consultation focussed on transitional requirements which could benefit this council to a reduced housing land supply to four years rather than five years;
- To remove the duty to cooperate and be replaced with an alignment policy;
- Measures to tackle slow build;
- Measures to tackle climate change;
- Supplementary planning documents to be replaced with supplementary plans which would carry the same weight as local plans;
- National Development Management Policies to be set based on the additional National Planning Policy Framework guidance;
- Neighbourhood plans to be protected for five years rather than the two years which would benefit this council with its five year land supply.

The following additional recommendation was proposed by Councillor Arnott and seconded by Councillor Rylance

"Officers continue with background technical work regarding the local plan but that no further discussions or decisions will be made with regards to sites or their allocations until the Government has delivered the finalised National Planning Policy Framework."

Comments made during discussion included:

- Reference was made to 'islands of elderly residents' and that the ONS data shows that some wards in East Devon have more than 30% over 75 years old
- The need to focus on the lack of truly affordable housing as the affordable housing being delivered at present is not affordable. The Assistant Director Planning Strategy and Development Management acknowledged this was a significant issue which was addressed in the proposed response to Q.22;
- There is a need for a comprehensive report on what can be built and where-as a lot of East Devon is being destroyed by greenfield development. The Assistant Director Planning Strategy and Development Management advised in his opinion there was not a significant amount of brownfield sites suitable for development as many had constraints;
- Reassurance was sought on the current five year housing land supply under the Government's proposal and what could be done now about next year's five year housing land supply. It was advised under the Government's transitional arrangements the council would have a four year land supply but with projections declining it would be prudent to review applications in sustainable locations to bolster supply;
- Clarification was sought about why developers were being allowed to build on existing sites with no provision of affordable housing. Are we being forceful enough? In response the Assistant Director Planning Strategy and Development Management advised that it was an uphill battle as Government guidance says that local authorities must be accommodating to enable development to come forward to help bolster supply;

- Minor amendment to the wording on page 69 – Mission 11 – to read ‘designing out crime continues to be a key consideration in the determination of planning applications’;
- A concern was raised about increased housing bringing issues with sewage and water and how the problems with South West Water must not be drawn out any longer than necessary;

With the agreement of the proposer and seconder of the recommendation it was suggested that the second recommendation should read as follows to reflect the concerns raised about sewage and water:

‘That Officers continue with the background technical work with regard to the Local Plan including discussions with consultees and other stakeholders and infrastructure providers in particular concerning water, sewerage and other environmental matters to enable those discussions with infrastructure providers and stakeholders to continue but that no further discussions or decisions will be made with regard to the sites or their allocation until the Government has delivered the finalised NPPF.’

Comments from Members on the proposed answers to the consultation questions included:

- Q.28 – Is it a missed opportunity to not make a comment on bringing affordable housing on exception sites. The Assistant Director Planning Strategy and Development Management was happy to incorporate an appropriate response in line with funding for CLTs;
- Q.30 – A suggestion to include a comment about retrospective planning applications being abused by developers. The Assistant Director Planning Strategy and Development Management shared the concerns and suggested adding a general comment along the lines that this should be avoided at all costs.

RESOLVED:

1. Strategic Planning Committee agree that this Council respond to the Government consultation with the boxed text explicitly set out in this committee report together with additional wording to address the concerns regarding retrospective planning applications being delegated to the Assistant Director of Planning Strategy & Development Management in consultation with the Chair.
2. That Officers continue with the background technical work with regard to the Local Plan including discussions with consultees and other stakeholders and infrastructure providers in particular concerning water, sewerage and other environmental matters to enable those discussions with infrastructure providers and stakeholders to continue but that no further discussions or decisions will be made with regard to the sites or their allocation until the Government has delivered the finalised NPPF.

66 Greater Exeter Economic Development Needs Assessment

The Committee considered the Assistant Director Planning Strategy and Development Management’s report that sought agreement for the Greater Exeter Economic Development Needs Assessment January 2023 report to be published on the council’s website as part of the new Local Plan evidence base.

It was a jointly commissioned piece of work between East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council to understand the need for employment land to meet forecast demand over a 20 year period.

Key findings included:

- East Devon accounts for approximately 20% of employment and GVA across Greater Exeter and employment and growth rates are the highest of the local authority areas in Greater Exeter;
- A larger proportion of growth is concentrated in the West End of the district.

Members noted the table at paragraph 2.7 relating to additional jobs with a figure showing a minimum figure of 3,200 additional jobs over the planned period up to a maximum of 13,700 additional jobs.

Members also noted the demand for sites and premises in which East Devon has approximately 106 ha. of employment space. Some concerns were raised including that a number of these sites had already been allocated in the existing local plan and as a result it was concluded additional work was required to help understand why sites had not come forward. It was also recognised that there was a need to look more closely at the council's relationship with Exeter City Council and cross boundary issues highlighted at paragraph 3.4.

Points raised during discussion included:

- It does not make sense in terms of sustainability that Exeter City Council would consider using brownfield sites leading to the loss of employment land;
- Welcome the opportunity to relocate some employment land into East Devon which would create shorter journeys to work.

RESOLVED:

1. That the Greater Exeter Economic Development Needs Assessment January 2023 report be noted and its use as evidence for the purposes of the new Local Plan and other spatial plan making, for development management and in support of achieving East Devon District Council's corporate objectives be agreed;
2. That the issue of displacement of employment uses within Exeter arising from their recently consulted on draft Local Plan and the further work that is needed to fully understand and discuss this with the partner authorities as well as further work referred to in Section 4 of the report to more fully understand Economic Development issues in East Devon be noted;
3. That Strategic Planning Committee recommend that the Greater Exeter Economic Development Needs Assessment January 2023 report be published on the council's website as part of the new Local Plan evidence base.

67 District Heating: Reliability and Resilience

The Committee considered the Assistant Director Growth, Development & Prosperity report that detailed the cause of technical issues affecting the operation of the district heating network that impacted over 1,700 homes in Cranbrook. The report also considered how to improve oversight of the operation of the two networks in the district and whether there were wider strategic implications in terms of the policy of promoting the ongoing roll out of district heating in the West End of the district.

Members noted that E.ON were still conducting an analysis as to why so many valves failed simultaneously during a period of cold weather on the 7 December. This coincided with a period of cold weather with minimum temperatures dropping to freezing or below for the next 10 days.

Two meetings took place, one on 19 December with District Councillors, Town Councillors and Simon Jupp MP followed by a meeting on 25 January for the wider public. This was attended by 66 Cranbrook residents to help explain what had happened and to address outstanding issues including customer service. A number of key learning points were detailed in the report.

The Assistant Director Growth, Development & Prosperity acknowledged residents' frustrations about being locked into a contract with poor service but advised that in a wider context the transition to net zero carbon was critical and the rationale for completing the journey still remained. He referred to the recommendations in the report, in particular Recommendation 2 to introduce a District Heating Stakeholder Forum with E.ON referring to paragraph 3.4 for details of the membership, Recommendation 3 to continue to support the approach of pursuing the roll out of district heating networks to serve the major development areas in the West End and Recommendation 4 to write to the relevant BEIS Minister to advocate for support on energy bills for district heating customers across the country.

Comments received from non-Committee Members included:

- Councillor Bloxham expressed support that District Heating was pursued for the further expansion of Cranbrook but said people deserved a better service than had been experienced to date. Resilience is poor, responses are poor and there is clear under investment in all aspects of providing district heating whether it be resilience of supply, engineering capacity to respond to issue, call centre capability or customer service – all have been very lacking to date. She advised that the report did not really give a true picture of the customer experience which had been woeful and that she had spent many hours trying to assist residents with their issues. So far the District Council had taken a back seat. The lack of any sort of a development corporation role has been fully exposed by these events and moving forward the District Council has got to be more involved, not just because it may have a financial interest in the future but because it has a moral responsibility to ensure that the future is better.
- Support was expressed for the need to decarbonise the district heating network but this also needed robust oversight and effective customer service.

Points made by Committee Members during discussion included:

- Clarification sought on what guarantees were in place that this would not happen again when Cranbrook is at full size especially as problems with hot water and heating have happened in the past. The Assistant Director Growth, Development & Prosperity advised that the network would become resilient over time as the need for temporary energy centres was removed and all the network was connected to the main energy centre;
- Had attended the meeting on 25 January held by Cranbrook Voice and was not reassured by E.ON. They are good at producing heat and taking money but everything in between leaves something to be desired. The Local Authority has a part to play in this and it is not pulling its weight. East Devon District Council needs to be more proactive.
- Reference made to Recommendation 2 needing more teeth and the need for a legally binding agreement with E.ON;
- Reference made to Recommendation 4 and concerns raised that district heating was currently unregulated and the need for it to be regulated and be brought under OFGEM; In response the Assistant Director Growth, Development & Prosperity advised that Government were committed to introducing OFGEM as part of the Energy Security Bill;

- The failings of this system should not impact the wider strategy around district heating. When new technology is introduced there is often teething problems but there needs to be better customer service to keep residents updated. It was suggested that a dedicated telephone number for Cranbrook residents should be established;
- Cranbrook residents had to wait in excess of 10 days for repairs and some families had to move out because it was too cold. More resource is needed on the engineering side and as Cranbrook develops at a pace it needs to be resilient. The forum needs to hold E.ON to account.
- E.ON needs to understand that the forum has a responsibility to make necessary recommendations which should be binding;
- There is a need to learn from experience. This is the future and there is a need to stick with district heating.

