

Agenda for Strategic Planning Committee Tuesday, 14th February, 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

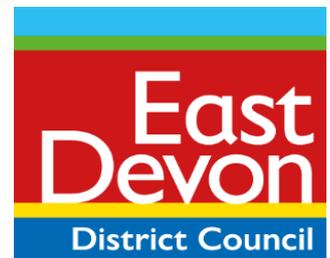
Venue: Council Chamber, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ

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1 Public speaking

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

2 Minutes of the previous meeting (Pages 3 - 21)

Minutes of the previous meeting held on 1 November 2022

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 Proposed response to Government consultation - Levelling-up and Regeneration Bill: reforms to national planning policy (Pages 22 - 72)

8 Greater Exeter Economic Development Needs Assessment (Pages 73 - 91)

9 District Heating: Reliability and Resilience (Pages 92 - 99)

- 10 East Devon self-build monitoring report 2021-2022 (Pages 100 - 130)
- 11 Infrastructure Funding Statement (Pages 131 - 147)

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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 1 November 2022****Attendance list at end of document**

The meeting started at 9.32 am and ended at 4.56 pm. The meeting was adjourned at 12.20 pm and reconvened at 12.45 pm, adjourned at 13.02 pm and reconvened at 1.45 pm and adjourned at 3.10 pm and reconvened at 3.15 pm.

50 Public speaking

Mr Ray Levy spoke on item 10 – Consultation on the draft East Devon Local Plan – updated draft as follows:

“I would like to raise my objections and concerns about the recent inclusion of AONB land south of the Heathfield Estate known as Honi_01, as an option for development within the new draft local plan.

This site was recently subject to two previous planning applications which were roundly and unanimously rejected by the town council and East Devon District Council delegated officers with nearly 200 letters objections from residents across Honiton and beyond. I would encourage the committee to review its multitude of refusal reasons which the majority should still stand and give adequate grounds for removal of this site from the draft plan.

Looking at the developer’s latest presentation it suggested constructing 79 dwellings, this would indicate it’s still a significant development within an AONB and would set a precedent not only for this developer to gain further expansion into the adjoining fields, which would require construction regardless, due to the need for access to this centre field site, but also for clear future expansion across to other adjoining areas in this, and other localities.

The land at this site rises steeply from the northern existing residential boundary, which already increasingly suffers from run off from the site, flooding gardens and driveways due to increasing climate change, and building over this will only exacerbate the issue.

The other major concern due to its steeply rising topography, will be the loss of privacy and amenity to the current residents all along the boundary, as these proposed two story properties will be positioned to gain full advantage of views across to the Blackdown hills AONB (basically ripping up one AONB to give owners views to another!) quite an odd way of preserving our beautiful natural environment. The Developers would also use the fact it’s within an AONB as their unique marketing strategy, negating the fact they destroyed part of it in the process.

We are aware of the pressures on the authority to provide enough land to develop for future housing, but AONB and National parks should always be the last resort, not just included to make up numbers to meet erroneous government targets.

These areas are of great importance to our economy and the enjoyment of all residents and visitors and should be preserved at all costs. Your own draft plan goes to great lengths about protecting and enhancing our outstanding landscapes, biodiversity, habitats and species, which this site has in abundance, so this inclusion for development seems to greatly contradict your own document.

Could the committee or officers also confirm if Natural England or East Devon AONB were consulted about a variation order with regards to the redrawing of the Settlement boundary on the latest policy map to include this site or the development of it?

I thank the committee for allowing me the opportunity to speak this morning and hope you can reverse your decision to include this beautiful area for development prior to consultation.”

Councillor Jane Chanot, spoke on behalf of Farringdon Parish Council on item 8 – New Community Options Appraisal raising concerns for option 1 which would take over the Farringdon area, with small hamlets being surrounded by this proposal and the possibility of Farringdon being renamed which is a real concern for residents who lived in the well-established village. Option 1 would also surround the Hill Barton Industrial Estate and residents take issue about what was happening on the estate with the extent of growth, noise pollution, odours and other pollutions which was being considered a suitable place for families. Councillor Chanot asked Members to carefully consider Option 1 advising Hill Barton Industrial Estate was a blight on the area and would also be a blight on any development that comes forward. She raised concerns that Members would be making decisions without seeing the area first and suggested Members should take the opportunity to come see for themselves the beauty of Farringdon and the Hill Barton area.