RESOLVED:

1. The issues that led to the supply issues on the Cranbrook network in December and what has been done to rectify the position be noted;
2. The principle of establishing a District Heating Stakeholder Forum with E.ON to cover both district heating networks be endorsed;
3. To continue to support the approach of pursuing the roll out of district heating networks to serve major development areas in the West End in line with adopted policies;
4. The approach of the Chair writing to the relevant BEIS Minister to advocate for an equivalent package of support for domestic consumers on heat networks to that received by domestic consumers on the gas grid under the Energy price Guarantee (EPG) be endorsed.

68 **East Devon self-build monitoring report 2021-2022**

The Committee considered the Assistant Director Planning Strategy and Development Management's report outlining the latest monitoring figures for self builds until 30 October 2022. The Council was legally required to meet the demand for self/custom building housing shown on the self-build register.

Members noted that the overall demand for plots was 28, with 11 in 'Part 1' which the council would need to permission in order to meet demand between 31 October 2021 and 30 October 2024. The supply figures indicated that 16 suitable plots were permissioned for self-build between 31 October 2021 and 30 October 2022 which would mean that, so far, the council was short of 10 plots to meeting our 2020 – 2021 demand figures of 26.

Points raised during discussion included:

- It was pointed out that Recommendations 3 and 4 had a couple of typo errors in the dates;
- Clarification sought on the definition of serviced plots. In response it was advised the plot of land would have all main services such as water, gas, electric etc.

RESOLVED:

1. The draft monitoring report for use in planning decisions (both to inform local plan production and inform decision making on planning applications) be endorsed.
2. That 28 individuals added to the self-build register during the latest monitoring period (31/10/21 to 30/10/22) be noted;

3. The need to permission 11 plots suitable for self-build between 31/10/21 and 30/10/24 to meet the level of demand shown on Part 1 of the self-build register (between 31/10/21 and 30/10/22 be noted);
4. The additional need to permission 10 additional plots suitable for self-build between 31/10/22 and 30/10/23 to meet the 'residual' requirement from the demand shown on the register for 31/10/20 to 30/10/21 be noted;
5. That the demand for self-build plots indicated on the register should be taken into account in our planning, regeneration and estate functions be noted.

69 **Infrastructure Funding Statement**

The Committee considered the Assistant Director Planning Strategy and Development Management's report that summarised the contents of the East Devon District Infrastructure Funding Statement that the Council was legally required to publish on an annual basis.

Points on the report included:

- A comment was raised about whether the Feniton to Sidmouth Cycle way could be included in the infrastructure list. In response the Assistant Director Planning Strategy and Development Management advised this would need to come forward through the CIL Infrastructure List which needed to be reviewed.
- Clarification sought on whether the list detailed in paragraph 3.2 were in priority order. It was advised it was a high level list with no order of priority.

RESOLVED:

1. That the contents of this report and the requirement to provide an 'Annual Infrastructure Funding Statement' be noted;
2. That the publication and submission to government of the 2021/22 'Annual Infrastructure Funding Statement' based on the information detailed in this report be approved.

Attendance List

Councillors present:

D Ledger (Chair)

O Davey (Vice-Chair)

P Arnott

J Bailey

K Blakey

P Hayward

M Howe

R Lawrence

A Moulding

E Rylance

P Skinner

Councillors also present (for some or all the meeting)

P Faithfull

G Jung

T Wright

K Bloxham

Officers in attendance:

Ed Freeman, Assistant Director Planning Strategy and Development Management

Damian Hunter, Planning Solicitor

Andrew Wood, Assistant Director Growth Development and Prosperity

Wendy Harris, Democratic Services Officer

Councillor apologies:

S Chamberlain

B Ingham

G Pratt

Chairman

Date:

Report to: **Strategic Planning Committee**

Date of Meeting: 7 March 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Initial feedback report on consultation on the draft East Devon Local Plan – consultation undertaken from 7 November 2022 to 15 January 2023

Report summary:

This report provides a succinct overview of consultation on the draft East Devon Local Plan with some initial observations on themes coming through in feedback received and some data drawn from the on-line consultation software. It is highlighted that later in 2023 a detailed feedback report will be presented to Strategic Planning Committee and this future fuller report will provide relevant information to help Members determine actions going forward.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

Strategic Planning Committee note the contents of this initial feedback report.

Reason for recommendation:

To provide some initial feedback on the consultation that has been undertaken.

Officer: Ed Freeman, Service Lead – Planning Strategy and Development Management, e-mail – 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
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

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Climate change Low Impact

Risk: Low Risk;

Links to background information

The draft local plan, the Policies Map and other documents can be seen at: [Draft Local Plan Consultation - East Devon](#)

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 From 7 November 2022 to 15 January 2023 the Council consulted on a draft local plan. This plan was written (as the name implies) to be a draft version of what we consider the final local plan (the plan we submit for Examination) could contain and look like. It is stressed that it was not a fully complete plan in respects of all aspects of policy coverage and further work will be required.
- 1.2 Of most importance the consultation has provided an opportunity for any interested individual, body or organisation to pass comment on the plan and any proposals or policies within. This specifically included areas of land (sites) that were proposed as allocations for development. In making comment on the plan anyone was also able to comment on matters or things that the plan does not contain but they think it should.
- 1.3 This is an initial very early feedback report on the consultation. By clear design and intent it does not refer to specific comments that respondents to the consultation made and it does not contain any suggested responses to how the Council may wish to respond to matters raised (specifically not in respect to how the plan might be amended in respect of feedback). Later in 2023 committee will receive a far more detailed feedback report and this more detailed work will be available to help inform future work on plan making. Part of any future work will involve reviewing timetables for future plan production. Current timetables are set out in the most up to date East Devon Local Development Scheme [lds-april-2022.pdf \(eastdevon.gov.uk\)](#).

2. Promotion of the consultation and the levels of responses received

- 2.1 Committee will be aware that the consultation on the local plan was very actively promoted with a clear intent and design to encourage people to be involved and pass comment. There was an online platform, Commonplace, that allowed for submissions to be made and also the plan was available in electronic - PDF format, and at libraries - in paper format. People could make comments online, via emails and through sending in letters. At exhibitions we invited 'quick comments' to be submitted in written

paper format and we are aware that there were conversations on social media around the plan and contents within.

- 2.2 It is too early to provide precise details of the total number of separate individuals or organisations that responded, we are still collating information but we can provide some headline figures at this early stage:
- Through the Commonplace software there were around 2,500 different individuals or organisations that made comment on the plan.
 - In email or letter format we received submissions from what we would estimate to be around about 1,000 different individuals or organisations.
- 2.3 As a measure of those responding the above figures should, however, be treated with a degree of caution. Of the 2,500 responders through the Commonplace software there may be some double-counting potentially where people went into the software more than once and did not register each entry against a single account. Likewise the estimated 1,000 emails and letters may contain cases where people sent in more than one letter or email. Of more significant note, however, is that fact that we know that some respondents submitted comments through Commonplace as well as sending them to us, or additional ones, in email or paper format. This may account for a substantial amount of 'double-counting'.
- 2.4 There will be some considerable work to be undertaken to produce a definitive (or at least approximately accurate) figure for the number of separate individuals or organisation that responded to the consultation but based on what we know to date it would not be surprising if the total figure was somewhat in excess of 3,000. It should also be noted that the figures we quote do not count the separate individuals that signed petitions that were submitted to us, nor have we factored in numbers (nor will we seek or be able to) of those that were involved in conversations that were external to the Council on social media about the local plan. Also we received many hand written 'quick comments' at exhibitions and it will not be possible to determine how many of those submitting these written comments will or will not have commented through other means as well.
- 2.5 Some of those that submitted comments will have raised a single item or issue of objection or concern (or support) though others will have covered many different aspects or elements, including separate policies, and development site allocation options in the plan.

3. The Commonplace consultation portal

- 3.1 Committee will be aware that the Council has purchased the use of Commonplace software, as a corporate system, to support consultation exercises. This software was

used for the local plan consultation and it was the route through which most people submitting comments chose to do so. It is acknowledged that there were some issues with the software and the consultation more widely which were discussed at Scrutiny Committee on the 2nd February. A report reflecting on the consultation and the role of the commonplace software will be brought separately to a future meeting.

- 3.2 All of the policies in the plan could be commented on through the software as could sites that featured in the plan as proposed allocations as well as those at and around settlements identified in plan policy as offering potential suitability for growth but which at this stage were deemed not suitable and as such were classified as rejected.
- 3.3 All comments received through the Commonplace consultation portal can be seen on the system at [Have Your Say Today - East Devon Local Plan - Commonplace](#). Respondents could also upload PDF documents onto the software and these are not yet published and available to view – we plan to publish these alongside submissions received via emails and letters.
- 3.4 We will also look at the potential to download all comments received through Commonplace and to publish these in PDF format as this might be a more accessible means to view comments for some people that want to look at submissions on the plan.
- 3.5 As well as showing comments against each policy the software had a tick box answer section that allowed respondents to show their level of satisfaction with each policy and each possible development site option that featured in the consultation.

4. The make-up of respondents using Commonplace

- 4.1 The Commonplace software allowed people to include various details about themselves, though this was not compulsory.
- 4.2 Of those that stated their age the following spread of respondents, by age groupings, was recorded.

Age group	Number of respondents	Percentage split
13-15	8	0.46%
16-24	36	2.07%
25-34	115	6.62%
35-44	227	13.08%
45-54	306	17.63%
55-64	438	25.23%
65-74	435	25.06%
75-84	157	9.04%
85 or over	14	0.81%
Total	1,736	100%

- 4.3 There were 643 respondents who left the question blank or responded that they would prefer not to state
- 4.4 A total of 1,777 respondents gave address details out of 2,379 uniquely generated respondent IDs (meaning 602 did not give details); 1,671 (94.03%) out of those 1,777 lived in East Devon and 106 (5.97%) lived elsewhere.
- 4.5 A total of 1,844 respondents gave details regarding their connection to the district.

Connection	Number of respondents	Percentage split
I live here	1,741	94.41%
I work here	55	2.98%
I commute through here	28	1.52%
I own a business here	7	0.38%
I study here	2	0.11%
I volunteer here	1	0.05%
I am a consultee	1	0.05%
I am a developer	1	0.05%
I am a house owner	1	0.05%
I am a landowner	1	0.05%
Other	6	0.33%
Total	1,844	100%

5. Satisfaction scores on site specific allocations from Commonplace

- 5.1 All of the sites, bar three, that featured in the Local Plan consultation document as preferred or second choice options received responses, the three exceptions were:
- LP_Sowt_11a - Land at Bishops Court Lane, Clyst St Mary;
 - LP_Dunk_05 – Broomfields, Dunkeswell; and
 - LP_Wood_01 - Field 4583, Exmouth Road, Exton.
- It is not yet known if these sites received comments in email submissions.
- 5.2 The number of satisfaction responses to differing sites varied greatly. Some sites received just 1 or 2 responses, whereas, in contrast some were very much higher, 403 in the case of Site Brcy_12 in Broadclyst.
- 5.3 For all sites respondents could choose a single satisfaction score of:
- 0 - Unhappy;
25 - Dissatisfied;
50 – Neutral;
75 – Satisfied; or
100 – Happy.
- 5.4 All scores for each question were added up to provide an average score so that a score of 0, or a little above indicates a strong degree (on average) of unhappiness, whilst in complete contrast a score of 100, or a little below, would indicate a strong

degree (on average) of happiness. A figure in the middle would indicate (on average) a mid-point between the extremes.

- 5.5 In the consultation questions asked about people's views on the appropriateness of sites for development. Respondents had the opportunity to give a sentiment response using the scale set out at para. 5.3 and they could also provide a more detailed written comment. In most cases the comments help to explain the sentiment rating however in some cases they are contradictory and these will need to be treated with caution to ensure that the views expressed are accurately reflected in feedback.
- 5.6 For all sites whether shown as preferred allocations, second choices or rejected there was a general pattern of unhappiness in respect of responses around suitability for development. A great many sites achieved scores in the 0 to 20% range (indicating a picture of un-happiness) with comparatively few pushing upwards, closer to or beyond the 50% position.
- 5.7 We did ask the question in the consultation - How do you feel about our approach to undertaking site assessment work? The response score was 25.18%, though it's not clear if this (unhappiness response) was a response that reflected people's views on the methodology followed or the outcomes it generated.
- 5.8 Included in the sites we sought views on were the three options in the consultation document for a new settlement. There were over 300 responses to this question and the responses received were:
- Option 1 - 23.3%;
 - Option 2 – 11.11%; and
 - Option 3 – 8.7%.

These scores suggest a low level of satisfaction with all of the new community options with a slightly higher level of satisfaction with option 1.

- 5.9 Also, in the western part of East Devon, the substantial development proposal next to the M5 and north of Topsham scored 35%, though there were only 5 respondents.

6. Sentiment scores on plan policies from Commonplace

- 6.1 As with the site choices we also have sentiment questions, on Commonplace, for policies and the same scoring system used for sites applied. There was a more varied range of percentage responses, and quite a lot were higher, than in respect of the feedback received on sites.
- 6.2 Feedback on policies that related to the plan strategy were in the high 20% to 50% range and for employment allocations policies typically a little higher. Reflecting the scores of site choices for a second new town the ranking of Strategic Policy 8:

Development of a second new town east of Exeter – scored a figure of 22.01%. However, it is not clear if this reflects respondents in principle views on planning for a second new town or whether it is a response to the satisfaction of the quality of policy wording, construct and expectations of the policy.

- 6.3 Policies in the plan that were about towns in East Devon saw scores in the 30 and 40 percent levels though for subject based matters, as opposed to those that related to specific sites - to include climate change, housing and employment scores were higher, most over and above 50%. Policies around environment, built heritage and recreation matters saw amongst the highest scores, many in the 70% or 80% ranges.

7. Emails and letters received

- 7.1 We have not yet had chance to review the comments that have been received in letter or email format though it is clear from the number of submissions that have come in that this was and remains a popular format for people to submit comments.
- 7.2 We are aware that some people struggled, to some degree, with the consultation software and chose therefore to email or write in. There were, as well, some people that do or did not have access to a computer and as such were not able to use the software.
- 7.3 Many agents acting for clients also did not use the software for making submissions and chose instead to make their submissions in email format, often with reports attached as PDF documents. Though in some cases PDFs were uploaded onto and through the consultation software.
- 7.4 Our intention is that all of the representations received through written comment - emails, PDFs and letters, will be saved and be available to be individually viewed on our website, though with sensitive elements such as contact details redacted. Given numbers involved, however, this may take some time to complete.

8. The exhibitions and quick survey responses

- 8.1 We held nine in person exhibitions at various venues around the district to support the consultation. These were well attended with most seeing visitor numbers estimated in the range of 200 to 300 people. This was a level of attendance that was typically greater than for exhibitions held in respect of production of previous local plans in East Devon.
- 8.2 Whilst questions raised at the exhibitions were wide ranging most were in respect of, or related to, the settlements where the exhibitions were held or in some cases to settlements close by. Most people were interested in and raised questions relating to sites that were proposed in the plan as allocations for development at and around these settlements. At the exhibitions most people that expressed a view about sites

did not favour the allocation for development of the sites they were raising questions about.

- 8.3 At the exhibitions we provided slips of paper that people could submit quick response comments on. In a future feedback report we will provide a summary of the key themes and messages that came through, for each event, from the quick comment forms.
- 8.4 In respect of Feniton and Whimble we asked a specific question (also included on the Commonplace software) that sought views on the scale of housing that people regarded as appropriate for the village. Of those that expressed a view the responses received are tabled below (where it was clear what people were voting for). The question asked was – *“Please tick the relevant box for the level of additional housing development that you feel is appropriate for Feniton (for the Whimble exhibition the text read Whimble) for the period from 2022 to 2040.”* We also show the corresponding feedback received for the same question asked through the Commonplace software.

Level of development favoured	Votes at Feniton	Votes at Whimble	Votes at Feniton from Commonplace	Votes at Whimble from Commonplace
Zero homes	5	14	9	11
1 - 50 homes	4	21	17	15
51 - 100 homes	0	5	3	1
101 - 250 homes	0	2	3	3
251 to 500 homes	0	0	2	2
501 or more homes	0	0	2	2

9. More general matters raised in responses to consultation

- 9.1 We have not had a chance to read, catalogue or review the great range of comments received through the consultation (rather there has been a very partial overview made of some). So at this stage we cannot provide any form of detailed, thorough or comprehensive feedback of matters raised and the numbers of people commenting on differing issues. However, and anecdotally at least, matters raised in discussions at exhibitions (other than where site specific) that came up on a regular basis included:
- a) Concerns that we were planning for too much development, especially too much house building. Some people noted the Written Ministerial Statement before Christmas by the Secretary of State Michael Gove, noting mandatory housing targets maybe removed.

- b) Opposition, in-principle, to planning for a new community. This was most clearly articulated at the Clyst St Mary exhibition, though some elsewhere favoured the development.
- c) Concerns over the ability of infrastructure to cope with and accommodate development was raised by many, including in respect of such matters as highways, schools, medical services, policing and sewage systems. These types of concerns frequently come up through plan consultation, though anecdotally at least, we had the impression that they were raised to a greater extent with this plan than happened in the past.
- d) Concerns that the percentage of affordable housing on 'qualifying sites' is too low, and that insufficient affordable housing would be delivered, in particular housing that was considered (by some respondents at least) to be "truly affordable" for meeting "local" needs.
- e) Concern for the environment in general and impacts that may arise from development. Amongst themes and matters raised was the potential for adverse impacts (and loss to development) of land designated as part of one of the AONBs.

9.2 We would reiterate that the above is emphatically not (and is not intended) to be a comprehensive lists of matters raised but it does seek to give a flavour of some of the matters that came up on a regular basis. Whilst we have listed some of the broad and often over-arching concerns it is important to recognise that there will also be lots of detailed comments around policies in the plan and some of these, we can assume, will be of quite technical in nature that go into matters of specific policy detail.

9.3 It is also relevant to note that the character and nature of responses from land owners and developers, and agents acting for them, will frequently differ in tone, form and aspired outcomes from those received from many interested members of the public that have provided feedback.