Dr Sally Basker, Chief Executive, Exeter Science Park spoke on item 10 – Consultation on the draft East Devon Local Plan – updated draft as follows:

“Let me start by noting that, in previous consultancy roles, I have had to produce similar length documents to support policy development and I understand how difficult it is. I’d like to commend the authors for their work.

We are fully supportive of the Economic Strategy and look forward to playing our part. I welcome more land being allocated to Exeter Science Park; as we approach critical mass, companies will need rather than want to be at the Park. It is important to ensure that strategic policies do not curtail the “current approach to development” which is being promoted in the plan.

I refer now to strategic policies 9, 10, 11, 12 and 16.

With regard to strategic policy 10, might I suggest that the name of the park is Exeter Science Park: the physical park exists, the legal entity exists, the brand is strong, the trademarks have been registered.

Exeter Science Park Ltd is a small or medium-size enterprise that is already blessed with governance, regulation and complex, multi-party agreements. Therefore, with regard to strategic policies 9 and 10, I suggest the Local Plan should reference, rather than selectively quote from, existing agreements such as the Outline Planning Permission, the Gateway Policy and the District Heating Master Agreement. The latter incorporates checks to encourage competition.

Again in strategic policies 9 and 10, I draw mental comparisons between the phrase 'highest standard' in a property context and 'best endeavours' in a legal context. We will need a range of facilities to meet user needs as they emerge to drive growth. If standards have to be mentioned, I suggest they are well-defined and measurable like BREEAM Excellent, Net Zero or EPC A+.

My last comment on strategic policy 10 concerns 'non-businesses or business that do not accord or align with Science Park objectives'. It is unclear what is meant by 'non-business' or 'Science Park objectives'. Again, I suggest that the Local Plan should reference the Outline Planning Permission and Gateway Policy. This should be sufficient.

While we are pleased to see land being identified for business or technology park use to the north of the Park and between the Park and Sowton Village. Our preference would be the extension south towards Sowton, preferably with a physical link to the Science Park to benefit from the existing community and facilities, to maximise the synergy between new residential communities and employment opportunities, and to support links north and south of the A30.

Finally, regarding strategic objective 16, I note we have already identified the desire to connect to the Clyst Valley Regional Park in our draft future vision.

We are keen to engage with and support this process."

Councillor Alasdair Bruce, spoke on behalf of Feniton Parish Council spoke on item 10 – Consultation on the draft East Devon Local Plan – updated draft as follows:
"I put forward the comments below in a final attempt to highlight many of the inconsistencies in the draft before you.

You will all no doubt be aware of the Environment agency objection to planning development based on the pollution generated from run off into the river systems heavily loaded with nitrates and phosphates to name but two. There is nothing in the draft that will guarantee that any future developments will be required to stand alone when it comes to controlling water related issues for a given development. And, after the shocking images of sewerage discharge in Cornwall on Sunday for no obvious reason, this issue is of paramount importance. It encouraging to note that our cabinet member Cllr Jung has stated he would support a reduction in surface runoff linked to any future developments and would seek to refuse it if not. However, he also correctly points out that the current NPPF frame does not allow us to refuse, which is nonsense, to use his own words.

A number of councillors and parishes have already highlighted for you, the inconsistency of site selection based solely on whatever developers bring forward for consideration. The point has been made that many potential sites, which could also attract support from their respective communities, have been overlooked. This shows how the sustainability test which is applied to all planning applications is glaringly missing in the tests applied to potential sites in this draft. How on earth can we have a twin track system like this in planning, the same rules should apply across the board. The basis of a sustainable development is enshrined in good planning, and during the course of your meetings I, and the parish, have consistently demonstrated that Feniton is not a sustainable location for large scale development. I had hoped that given this, and the clear conclusions drawn from the super enquiry of 2014, that there would have been a selection of sites that better reflect the modest 10% of growth that this very committee proposed for Feniton. So, at the very least, this committee must include a clear

statement in the consultation draft that only a 'modest' level of growth is anticipated for Feniton, in line with other Tier 4 settlements in the settlement hierarchy that underpins the plans strategy.