10. What happens next

10.1 Over the coming weeks officers will undertake a detailed and thorough exercise in reviewing and cataloguing all comments received. Where appropriate, for example addresses and telephones numbers, information will be redacted and we will make representations available to view on the Council web site.

10.2 Later this year (hopefully in the early Summer) we will publish and present to Strategic Planning Committee a full consultation feedback report and allied to this we will be seeking committee instruction on:

- How to most usefully use the feedback;
- How and where to amend the plan in response to comments received;
- What extra and additional work may be needed; and
- How we should progress with plan making.

Financial implications:

There are no financial implications on which to comment.

Legal implications:

There are no legal implications requiring comment.

Report to: **Strategic Planning Committee**

Date of Meeting: Tuesday 7 March 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Proposed response to the Teignbridge Local Plan Regulation 19 Consultation

Report summary:

This report advises that Teignbridge District Council are consulting on their local plan and in this report we provide some commentary about the plan, especially in respect of matters that may have cross-boundary implications. Officer recommendation is that East Devon District Council should representations to the Teignbridge Plan. There is concern based on the currently published information that as drafted the plan could lead to some possible pressure to accommodate some unmet housing need in/from Teignbridge, at a future date, in other planning authority areas and this could include East Devon. These concerns are further compounded by uncertainty associated with Torbay local plan work and possible pressures for accommodating Torbay housing outside of Torbay boundaries.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. Strategic Planning Committee endorse the proposed representations to the Teignbridge Local Plan consultation that are set out in this report and agree for them to be submitted to Teignbridge District Council.
2. Strategic Planning Committee agree that officers continue to work with officers at Teignbridge District Council to secure further evidence and potential modifications to the Teignbridge Local Plan in the hope that the concerns raised can be withdrawn at a future date.

Reason for recommendation:

To ensure members are aware of concerns highlighted by officers and to secure members endorsement of the proposed objections and detailed technical response by this council to Teignbridge District Council.

Officer: Ed Freeman, Service Lead – Planning Strategy and Development Management, e-mail – 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
- Democracy, Transparency and Communications

- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

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Climate change Low Impact

Risk: Low Risk; .

Links to background information

The text of the Teignbridge Local Plan can be seen at: [proposed-submission-regulation-19-local-plan-2020-2040.pdf \(teignbridge.gov.uk\)](https://www.teignbridge.gov.uk/proposed-submission-regulation-19-local-plan-2020-2040.pdf)

Links to the above, an interactive policies map and other documents can be seen at: [Live consultation: Teignbridge Local Plan - Teignbridge District Council](#)

Link to Council Plan

Priorities (check which apply)

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

1. Background

- 1.1 Teignbridge District Council are producing a new local plan and it has reached the Regulation 19 stage of plan making, plan Publication, under - [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#).
- 1.2 This is a very important point in production of a local plan as it sets out what a planning Authority regard as the appropriate final plan for their area and it needs to be a plan that meets legal and procedural requirements for plan making. Teignbridge are advising that they are 'consulting' on the plan and it is quite standard for the word consulting to be used at this stage of plan making. But consulting should not be read to mean they are actively seeking views and opinions on how they can make the plan better. Rather 'consulting' at this stage could be more accurately read to mean that they are providing the opportunity for people to challenge the plan noting that challenges made will be go to a Government appointed Planning Inspector who will undertake an Examination of the plan. Though it should be noted that a planning authority does have scope to make minor changes to a plan at/after Regulation 19 and a Planning Inspector will almost inevitably recommend more significant changes (Main Modifications) whilst at Examination to allow for a plan to be adopted.
- 1.3 Bearing in mind the above the Teignbridge local plan usefully advises at Paragraph A.21 that:

“.....The Regulation 19 consultation no longer seeks views on alternative options, but instead presents the opportunity to comment on the content of the Local Plan, within a specific remit. The focus/sole purpose for this consultation relates to receiving representations on:

- Legal Compliance – does the plan meet the legal requirements made under various statutes?*
- Soundness – has the plan been positively prepared, justified, effective, and consistent with national policy?*
- Meets the Duty to Cooperate – has the Council engaged and worked effectively with neighbouring authorities and statutory bodies”*

- 1.4 It should be noted that the Teignbridge local plan is running some months ahead of our equivalent local plan for East Devon. The East Devon Local Development Scheme [lds-april-2022.pdf \(eastdevon.gov.uk\)](#) advises that we will reach the Publication stage (Regulation 19) of plan making in autumn 2023.
- 1.5 Consultation on the Teignbridge Local Plan closes at noon on the 13 March 2023.
- 1.6 The Teignbridge local plan seeks to cover all policy matters that might regularly come up as planning considerations in the determination of planning applications that fall to the Council as the planning authority. It is relevant to note that part of Dartmoor National Park falls in Teignbridge District and the park authority is a Planning Authority in its own right. The park authority produces its own local plan and determines planning applications within the National Park. The Dartmoor Local Plan 2018 to 2036 was adopted on 3 December 2021. The Teignbridge local plan does not therefore cover any of the National Park areas of Teignbridge District.
- 1.7 In addressing all regularly occurring planning matters, that fall to the Council, the Teignbridge local plan takes a similar approach to our own emerging East Devon Local Plan, albeit in our case we are looking to exclude (fully or partially) provision of policy for Cranbrook on account of there being the adopted Cranbrook Plan.
- 1.8 The Teignbridge Local Plan is quite conventional in terms of chapter structure and format of policy, much as our emerging local plan also is. The Teignbridge plan has a series of topic based chapters/sections and also has Strategic and non-Strategic policies within these. The plan allocates land for development to show, amongst other matters, where much of the future building in the district is planned to be located.
- 1.9 Whilst Teignbridge is a neighbouring authority to East Devon we actually only share a short boundary with them, essentially a watery boundary that falls midway in the Exe estuary and a very short land boundary to the north west of the city of Exeter. Our East Devon boundaries with Exeter, Mid Devon, Somerset and Dorset are much longer. There are no development sites allocated in the Teignbridge Plan at or close to our estuary boundary.
- 1.10 Along our shared boundary to the north-west of Exeter there is, however, land allocated under their Policy CC6 for wind turbine development. Development of wind turbines in this part of Teignbridge could potentially be visible from parts of East Devon, albeit rural and sparsely populated areas. Policy CC6 includes various policy

tests and it is not suggested that this council object, or indeed raise any comment, in respect of this allocation. We, like Teignbridge, have declared a climate emergency and as such we should be supportive, in principle, of renewable energy generation. Should a planning application be submitted on allocated land we could of course choose to raise comment at that time and if so would seek to do so within the context of compatibility with policy of their local plan as well as national policy and guidance and any other relevant material planning considerations.

- 1.11 As land and water based matters of particular cross boundary importance, and also to include Exeter, are the European designated wildlife sites of the East Devon Pebblebed Heaths, the Exe Estuary and Dawlish Warren. These sites fall in the highest level of biodiversity designation importance afforded in the United Kingdom and development that could adversely impact on the features/species cited in the designation should not be allowed in the absence of mitigation measures to off-set impacts that would otherwise arise. The Teignbridge Plan references the importance of mitigation and highlights the now long established partnership that we and Exeter City Council jointly have with them to collectively deliver mitigation schemes. The mitigation strategy is currently being reviewed and updated by consultants and so to address this issue Teignbridge appear to have assumed that similar mitigation to that required under the current strategy will be required moving forwards. Until the new mitigation strategy is finalised it is unclear whether this assumption is correct.
- 1.12 The most important cross-boundary relationship we have with Teignbridge relates to the location, function and role that Exeter plays in influencing our two Districts and indeed we have on influencing the City. The Teignbridge plan allocates a number of development sites that abut or are close to the City boundary. These are not visible from East Devon, perhaps other than in longer distance views which may in any case be seen against a foreground of urban city development. It is not proposed that we pass comment on these allocations. However, we do need to be aware that their development proposals and allocations of land, and growth and development more generally in Teignbridge, could have outcomes that have impacts of relevance to East Devon. Perhaps most importantly could be impacts on transport and travel networks, particularly roads.
- 1.13 We are working jointly with Teignbridge District Council, Exeter City Council, National Highways (formerly called Highways England) and Devon County Council on transport modelling work to seek to understand the impacts of collective growth proposals on highway and transport systems and to identify suitable interventions to address any concerns identified. Devon County Council are leading on this work and we can expect them, and National Highways, to take a very keen interest in outputs from the work and impacts that may arise. The work could have impacts on the Teignbridge plan as well as ours and the local plan for Exeter city.
- 1.14 By intent we have only sought to provide a general, simple and short overview of the Teignbridge plan. The plan covers many more issues and matters than touched on above and Committee members are encouraged to read the full plan should they wish to see more detail.

1.15 Although there are some concerns about Teignbridge Council making assumptions about the outcome of evidence documents that have not been completed yet; in the absence of evidence to suggest that they are wrong it is not considered appropriate to object to the plan on these grounds and instead to trust that any issues arising from these evidence documents will be addressed as the plan moves forward. There are however technical concerns regarding how housing need and supply are being addressed which are set out below.

2. Proposed response by East Devon District Council to the Teignbridge plan consultation

2.1 Officers of East Devon District Council have reviewed the Teignbridge Local Plan, and specifically noting the purpose of the consultation (as set out in the preceding section of this report) would wish to highlight concerns in respect of plan content.