Our communities are now going to be asked to rank sites with no terms of reference or access to the kind of information that would be available for an individual application. Even if this exercise had been set up properly, there seems to be no guarantee that their observations or recommendations would be taken seriously. So, in order to get the best, and most representative result from the consultation, Feniton must be given the opportunity of a facilitated public meeting using a robust methodology in order that the community can state its preferences for development in Feniton, and rank the 2nd best sites as resolved by your committee at its Oct 7th meeting. There is a major concern that to rely simply on online responses will not truly reflect the needs and aspirations of the community, nor that everyone has, or wishes to use, the internet. Further, after the unambiguous statement by the Secretary of State Mr Gove, that "new developments should have the consent of local communities "the consultation mechanism needs to be even more open and transparent than is currently planned.

There are also a number of meetings coming up between Cllrs, parishes and senior officers regarding the special status given to Feniton and Whimble in this draft. These also must be face to face meetings rather than zoom. It must also follow that common sense must prevail that the draft cannot proceed until these meetings, and recommendations flowing from them are incorporated into the draft. So I must call on the committee to pause publication of the draft until these meetings are conducted. To do otherwise renders them pointless. Again, as has been mentioned by others, we are not up against the clock here with 9 years left to run on current plan.

In conclusion there are simply too many outstanding issues for this committee to realistically plough forward with the public consultation phase. I in no way wish to belittle the considerable work undertaken so far by the members and officers, but if it's not ready it's not, and a delay at this stage will make for a stronger planning policy going forward, and one that actually reflects the real needs of our communities rather than the greed of developers and land owners. We should be known as a council that values community need over corporate greed.

Councillor Geoff Jung, Portfolio Holder for Coast, Country and Environment spoke on item 10 – Consultation on the draft East Devon Local Plan – updated draft as follows: "The meeting today is probably the crunch decision on how this area will look for our children and our children's children. That's why getting this vital Local Plan right is so important.

It's also vital that we provide the best communications and information, so residents business, farmers and landowners know what we are doing and why.

Just a couple of internet chatter remarks I picked up last week.

Question to one of our MPs

"How do the farming community feel about EDDC being allowed to build houses on agricultural land near Exeter Airport? And what are you doing to stop EDDC and TDC building all their housing estates as close to Exeter's borders as they can?"

Clearly the questioner was not aware the housing number requirement is provided by government

The MPs answers

“Many do have understandable concerns. Ultimately, I have no power as the MP to intervene in local planning matters, but I have been working on planning legislation which is working its way through Parliament. We do need more homes, but we need to build them in the right places with infrastructure first.”

Clearly the MP doesn't accept any blame for the concerns raised.

This exchange implies that that it's the Councils of Teignbridge and East Devon are solely responsible to build loads of communities adjacent to Exeter, and the Councils are to blame for building them with infrastructure afterwards (if at all!) These comments really do not help cooperation and cohesion!

We have got to get the real reasons out there, of why we most build these extra communities and more and more estates, and why its close to Exeter, and why green fields, and why infrastructure like roads, transport, health, education, and the protection of habitat and biodiversity all be required.

Remember, our MPs are working on new planning legislation which we are led to believe will reduce this Planning Authorities powers even further, not enhance, so its vital we get this plan through before the goal posts are changed again.

This local plan is suggesting a new Community, the plan is saying we need the infrastructure, the plan says we need more health care, a new sewage works, more schools, and further protection to our remaining countryside.

But we as a District Council are trying to remedy the missing jigsaw pieces from the last but one local plan with obtaining the promised finances for the Dinon Way extension, we are trying to resolve the issues at Cranbrook by providing the long promised green energy for the centralized heating, plus we have started the eagerly awaited town center. We are now delivering the award-winning concept to improve and enhance substantial areas of West End countryside with the Clyst Valley Regional Park.

So, at the same time of providing the missing infrastructure from the last 40 years we now need to ensure that we don't leave the vital infrastructure to be completed by our children or their children.

That's some challenge, but we most do it, and I believe if we and Central Government work together, rather than simply requiring us to provide planning permission for over 950 dwellings a year every year, and at the same time remove funding not only for infrastructure but even down to the running costs to this council, that challenge is made even more difficult.

We have a staffing emergency, we have had a Covid emergency, we have a climate change emergency, we have a housing emergency, and now we have an economic emergency.

This new local plan is not only about resolving the housing emergency, but it will also provide the vital steppingstone to overcome all our other emergencies.

For my portfolio, the plan is still sparse on Environmental, Biodiversity and Nature gain issues, but once we have identified the housing locations these plans will follow, and if I have anything to do with it, they will be substantial, but they will be deliverable.”

Questions raised by Members included:

- A request was made for the Service Lead – Planning Strategy and Development Management to answer Mr Levy’s question about the redrawing of the settlement boundary for Honi_01. In response the Service Lead – Planning Strategy and Development Management advised that Honi_01 had been covered in the site assessment work but due to an error the settlement boundary had previously been omitted. He clarified it was not a new site;
- Clarification sought on why there was no engagement with Exeter Science Park. In response the Service Lead – Planning Strategy and Development Management acknowledged that more engagement was needed and was happy to work closely with the Science Park;
- Clarification sought on the AONB boundary. The Service Lead – Planning Strategy and Development Management advised they were not looking to change the AONB boundary but to ask them to consult on the draft Local Plan;
- We are currently in a bad position to move forward with the draft Local Plan which has been heavily structured by officers and which has had very little input from our key authorities and enterprises with input to our policies;
- Clarification sought on Councillor Jung’s comments “the plan is still sparse on environmental issues” and what should be done. In response Councillor Jung advised that environmental protection should have been done first and then the development around the protection.

51 **Minutes of the previous meetings**

The minutes of the Strategic Planning Committee held on 29 September, 4 October and 7 October 2022 were confirmed as a true record.

52 **Declarations of interest**

Minute 56. New Community Options Appraisal.

Councillor Dan Ledger, Affects Non-registerable Interest, Property would be next door to proposed development.

Minute 56. New Community Options Appraisal.

Councillor Philip Skinner, Directly relates Non-registerable Interest, Close associate of the owners of Greendale Business Park and Hill Barton Business Park.

Minute 57. East Devon Housing and Economic Land Availability Assessment 2022.

Councillor Dan Ledger, Affects Non-registerable Interest, Lives next to where development is being proposed.

Minute 57. East Devon Housing and Economic Land Availability Assessment 2022.

Councillor Paul Hayward, Affects Non-registerable Interest, Employee of Axminster Town Council.

Minute 58. Consultation on the draft East Devon Local Plan - updated draft.

Councillor Paul Hayward, Affects Non-registerable Interest, Employee of Axminster Town Council.

Minute 58. Consultation on the draft East Devon Local Plan - updated draft.

Councillor Philip Skinner, Directly relates Non-registerable Interest, Close associate of the owners of Greendale Business Park and Hill Barton Business Park.

53 **Matters of urgency**

There were no matters of urgency.

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

There were no confidential/exempt items.

55 **Presentations from invited developers/agents/landowners promoting sites in the west end of the district**

Mark Dyson, Mark Dyson Property & Nick Wheeldon, Waycotts
GH/ED/56 – Land at Coxes Farm, Sidmouth Road, Clyst St Mary

The landowner owns and lives at the property known as “Denbowe”, and has an interest in the Langdon Business Park, both at the NW side of the site. These properties have the potential to add to the submitted land, to form part of a larger development, either as further commercial or mixed use, or to access the overall site. Otherwise there is a good access directly onto the speed restricted zone of the A3052, with good visibility for and of oncoming traffic in both directions. This is level site, slightly sloping to the west end with loamy and clayey soils. The site is tree-lined to the SW boundary and between the two land parcels. The site lies in Environment Agency’s Flood Zone 1, at very low risk of flooding. A low voltage power line on poles, crosses the western part of the site.

This 8.63 ha (21 a) site, which has been put forward in the landowner’s updated (2022) HELAA submission for employment use and now it is suggested it would be ideal for a mixed employment and residential use. At least 2 ha (5 a) at the western end already has a semi-industrial outlook, bordered as it is on two sides by commercial development, the Langdon Business Park to the North and the Enfield Digester site to the South. Access will either be directly from the A3052 or through the existing business park. The remaining 6.63 ha (16.3 a) could be allocated as residential development, SANGS and public open space (POS) delivering up to 150 residential units with a viable percentage of affordable housing. The development would also include naturalised SuDS features, cycle ways and other community facilities to benefit the local area.