2.2 It is proposed that this Council respond to the Teignbridge consultation with the following:

East Devon District Council welcomes the publication of the Teignbridge Local Plan and welcomes the opportunities for future joint collaborative working.

However, mindful of national planning policy and guidance, East Devon District Council raises concerns with regard to Policy H1 Land for New Homes as follows:

- 1. The Council is concerned that based on the available information Policy H1 is not consistent with national planning policy and is not justified because:***
 - a) The Local Plan does not set out a minimum housing requirement for the whole plan period and the annual requirement is not based on the latest available statistics for assessing Teignbridge local housing need; and***
 - b) It is unclear what evidenced housing supply including any 'headroom', is expected to be delivered in the plan period; and***
 - c) Consequently, there is currently a lack of clarity about the potential risk of unmet housing need in the Teignbridge plan area.***
- 2. The Council also considers that Policy H1 is not effective because the proposed contingency criteria 3c in Policy H1 through a Housing Delivery Action Plan to accommodate an agreed proportionate level of unmet housing need identified in the review of the Torbay Local Plan, is currently non-implementable, in the absence of both an agreed apportionment mechanism and an agreed protocol and governance mechanism on how to agree the apportionment.***

The Council is therefore concerned that the consequences of Policy H1 as set out in the Regulation 19 plan may place an extra burden on East Devon. It has therefore been necessary to raise these concerns in order to ensure that East Devon District Council can continue the dialogue to address this issue.

Policy H1 should be amended to state a minimum net housing requirement for the whole plan period, taking account of the latest evidenced local housing need. There is an opportunity for Teignbridge District Council to reconsider the supply sources to be counted towards achieving the housing requirement, and to use robust evidence to demonstrate that Teignbridge local housing need in the plan period can be met in the plan area. Without such evidence, there is a risk of supply shortfall such that Teignbridge District Council would then need to consider whether to raise strategic cross boundary matters about its housing need and supply issues with neighbouring planning authorities under the Duty to Co-operate before local plan submission. This has not happened to date.

The following detailed technical reasons for these comments (as set out in paragraph 2.3 of this report) are to be included in the consultation response:

DETAILED TECHNICAL REASONS

2.3 A review of Policy H1 Land for New Homes, the reasoned justification and related evidence, has identified the following issues of concern about housing requirement, supply, and contingency measures relating to Torbay unmet need:

1. **REQUIREMENT:** Based on available evidence, there appears to be insufficient commitment expressed in Policy H1 to planning for and meeting a housing requirement for the whole plan period because:
 - The plan period is 2020 to 2040 but Policy H1 makes housing provision only up to and including 2037/38. There is some ambiguity in the NPPF on the requirement here but we would like some assurance that the strategy can be delivered across the whole plan period.
 - No total housing requirement for the whole plan period is expressed in policy
 - The policy does not express housing requirement as a minimum, so is not consistent with NPPF Paragraph 61
 - Policy H1 does not take account of the latest, available up to date evidence on local housing need, so is not consistent with NPPF Paragraph 31. The policy requirement rate of 741 dwellings per year is lower than the local housing need for 763 dwellings per year based on the standard method and the latest available ONS statistics (March 2022), as shown in the current evidence in the Teignbridge Local Housing Needs Assessment 2022 (footnote 35).
 - Policy H1 is identified in the plan as a strategic policy, but is not consistent with NPPF paragraph 22 because it does not look ahead over a minimum 15 year period from adoption. Policy H1 makes housing provision for 2022 to 2038 (16 years) at 741 dwellings pa, but this is only 15 years from submission to 2038.
 - We note that the ONS statistics used to assess local housing need are due to be updated towards the end of March 2023, and may differ from previous figures, but this is after the Regulation 2023 consultation closes.
 - Without adequate commitment to housing requirement for the plan period, there is a risk that housing need would transfer to adjoining districts within the Exeter housing market, adding to demand pressure on our housing supply.

2. **SUPPLY** There are contradictions between policy H1 and the reasoned justification. They relate to: what evidenced supply sources are relied on to reach conclusions about whether policy 'requirement' is forecast to be met; and whether there is evidence of forecast supply in the plan period that would provide 'headroom'. There is a further contradiction between the plan and evidence in the Statement of Common Ground – Statement 1 paragraph 3.7. This includes issues regarding the term 'buffer' and contingency. The contradictions are confusing and need to be resolved, otherwise there is a risk of supply shortfall:

a) Windfalls

- Reasoned justification paragraph 5.4 states that windfalls (111 per year – understood to be on small, non garden land sites), "are not included within overall supply figures" but also states that "it nevertheless enables a good level of 'headroom' or flexibility to help ensure that the small site requirement can be met, and that overall delivery steps up as required to meet the new annual housing target for the district." This is of concern because:
 - If windfalls are not counted in supply then they are not part of a supply headroom (where headroom needs evidence of the potential to deliver supply within the plan period). They might still be capable of providing 'additional flexibility' above evidenced supply but this flexibility would not be 'evidenced' and therefore not part of a quantified assessment of housing delivery for the plan period in the plan area.
 - Without windfalls, then supply is 12,489 dwellings and there is a potential supply shortfall if the latest housing need figure of 763 is applied to the 18 years to the end of the plan period (ie a requirement of 13,734 dwellings).
 - However, it is unclear why no allowance is made for small windfalls (non-garden land) in the Teignbridge supply forecast. Other than allowing sufficient lead in time (possibly 3 years) from the 2022 monitoring point, there appears to be no reason why they would not come forward throughout the plan period.
 - 15 years (2025 to 2040) of windfalls at 111 per year, provided they can be evidenced, would add 1,665 dwellings to supply and a total of 14,154. This would be 420 above a 13,734 residual requirement, providing a modest headroom of 3% against that 18 year requirement.
 - Allowing for supply 'headroom' is necessary to provide flexibility. The Teignbridge plan should consider what scale of headroom is appropriate. Headroom exceeding the 3% indicated above, would need additional supply to be identified that can be delivered in Teignbridge in the plan period.

b) Dartmoor supply

- We note that the Teignbridge local plan is silent on the extent to which any of the Teignbridge district local housing need is accommodated within the Teignbridge part of Dartmoor through the adopted Dartmoor Local Plan (2018 to 2036). From this we understand that at this time, housing supply within the Teignbridge part of Dartmoor is not taken into account in setting the Teignbridge Local Plan housing requirement in Policy H1.

- This is also reflected in the Statement of Common Ground Statement 1 where para 3.7e states the “*DNP (Dartmoor National Park) expects a total of 379 homes to be delivered within the Dartmoor area of the Teignbridge / Exeter HMA. These homes will not be counted towards meeting the Teignbridge housing target, but rather will be considered as an additional buffer to ensure flexibility and choice of land supply.*”
- It is unclear why that part of the 379 dwellings which could be expected to be delivered during 2020 to 2040 has not been deducted from the Teignbridge plan requirement, particularly as the Dartmoor Local Plan is adopted. There is precedence for this in the justification for the housing requirement in the Plymouth and South West Devon Joint Local Plan, which took account of an allowance for 600 dwellings of those parts of South Hams and West Devon in the National Park. This was accepted by the Inspector examining that plan. Also, it is not precluded by the conclusions reached in the Inspector’s Report for the Dartmoor Local Plan. The deduction would then increase the ‘moderate surplus’ referred to in a) above, if windfalls are included in supply.

c) Buffers

- The plan’s use of the term ‘buffer’ in RJ paragraph 5.1 is unclear. There is further confusion about whether the buffer is 20% just for years 1 to 5, or whether there is also a 10% buffer for years 6 to 10 (as indicated in SOCG-Statement 1). Both are silent about years 11+.
- The 20% buffer derives from the latest Teignbridge Housing Delivery Test that results in a 20% buffer being required for Teignbridge 5 year housing land supply calculations. It is reasonable to conclude that identified supply should be 20% above the requirement for 5 years, now and at the point of plan adoption, taking account of any supply shortfall/surplus since the current monitoring point.
- However, a 20% supply buffer at the adoption point is not the same as a plan period supply headroom. ‘Headroom’ is the amount of supply forecast to be delivered in the plan period that is over and above the total plan period requirement, or at least the residue of plan period requirement from the latest monitoring point. A planning authority cannot, and is not, expected to guarantee housing delivery. Some allocations and commitments may not come forward ‘Headroom’ is therefore an effective means of managing uncertainty about future housing supply over the plan period.

3. CONTINGENCY MEASURES RELATING TO TORBAY UNMET NEED

It is noted that Policy H1 in the Teignbridge Plan references potential scope to accommodate housing from Torbay that Torbay Council may not be able to reasonably accommodate within their boundaries. The Teignbridge plan wording is qualified in respect of how this accommodation would work, and in part it relates to the progress of the Torbay Plan to and through its own examination to adoption (noting they are at quite an early stage on plan making).

At this time, the level of housing requirement implied by Policy H1 has not been raised to accommodate any unmet housing need from elsewhere. However, contingency criteria 3c in policy H1 states that:

“The Local Planning Authority will take action through the delivery of a Housing Delivery Action Plan to enable the development of additional dwellings on unallocated (‘departure’) sites in sustainable locations:

or c. to accommodate an agreed proportionate level of unmet housing need identified in the review of the Torbay Local Plan if this is not already being met through oversupply from windfall development in excess of the annual housing target. The cumulative development arising from applications of this nature will not exceed the total amount of unmet need required”.