Mark Dyson, Mark Dyson Property & Nick Wheeldon, Waycotts
Clge_03 – Land at Clyst Road, Clyst St Mary & Clg_05 –
Land to the west side of Blue Ball, Clyst St Mary

Both sites are under the same single ownership bordering the M5 and separated from each other by Old Rydon Lane.

Clg_03

The land shown comprises 1.75 ha (4.3 acres) which is the subject of this submission. The whole land parcel (SX9690 5266) includes a further frontage strip of about 30m wide totalling approx. 0.75 ha which belongs is represented by Nick Wheeldon. This has been selected by officers for consideration separately under reference Clge_04.

The site is gently sloping, south-facing land on light, well drained soils with frontage to the motorway on the west side and to previously developed residential land to the North. There is a wide neighbouring evergreen shelter belt immediately to the South screening the existing light industrial site there.

The 1.75 ha part would be suitable for 40-50 residential units, including a reasonable viable percentage of affordable and self-build housing. This represents a medium density development to include Public Open Space, naturalised SuDS features and

probably a LEAP play area. The density and type of development would be comparable to existing development immediately opposite, on the east side of the motorway.

Should the 0.75ha (1.9 a) of frontage land (Clge_04) be included at the same density, an additional 17-21 residential units could be appropriate subject to agreement by the parties.

Clg_05

This land in question abuts the M5 motorway, is well screened by mature trees and bushes, and lies at a somewhat lower level. The land has light well-drained soils and according to the EA flood maps is in Flood Zone 1 at very low risk of flooding. The site amounts to approximately 0.80 ha and forms a shallow valley gently sloping to south west and north east. The soil itself is well drained land and is currently in horticultural production.

Access from Clyst Road is by way of a single lane track owned by the landowner. Up to five large detached dwellings could be accommodated each with 0.16 ha using the existing access and a cul-de-sac layout. It is considered that this type and density of development is appropriate for this area where plot sizes of existing housing on the neighbouring land to the south are similar.

It is possible that the land could be better developed in conjunction with neighbouring land to the north and east, using access for higher density residential/commercial development although the neighbouring land owners have not yet been approached.

Questions raised by Members:

- Confirmation sought on the number of houses and whether there would be affordable housing provision for Clg_05. Mr Dyson advised it would be five large houses as the access road was narrow and there would be no affordable houses on this site as it was under the threshold.

Daniel Rogers, Bell Cornwell

Farr_02 – Land at Waldrons Farm, Sidmouth Road, Farringdon

- Broadly a 'T' shaped site suitable for mixed use development;
- The site sites east of the Hill Barton Industrial Estate area;
- Wide frontage on the A3052 and A30;
- Existing bus stop located a short distance from the site which serves the A3052;
- Access from the A3052;
- Pylons run east to the site
- Parsonage Lane runs west of the site;
- The site is relatively flat and self-contained within the landscape;

Questions raised by Members:

- Clarification sought on how the proposed development would fit within the Farringdon Neighbourhood Plan. Mr Rogers advised at this stage there were no development proposals for this site;
- Clarification sought on the pylons. In response Mr Rogers advised the pylons located east of the site followed just outside the site boundary.

Nick Matthews, Savills

Greendale Business Park Expansion

- Home to circa 1,600 employees in a wide range of businesses in a well landscaped location hidden from public view;

- Approx. 21 ha.
- Located very close to all new settlement options;
- A new roundabout could be introduced to alleviate the issues of traffic;
- Provision of attenuation could be introduced to alleviate the issue of flooding and drainage within the site;
- Landscaping provided to limit views and to provide an in-house environment
- Economic benefits would include a range of different types of employment that could create approx. 1,368 permanent jobs across a range of sectors;
- Opportunity to obtain biodiversity net gain through enhancement of the landscape and tree planting around the business park;
- Energy sustainability of the proposed new buildings with the potential to change of the diet of the existing AD Plant to incorporate some of the food waste which is currently transported out to Somerset to provide further power to the expansion site;
- Opportunity to put solar panels on roofs of the business park to avoid solar panels on greenfield land;
- Potential for battery storage.

Councillor Philip Skinner left the meeting and did not take part in Members question time.

Questions raised by Members:

- Clarification sought on the highway issues along Sidmouth Road and how would the volume of traffic be dealt with. In response Mr Matthews advised that potential improvements had been investigated and the opportunity to co-locate the employment with new homes to reduce the impact;
- In response to the comment about the AD Plant Councillor Jung clarified that he was not aware of any discussions with Devon County Council and that East Devon had a 5 year contract for its food waste. In response Mr Matthews said he did not mean to mislead Members and advised there was still a benefit;
- Clarification sought on the different coloured areas on the landscape impact slide. Mr Matthews advised it related to the zone of theoretical visibility which were areas of where there was a possibility of seeing the site.

Councillor Philip Skinner returned to the meeting.

Jeff Richards, Turley

- Key strategic location in West End'
- Opportunity for 8,000+ homes;
- Vehicular access points taken from two points on the A30 and three points along the A3052;
- The opportunity for a new sustainable transport link between the A30 and A3052;
- Creation of three new neighbourhoods, each with a local centre and primary school;
- Plentiful recreation routes, sports and play facilities;
- 20ha. Of new employment land;
- 11ha. Secondary school site;
- 185ha. SANGS;
- Creating connectivity between existing key routes and corridors as part of expanded network in West End;
- Potential for clean growth initiatives linked to transport such as interchange points and charging hubs;
- Significant links to existing employment area and further onsite delivery;

- Facilitate delivery and expansion of regional green space
- Good accessibility in respect of the proximity to and the ability to directly connect with other significant part of the West End;
- Significant opportunities for enhanced GI network including well located Regional Park extension;

Councillor Philip Skinner left the meeting and did not take part in Members question time.

Questions and comments from Members:

- Clarification sought on how to alleviate sewage issues. Mr Richards advised more work was required to identify a solution
- Clarification sought on the highways mitigation. In response Mr Richards advised the ability to interlink the access from the A30 to the north and the A3052 to the south of the site as well as an opportunity to introduce a park and ride scheme and potential for a strategic road interchange.
- Reassurance was sought to avoid splitting the two sites by a major road. Mr Richards advised the road would be the heart of the development with the opportunity for a transport corridor;
- How is the road and essential infrastructure going to be paid, when will it be delivered and what will be delivered. In response Mr Richards advised the delivery of 2,500 homes would pay for the road and would be delivered to serve the homes built. Other infrastructure provision would include a local centre and primary school;
- Clarification sought on road distances and whether it was 'as the crow flies' as the location was remote from a railway station and a poor bus service. It was confirmed 'as the crow flies';
- This is likely to end up as a dormitory town to serve Exeter;
- Are there further proposals to support public transport? Mr Richards advised bus connections to this part of East Devon could be looked at and the landowners would be happy to work with DCC.
- Clarification sought on how the parcels of land would be managed and the timescales. Bloor homes would submit an outline planning application and Master Plan for the whole development to include strategic design codes which would come forward to deliver quality homes.
- The Chair sought clarification from the Service Lead – Planning Strategy and Development Management about the Council's constraints to ensure the delivery a development corporation model with landowners and developers. The Service Lead – Planning Strategy and Development Management advised there were a lot of lessons to be learnt from Cranbrook and for the need for Members to consider a suitable delivery vehicle that helps deliver a new community which has yet to be done. There are other options including a Master Developer or to secure land for development in partnership with developers but all options need to be assessed and brought to Strategic Planning Committee in due course if Members agree the new community option.
- Clarification sought on whether the total of 6,000 houses could be delivered within the Local Plan period up to 2040. Mr Richards advised it was deliverable because there was a house builder on board but it takes time. 2,500 homes was the figure proposed by the Council as a reasonable figure to be delivered. More houses could be delivered but this would depend on how quick consent was granted.

Councillor Philip Skinner join the meeting.

Bethan Haigh, Boyer Planning

Clg 28 – Land at Addlepool Farm, north and south of Woodbury Road, Clyst St George

- The site extends to circa. 38ha.
- Located either side of Woodbury Road (B3179) between the villages of Clyst St George and Ebford;
- 1.6km from Topsham & 8km from Exeter;
- Circa. 3.4km from the East Devon AONB and close proximity to the Clyst Valley Regional Trail;
- Opportunity to provided approximately 700 dwellings to meet the new Part L and Future Homes Standard,
- To include private and affordable homes and a balance of community and recreations facilities;
- Key benefits include:
 - Walkable neighbourhood;
 - Primary School and Sports Provision;
 - Allotments;
 - Significant areas of public open space;
 - Highway improvements;
 - Single land ownership;
 - Provision of housing in the short-medium term
- Potential for a new bus route through the development;
- Opportunities to extend public access into the site;
- Important views to be retained;
- Opportunity for habitat enhancements (including community orchard);
- No technical or environmental constraints.