(Note: Policy H1 includes criteria which such development would need to meet).

The matter is further addressed in supporting evidence set out in Statement of Common Ground: Statement 2 – Addressing Torbay needs. This SOCG is between Torbay and Teignbridge. There is no agreement about the scale of any unmet need, or how any unmet need might be apportioned.

However, the following “Agreed outcome” is stated in Statement 2.

“If, through the Torbay Local Plan preparation process, Torbay can clearly evidence and identify that it has an unmet housing need that is unable to be accommodated within Torbay, the relevant authorities will agree a mechanism for distributing this across the Plymouth and Exeter Housing Market areas and this will be addressed in future updates to the Teignbridge Local Plan”

That ‘outcome’ is of concern because it is premature. East Devon DC and other relevant authorities in the two housing market areas are not party to this SOCG and therefore Policy H1 Criteria 3c is currently non-implementable. There is no agreed mechanism or protocol at this time nor current evidence to support the assertion of an appropriate solution being agreed through their (ie Torbay Local Plan) Examination in Public, which Reasoned Justification paragraph 5.10 anticipates, and on which Criteria 3c relies. Teignbridge DC should reconsider whether it is reasonable at this time to rely on an outcome assertion that *relevant authorities “will agree” a mechanism for distributing this across the Plymouth and Exeter Housing Market areas*”.

There is also concern about the prematurity of paragraph 1.6 in Statement 2. As written, it prejudges the scope for how to identify unmet need and protocol for how to develop options to address unmet Torbay need, by expressing a view that more work needs to be done to assess the following:

- *“An objective review of Torbay’s HELAA to identify the potential of currently discounted sites. This could include a cross boundary assessment of discounted sites in neighbouring authorities to understand comparative levels of impact.*
- *An objective assessment of how unmet housing need might be appropriately redistributed across the housing market areas, taking into account economic growth and employment opportunities across the sub-region, social ties, and how the displacement of indigenous housing need will affect the future prosperity of Torbay. This includes gaining an understanding of what proportion of housing need in Torbay originates from outside the Devon area,*

which may reasonably be distributed across the wider Exeter and Plymouth HMAs because there is no strong connection to being located specifically in the Torbay locality”.

Consequently, East Devon District Council raises concerns with regard to Criteria 3c in policy H1, in terms of prematurity and effectiveness, so that the District Council can continue the dialogue to address this concern whilst reserving its position on this matter.

Discussions with officers at Teignbridge District Council suggest that further evidence will be made available to address many of the issues highlighted above while they would also be willing to propose minor modifications to the plan to address other comments where amendments to the plan would be necessary. It is therefore hoped that through further work and discussions with officers at Teignbridge that it may well be possible to withdraw our concerns in the future. In the meantime however it is considered necessary to protect the council’s position so that in the event that these issues are not addressed we can make formal representation at the examination in front of the inspector.

Financial implications:

There are no financial implications on which to comment at this consultation stage

Legal implications:

There are no legal implications other than as set out in the report.

Report to: **Strategic Planning Committee**

Date of Meeting 7 March 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Designated Neighbourhood Area Housing Requirements

Report summary:

Revision to the National Planning Policy Framework (NPPF) in 2019 introduced a new requirement on Local Planning Authorities to establish a housing requirement figure for all designated neighbourhood areas (DNAs) in their area when preparing a Local Plan. The recent consultation on the emerging draft Local Plan referred to this future work package and identified the currently 40 such designated neighbourhood areas that exist in East Devon. There is no set methodology by Government for calculation of these housing requirement figures and various differing approaches are still being tested nationally at Local Plan examinations.

By the time the Regulation 19 publication draft of the Local Plan is released (currently scheduled for autumn 2023) we will need to have selected a method that we can justify, and use that to calculate figures for each of our DNA's. This will subsequently be tested at examination, including the consultation undertaken on the method selection.

Officers are therefore seeking approval to commence informal engagement with neighbourhood plan groups (NPGs) to raise awareness of this matter and inform our consideration of the options for how we undertake this task more effectively.

This engagement would form part of our duties to consider, and support NPGs to consider, the relationship between neighbourhood plans and the emerging local plan.

Following this, after a further report to Committee, a wider consultation exercise would need to be held prior to Local Plan Publication stage.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That Strategic Planning Committee note the work needed for the emerging Local Plan regarding designated neighbourhood area housing requirements, the complexities to be addressed, and the need for further specific consultation on a methodology for calculating these figures;
2. That Strategic Planning Committee agree that in preparation for the consultation, Officers can commence dialogue with communities that have a designated neighbourhood area to inform the development of this work package, including on both a 1 to 1 basis and via officer-led group discussion, and;

3. That Strategic Planning Committee note that a more detailed technical report on the potential options and their implications and on the proposed consultation be brought back to Committee, prior to a full formal consultation being launched.

Reason for recommendation:

To support the preparation of a compliant Local Plan that meets Government requirements and guidance related to designated neighbourhood area housing requirement, and that collects the appropriate evidence to demonstrate this. Also, to further our responsibility to engage constructively and openly with neighbourhood plan groups including in the consideration of the relationship between neighbourhood plans and the emerging Local Plan.

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Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; This is a key area to be resolved for the emerging Local Plan to be compliant with national planning policy and support it being found sound at examination. It is also potentially complex and sensitive. Engagement therefore needs to commence as soon as practically possible with affected communities. Failure to do so could impact upon plan preparation timetable and/or the examination process.

Links to background information [National Planning Policy Framework \(2021\)](#), [Planning Practice Guidance \(Neighbourhood Planning\)](#), [emerging East Devon Local Plan \(Regulation 18 draft\)](#), [adopted East Devon Local Plan \(2013-2031\)](#), [EDDC Neighbourhood planning webpages](#).

Link to [Council Plan](#)

Priorities (check which apply)

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

1. Overview

1.1. As Members will be aware, we are required to establish and plan for a housing requirement figure for the whole of the district as part of the preparation of our new local plan. Government has also placed a requirement on Local Planning Authorities to set a housing requirement figure for each and every designated neighbourhood area¹ in its jurisdiction. This was introduced through the 2019 revision of the National Planning Policy Framework. This is set out at paragraph 66 of the latest NPPF (2021), as follows:

“Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.”

1.2. As this paragraph clarifies, this is not an additional housing requirement, but is part of the total housing requirement for the district for the plan period.

1.3. In the draft emerging local plan as consulted upon recently, the housing requirement for the district was set out in Strategic Policy 3 – ‘Levels of future housing development’. This draft policy included a clause stating that the final form of the policy “will set out the housing provision requirements for designated neighbourhood areas in East Devon”. It went on to identify the designated neighbourhood areas that this would apply to, of which there are 40 in East Devon.

1.4. In alphabetical order, these are:

- All Saints
- Axminster
- Axmouth
- Aylesbeare
- Beer
- Bishops Clyst (Clyst St Mary & Sowton)
- Broadclyst
- Broadhembury
- Budleigh Salterton
- Chardstock
- Clyst Honiton
- Clyst St George
- Colyton
- Cotleigh
- Dalwood
- Dunkeswell
- East Budleigh with Bicton
- Exmouth
- Farringdon

¹ A designated neighbourhood area is the area in which a neighbourhood development plan (neighbourhood plan) or neighbourhood development order or a community right to build order can be introduced, and designation of such is the first formal stage of preparing a neighbourhood plan by a neighbourhood planning body.

- Feniton
- Hawkchurch
- Honiton
- Kilmington
- Luppitt
- Lympstone
- Membury
- Monkton
- Newton Popleford and Harford
- Otterton
- Ottery St Mary and West Hill
- Payhembury
- Rockbeare
- Seaton
- Sidmouth (Sid Valley)
- Stockland
- Uplyme
- Upottery
- Whimble
- Woodbury
- Yarcombe

- 1.5. All of our designated neighbourhood areas equate to the whole of the parish of that name, apart from Clyst Honiton which covers part of the parish, Ottery St Mary and West Hill which covers those 2 parishes jointly, and similarly, Colyton, which now includes the parish of Colyford (with effect from the 1st April 2023).
- 1.6. The draft policy did not include any figures (i.e. number of dwellings) for the proposed housing requirement for our designated neighbourhood areas, but instead noted that these would need to be included following a consultation on the methodology for doing so.
- 1.7. The purpose of this paper is to follow up on the commitment in the supporting text to the draft policy that “The Council intends to consult on the methodology to be used to identify the appropriate level of housing requirements. This public consultation will be held prior to determining and justifying the housing requirements for each designated Neighbourhood Area to be set out in policy in the Publication Plan.”
- 1.8. Specifically, we are seeking Members approval to start an initial consultation exercise with neighbourhood planning groups, before reporting back to Committee on findings and providing more detail on a proposed wider consultation on the matter.

2. Key Considerations

- 2.1. The need to set a housing requirement figure for every designated neighbourhood area, and the selection of which methodology is used, raises a number of potential issues, implications, and sensitivities and will require careful consideration. It is therefore important that we engage proactively and constructively with neighbourhood plan groups as soon as possible in order to understand their intention and aspiration for neighbourhood plan preparation in their areas. This evidence gathering will inform consideration of how we can best support groups through the necessary setting of a housing requirement for their neighbourhood areas.