Questions raised by Members:

- Clarification sought on health service provision. Ms Haigh advised that engagement with the residents of Clyst St George would be encouraged to help understand what they would like to come forward which could include health care, retail of a flexible working space;
- How will you deal with sewage? Ms Haigh advised although they were only in the first stages of this proposal they would liaise with the relevant utility providers to ensure adequate provision;
- Can the suggested infrastructure be provided on just 700 houses? Ms Haigh advised it was understanding that it could be provided alongside the highways mitigation and 35% affordable housing.

56 **New Community Options Appraisal**

Prior to the Service Lead – Planning Strategy and Development Management presenting his report Councillor Mike Allen called a point of order with a request to change the order of the agenda items to discuss item 10 first so that the Committee could have an opportunity to vote whether to delay the draft Local Plan in order that it could be modified as a two stage process which would allow a proper consultation with town and parish councils prior to the public consultation. The Chair advised that in his opinion he could see no justification to why the agenda items should be changed in order to defer an item for later discussion. He reminded Members that the public were watching online and would expect the Committee to follow the published order of items. A discussion then followed between the Chair and Councillor Allen and in response to that discussion the Service Lead – Planning Strategy and Development Management advised it had been listed in the particular way to follow a logical order as there was a need to discuss the new community first as it was a key component to what goes into the draft Local Plan

and the HELAA which was a key evidence document would also need to be discussed before the draft Local Plan.

The Chair took the decision to adjourn the meeting for lunch.

The meeting resumed and the Chair sought clarification from Councillor Mike Allen as to whether he wanted to move forward with his proposal to change the order of the items. In response Councillor Allen advised that he no longer wished to proceed with his proposal.

The Committee considered the report that updated Members on the summary of work undertaken by consultants to assess the 3 options obtained from the Call for Sites for a new community that would form part of the spatial strategy for the new Local Plan.

The 3 options were:

- Option 1 – land between the A3052 and A30, around the Hill Barton Business Park and up to Exeter Airport
- Option 2 – spans the A3052 and the southern part of option 1 and the east of Crealy and Greendale Business Park
- Option 3 – South of the A3052 north east of Clyst St George

The Service Lead – Planning Strategy and Development Management acknowledged some key issues raised from the morning's presentations including landscape impact for Greendale Business Park, sewage capacity and its implications and highways capacity, which he advised, had all been addressed in the assessment work.

The Service Lead – Planning Strategy and Development Management highlighted that out of the 3 options identified it had been officer's opinion that options 1 and 3 had scored higher, with option 1 slightly ahead. As both options scored very closely it was considered appropriate to consult on both of these options although only one of them would be allocated.

Councillor Skinner briefly addressed the Committee and then left the room. He did not take part in the debate or vote.

The Chair addressed the Committee advising he would like to do each recommendation separately and welcomed comments from Members on recommendation 1 – agree in principle of a new community forming a key element of a strategy for growth in the new Local Plan.

Discussion covered:

- Prime agricultural land needs protecting and this is where the new community is proposed – cannot support.
- Sadly these are the only options to fulfil the housing requirement. We are in this position as we are below the Government's national requirement;
- Still have concerns with infrastructure, this should not be an afterthought;
- Do not support development on vast areas of greenfields;
- Houses should be built to the best standard to help tackle the climate emergency and less damage to the environment;
- Agree in principle to the proposed new town as it would be close to employment opportunities which would help to reduce the need to commute;

- Government targets are forcing us to make a decision we do not want to. A suggestion was made to show the council's reluctance in a form of words in the recommendation as follows:
"in order to meet Government's housing targets the Council agrees to the principle of a new community forming a key element of a strategy for growth in the new Local Plan";
Agree in principle to the new community as this will help reduce development in every area in East Devon;
- The new town is needed if we are going to think about the future. This could be an opportunity to build an excellent new community

RESOLVED:

1. In order to meet the required Government's housing targets Members agreed to the principle of a new community forming a key element of a strategy for growth in the new Local Plan;

The Chair welcomed comments on recommendation 2 – views are sought on the vision statement for the new community included within this report.