2.2. Ultimately, we will be tested at examination on the housing numbers and the methodology used to calculate them. It will therefore be important that both the method and the process that led to selecting it can be justified and demonstrated to be consistent with national policy, in order for the local plan to be found sound.

2.3. At this initial stage, officers have identified a number of closely-related considerations presented below that the work package will need to address. We wish to make Members aware of these for information and to aid future decision making on this topic.

1. Strategic policy

2.4. The Government requires us to set a housing provision requirement in strategic policy for each and all of our designated neighbourhood areas. In doing so, it does not require us to make any distinction between those that have made (adopted) neighbourhood plans (currently 25), those that have emerging plans at different stages of the plan making process (c.10), and those who have not yet undertaken any substantive plan preparation work (c.5). Therefore by default, we will need to provide a housing requirement figure for communities which have had a designation made at any time in the past but have not progressed plan preparation and have no current intention of doing so, as there appears to be no mechanism in the legislation for de-designating neighbourhood areas (only for amending them). Across the board, the Government simply requires that we set a figure that, 'reflects the overall strategy for the pattern and scale of development and any relevant allocations'.

2.5. In the interim, neighbourhood plan groups can continue to request indicative figures from us, or to calculate and evidence their own if none are provided. However, once the figures are set in strategic policy in the new Local Plan, and have been tested at examination, they will apply until and unless (a) a new neighbourhood area is designated (either at a late stage in the preparation of the local plan or after adoption), or (b) where the adopted strategic policies for housing in the new local plan became out of date.

2. Neighbourhood area level 'geography'

2.6. Below district level, the primary 'geography' used for place-making in both the adopted and the emerging local plan are settlements (rather than parishes), together with strategic areas of growth. This is fundamental for the purposes of the spatial strategy. It underpins the settlement hierarchy policy and the distribution of housing growth. It is a commonly used approach, underpinned by principles of sustainable development.

2.7. However, NPPF requires strategic policy to specifically set out the local housing requirement figures at designated neighbourhood area level. Those areas broadly equate to parishes. Having two different 'geographies' in strategic policies is therefore necessary but potentially confusing. Furthermore, the neighbourhood area level housing requirement figures must reflect and not undermine the spatial strategy.

2.8. Designated neighbourhood areas may of course contain none, part of, one, or more than one, settlements from the proposed settlement hierarchy, or strategic growth areas, within their boundaries. Although housing commitments and allocations can usually be readily related to a settlement and an individual parish, this is not always the case. Some proposed developments straddle parish boundaries.

2.9. Both the method used to calculate neighbourhood area housing requirements and the related reasoned justification of the policy in the local plan need to make logical sense,

in both planning terms and for communities. In particular, they need to ensure that the eventual local plan policy on housing requirement in each designated neighbourhood area supports the local plan's vision, strategy and objectives.

3. Limited guidance and no set methodology

- 2.10. There is a lack of detail and a degree of ambiguity in the Government reasoning and expectation about the purpose of the designated neighbourhood area housing requirement. Planning Practice Guidance (PPG) on Neighbourhood Planning (paragraph 104) expands minimally on the prescription in the NPPF for local plans to provide these figures, interpreting it as a need for strategic policy in the local plan to "have established the scale of housing expected to take place in the neighbourhood area".
- 2.11. The primary stated intention of using local plans to set these figures articulated in the guidance is to provide evidenced figures that can be used in neighbourhood plans as "a basis for their housing policies and any allocations they wish to make". And, once the strategic policies have been adopted through the local plan, "these figures should not need re-testing at neighbourhood plan examination, unless there has been a significant change in circumstances". This then gives a degree of certainty from which neighbourhood planning groups can plan. The process should also reduce the burden of proof on, and the need for resources from neighbourhood planning bodies.
- 2.12. It is important to note that Government is clear that the housing requirement figure is a minimum requirement, and not a cap on development. Neighbourhood plans could therefore plan to exceed it, provided this is consistent with the spatial strategy and strategic policies.
- 2.13. Critically, whilst it is a requirement for us to undertake this work, Government has not prescribed a method for doing so, and has provided little guidance to inform method selection. However, PPG is clear that we can utilise the general policy making process already undertaken by us in our plan making, by taking into consideration (a) relevant policies such as the spatial strategy, (b) our evidence base, (c) the characteristics of the neighbourhood area, including its population and role in providing services (which already informs our proposed settlement hierarchy), and (d) areas or assets of particular importance (such as AONB designation), which may restrict the scale, type or distribution of development in a neighbourhood plan area.
- 2.14. There are as yet very few adopted Local Plans nationally that in combination demonstrate an accepted and tested approach which could be used as a model. There are a number of plans currently at examination where this matter has been the subject of Inspector's questions, but initial investigations indicate that to date a variety of different approaches are being taken by both local planning authorities and inspectors.
- 2.15. The main point of difference between the approaches is about what aspects of 'housing supply' are taken into account in making the housing requirement calculation. That is, should it include all or some of the potential supply sources i.e. completions, commitments, local plan allocations, any neighbourhood plan allocations, any windfall allowance (which is inherently difficult to forecast at this level of geography). The choice of start date is another variable, i.e. whether requirement figures cover the whole plan period (2020-2040) or only that which is yet to come.
- 2.16. When assessing the methodology options, the District Council will need to be mindful that the selected method will itself be tested using the tests of soundness, one of

which is “effectiveness”. This includes consideration of whether inclusion of potential supply from neighbourhood plans can be justified in terms of deliverability.

4. Justification of the housing requirement figure

- 2.17. A continuation of the approach taken and considered to have worked well in the adopted Local Plan (which pre-dates the introduction of this Government requirement) is considered unlikely to be found consistent with current national policy. The adopted local plan made provision for the housing requirement for the whole district, with no housing requirement given for neighbourhood areas. Neighbourhood planning groups who requested indicative housing figures, were advised they were ‘zero’. Although still being proposed in some emerging local plans, it is Officer opinion that an automatic flat rate of ‘zero’ for all neighbourhood areas, and/or a reliance on neighbourhood plan groups to seek indicative figures from us on request, would fail to comply with current Government policy and guidance.
- 2.18. Under the new approach, it is still highly likely that the calculation for some of our more rural and remote designated neighbourhood areas would be a nil housing requirement, depending on the methodology used. This would not mean that there would necessarily be no development in those areas in the plan period as, for example, windfall developments including exception sites, may still potentially occur.
- 2.19. Furthermore, housing requirement figures calculated at this time for strategic policy purposes may need to be updated when further housing supply data becomes available later in the plan’s preparation, including housing monitoring and any update to emerging local plan allocations.
- 2.20. Officers therefore propose to pursue the approach outlined in the emerging draft local plan to proceed with a work package to calculate housing requirement figures for all of our DNA’s, on the basis of a method still to be decided, and to incorporate these into strategic policy in the Publication version of the plan.

5. Neighbourhood planning and housing provision

- 2.21. Finally, and crucially, there is the need to be clear what obligation having a housing requirement figure places on communities who apply for/have secured designation of a neighbourhood area. To this extent, the Government position is clear. The Government remains committed to neighbourhood planning, with its role and value reaffirmed in the changes to the planning system proposed through the revision of the National Planning Policy Framework and in the Levelling Up and Regeneration Bill.
- 2.22. There will remain no obligation on communities with a designated area to prepare a neighbourhood plan, as well as no obligation for those with ‘made’ neighbourhood plans to review and update them. Nevertheless, as all neighbourhood plans in East Devon to date have, by necessity, been devised in general conformity with the current adopted local plan, and typically to the same plan period (ending 2031), it is not unreasonable to anticipate that adoption of the new local plan (to 2040) will trigger reviews and preparation of new and modified neighbourhood plans in the district.
- 2.23. Whilst Government guidance ‘encourages’ neighbourhood planning bodies to plan to meet their housing requirement, and where possible exceed it², crucially, neighbourhood planning groups do NOT have to make specific provision for housing in their plans. The scope of their plans is for them to determine. NOR do they have

² Planning Practice Guidance – Neighbourhood Planning Paragraph: 103 Reference ID: 41-103-20190509

seek to allocate sites to accommodate their designated neighbourhood area housing requirement – which indeed may have already been met through allocations in the local plan. Nevertheless, by including the designated neighbourhood area housing requirement figures within strategic policy as the Government requires us to do, this then connects directly into the ‘basic conditions test’ that all neighbourhood plans must meet. That is, to be in general conformity with the strategic policies of the local plan, and not to promote less development than these stipulate³.

- 2.24. Whether or not the new Local Plan allocations should or will cover the housing requirement for all designated neighbourhood areas in full still needs to be unpicked, in dialogue with neighbourhood planning groups, Members, and other consultees. However, at all times we will need to bear in mind that we will need to ensure we can demonstrate that our approach is both achievable and deliverable in the plan period.
- 2.25. What is clear is that we should continue the approach used in both the adopted and emerging draft local plan of including various clauses/hooks in policy to allow any community who wish to promote sustainable development other than that provided for in local plan strategy to do so through a neighbourhood plan (and/or alternative community led mechanism). To plan for any housing provision, as already discussed, neighbourhood plan groups will need the housing requirement figure from us to work from. In this way we will continue to support, encourage and facilitate communities to make meaningful use of neighbourhood planning, and other appropriate tools available to them, to address specific identified local needs and requirements in shaping the future of their areas.

3. Possible options for methods to calculate housing requirements for designated neighbourhood areas

- 3.1. Table 1 below sets out possible options for methods that could potentially be used to calculate housing requirement for designated neighbourhood area. These are informed by officer work so far to consider the Government’s requirement and guidance and approaches taken by other LPAs and Local Plan Inspectors.
- 3.2. This work is on-going therefore and this information is provided for indicative purposes only at this stage and is not-exhaustive, and not all are mutually exclusive.
- 3.3. These options would be subject to the tests relating to the 5 questions in the SPC report Next Steps section, which have their basis in the tests of soundness i.e. is the plan/policy positively prepared; is it justified (i.e. proportionate evidence); is it effective (i.e. deliverable), and; is it consistent with national planning policy.
- 3.4. In all options, it is suggested it is reasonable to expect that the following would also be considered:
 - a. population in the neighbourhood area;
 - b. consistency with Local Plan spatial strategy,
 - c. potential deliverability.
- 3.5. Options based on completions, commitments, and local plan and neighbourhood plan allocations either have considered or will need to take account of physical, environmental or infrastructure constraints to future growth in a given Neighbourhood Area.

³ National Planning Policy Framework – paragraphs 18 and 29
page 40

Table 1 Possible options for methods to calculate housing requirements for designated neighbourhood areas

Method Option	Comment
<p>1. Count all supply sources over the whole plan period (2020-2040) i.e. completions, commitments, Local Plan allocations, Neighbourhood Plan allocations, appropriate allowance for windfalls.</p>	<ul style="list-style-type: none"> • Includes all supply sources. • Most comprehensive option, but does this satisfy the Government requirement for the figure to represent 'expected' scale of development, when it includes an element of dwellings already built? • Including windfalls could be difficult to robustly / meaningfully calculate at DNA geography. • E.g. Mole Valley Local Plan – approaching Main Modifications at Examination (as at end January 2023).
<p>2. Count supply sources for the future – from a set Monitoring Point (2022, or 2023) to 2040 i.e. excluding completions.</p>	<ul style="list-style-type: none"> • Method omits completions and windfalls. • Requires agreement on the appropriate starting point. • Although the same method will apply to all DNA's, communities that have seen significant development in recent years may feel that not including completions since 2020 does not provide an accurate reflection of the scale of development in their areas. • If windfalls were included this could be difficult to robustly / meaningfully calculate at the DNA geography • E.g. Babergh and Mid Suffolk Joint Local Plan (at Examination as at end January 2023)
<p>3. Count allocations only to reflect new planned development, together with an appropriate allowance for windfalls – options here to include Local Plan allocations only or Local Plan and Neighbourhood Plan allocations</p>	<ul style="list-style-type: none"> • Method : Local Plan Allocations only • This focuses on what the emerging Local Plan proposes, is less complex and more easily understood. However, as above it may exclude significant development that has, or is still to come, from the picture in some DNAs. • As above, including windfalls could be difficult to robustly / meaningfully calculate at DNA geography. • E.g. Bath and North East Somerset LP Partial Update (adopted 19 January 2023)
<p>4. Count Neighbourhood Plan allocations only (excluding any completions before 1 April 2020) – possibly together with an appropriate allowance for future windfalls</p>	<ul style="list-style-type: none"> • Method : Neighbourhood Plan allocations only • This reflects a potentially different interpretation of the Government guidance in terms of what development is expected through the neighbourhood plan process. • As above, windfalls could be difficult to robustly / meaningfully calculate at DNA geography. • E.g. Purbeck LP (At Examination) –
<p>5. Non-supply side, mathematical approach, for instance based on assigning a share of</p>	<ul style="list-style-type: none"> • A top down approach that is more about apportionment.

Method Option	Comment
<p>population and a share of any settlement tier housing growth from LP allocations.</p>	<ul style="list-style-type: none"> • Does not take account of any specific physical, environmental or infrastructure constraints to future growth in a Neighbourhood Area. • Comparison with local plan allocations results in some substantially 'negative' housing requirement figures (ie more LP allocations than requirement) which seems likely to cause confusion as to their meaning and application. • Possibility/probability of the apportioned figures being in conflict/out of step with the spatial strategy, which the Neighbourhood Area housing requirement figure must support if it is to adhere to Government requirement/ guidance. • E.g. South Worcestershire Local Plan Review (SWDPR) (Regulation 19 stage closed 23 December 2023)

- 3.6. There may also be variations of these, for example, whether it is sensible or even possible to make justified allowance for windfalls in any of the options needs to be explored, so each option potentially has an 'excluding windfalls' variation. Windfalls are sites without planning permission as at a set monitoring point.
- 3.7. We have completions commitments and total windfalls forecast as at the 2022 Monitoring Point (31 March 2022). This data would need to be updated when the 2023 Monitoring Point data becomes available. Likewise, Local Plan allocations would be updated when the Regulation 19 stage plan is approved by Council.
- 3.8. One approach suggested by objectors to Regulation 19 plans, but not proposed by local planning authorities is to base designated neighbourhood area housing requirement figures on a figure that has strong local community support i.e. based on popularity. This is not considered a realistic option from the outset as "popularity" does not fall within the tests of soundness or legal tests.
- 3.9. Another approach is to include only indicative housing requirement figures in the plan, (based on apportionment of planned rural growth, based on latest population estimates) but not included in Strategic Policy. This approach is being used by the East Northamptonshire Local Plan (Part 2) which is currently at Examination. Given PPG, and recent Inspectors' questions elsewhere, officers would query how this can be compliant and is therefore not currently considered to be a reasonable option.

4. Next Steps

- 4.1. Despite all the ambiguity and potential complexity, it is clear that (a) we must do this exercise and (b) that it should assist our neighbourhood planning communities. The intention is to keep our approach to it as simple/proportionate yet robust as possible. It appears we have some flexibility as a result of the lack of specificity and prescription by the Government on methodology and any consistent model emerging from local plan examinations to date, but ultimately we will have to justify and evidence our method.
- 4.2. It is Officers suggestion that the following 5 questions will need to be addressed in determining, including through consultation with others, the best way forward:

1. What method is effective in helping neighbourhood plans to encompass housing provision, including deliverable housing site allocations?
 2. What is the simplest effective method to understand and use for plan-making, development management and development monitoring?
 3. What method is justified, sustainable and reasonable for neighbourhood planning across East Devon for the local plan period?
 4. What method is consistent with the Local Plan being positively prepared, i.e. in supporting vision, objectives and spatial strategy for growth and development?
 5. What method is consistent with NPPF and NPPG?
- 4.3. In order to address these questions and collate the necessary evidence/audit trail, we will need to identify the potential options for the method (likely to focus on supply based methods, but there are other methods), identify their advantages and disadvantages, and consult on them. This may include highlighting reasons why any methods might be discounted or preferred, and inviting consultees to put forward alternative method options for consideration.
- 4.4. Acceptance of the neighbourhood area housing requirement figures and the approach taken to them in our Local Plan is more likely to follow if we have undertaken an open and transparent consultation process that has involved neighbourhood plan groups from the early stages. In due course, the wider consultation will further engage with communities and stakeholders. Those engagement opportunities together with supporting evidence will help readers to understand what the figures mean in practice.
- 4.5. Through this paper we are seeking to raise Members' awareness of the need to calculate the housing requirements for designated neighbourhood areas; for such requirement figures to be included in strategic policy of the emerging local plan, and; the steps involved in progressing the associated work package. Flowing from this, we are seeking approval to open a dialogue with our neighbourhood planning groups/local councils, where neighbourhood areas are designated or actively being pursued.
- 4.6. The scope of this engagement will by necessity need to be specific to this matter, and not re-open consultation about any particular sites proposed for allocation in the emerging local plan, not least because the results of the recent Regulation 18 consultation need to be carefully considered alongside this work. Rather, the focus will be on advising neighbourhood plan communities about the designated neighbourhood area housing requirement; why we need to do this; exploring options for how it could be approached and what implications might need to be considered; endeavouring to answer any questions they may ask about it, and; gathering evidence on current thinking amongst neighbourhood plan groups as to their neighbourhood planning intentions.
- 4.7. Whilst there will no doubt be sensitivities in opening this dialogue with communities, delay to this part of the engagement could impact on the local plan's plan-making timetable and Officers recommend it should commence as soon as possible.
- 4.8. It is suggested that the early engagement with affected communities could best be done via a webinar initially, followed up with a short survey and 1 to 1 discussions if required. This will provide NPGs with a certain level of understanding before we go out to wider consultation. It will also inform the planning of this consultation, and support our duty to consider the relationship between neighbourhood plans/planning and the emerging local plan, and constructively engage with communities during the plan preparation process.

- 4.9. Finally, it is proposed that Officers will bring a further report and topic paper/proposed consultation documentation to Members after this initial engagement. This will report on the findings from it and provide further detail and technical information – including housing requirement numbers for each DNA for the identified method options and lessons learned from elsewhere - for consideration before entering a period of formal consultation to inform decisions on the final method selection.

Financial implications:

There are no financial implications

Legal implications:

There are no legal implications other than as set out in the report.