Discussions covered:

- Clarification sought on an implementation of a revolving infrastructure fund. The Service Lead – Planning Strategy and Development Management saw the infrastructure fund as a means of delivering infrastructure as part of the delivery vehicle which should emphasise the key point of a timely delivery ahead of development;
- The need for aspirations for the climate emergency;
- Support high income expectation as its close to Exeter Airport and the Science Park;
- It was suggested that the following wording to be included in the Strategic Objectives under Section 7 "a timely delivery of infrastructure at the first opportunity";
- It was suggested that the second sentence should read "delivering up to 8,000 high-quality equitable homes with an equitable range of tenures" to ensure everyone in the community can find a suitable house;
- This is no detail on low energy homes. It should be part of the vision that these homes should be very low demand on energy resources. The Service Lead – Planning Strategy and Development Management advised that as zero carbon was a key policy it would be automatically translated into the new community but acknowledged it was a good point to capture for the new community.

Councillor Dan Ledger proposed, seconded by Councillor Ben Ingham that the vision statement for the new community should include the following:

- zero carbon;
- timely delivery of infrastructure at the first opportunity, and
- delivering up to 8,000 high-quality equitable homes with an equitable range of tenures.

RESOLVED:

Members agreed that:

- "zero carbon" be included in the proposed version of the vision statement;
- amend the second sentence to read "delivering up to 8,000 high-quality equitable homes with an equitable range of tenures";

- under the heading Strategic Objectives/Design Principles No. 7 A truly sustainable self-sufficient settlement incorporating homes, local employment, shops, community amenities, public realm and open space include the words “a timely delivery of infrastructure at the first opportunity.”

The Chair welcomed comments on recommendation 3 – agree to consult on a proposed new community with option 1 identified as the preferred approach and option 3 as an alternative option for consultation. Option 2 would be identified in the consultation but as an option that has been discounted at this stage.

Discussion covered:

- Clarification sought on option 2 and whether the harm outweighs the development value or would the option return after the consultation as a sub section. The Service Lead – Planning Strategy and Development Management advised option 2 would fall away unless the consultation shows we need to look at the option again. He addressed the significant issues identified in option 2 referring to page 61 in the report.
- Clarification sought on the rationale for officers not supporting option 2. It was advised it had been assessed on a traffic light system consistent to previous assessments;
- Clarification sought on the expectation about when the Committee would see a draft of the Water Cycle Study. It was advised it would be brought to Strategic Planning Committee by the end of the year;
- All 3 options have the same highways issues. It was advised the key issue was that option 1 spans between the A3052 and the A30 which would provide a link road between the two major roads and potentially alleviate traffic on the Clyst St Mary roundabout
- Option 3 includes the industrial estate which is noisy and smelly and is not suitable for families;
- What does utilities mean? This means utilities such as gas, sewage, network and broadband connections
- Clarification sought about why the assessments were not done on a weighting system. As there were pro’s and con’s with a weighting system it was decided to focus on how each site scored on an equal basis.
- How can we make a difference when there is so little difference with the scoring? A suggestion was made for both options to go out to consultation. The Service Lead – Planning Strategy and Development Management advised it was their intention for the public to be consulted on the first and second choice options.
- The Chair sought clarification whether options 1 and 3 could go out on an equal basis. There was no reason why both options could not go out on an equal basis
- Reference was made to the scoring matrix and how the margins for options 1 and 3 were so close;
- Suggestion to include option 2 as a consideration as this would fit within the council’s climate emergency strategy;
- Evidence shows that option 3 is significantly better than option 2 as half of option 2 is within option 1;

The following recommendation was proposed by Councillor Ingham and seconded by Councillor Moulding.

“That Strategic Planning Committee consider option 1 as the preferred option and options 2 and 3 as alternative options”

RESOLVED:

To agree to consult on a proposed new community with option 1 identified as the preferred option and options 2 and 3 as alternative options for consultation.

57 **East Devon Housing and Economic Land Availability Assessment 2022**

The Service Lead – Planning Strategy and Development Management presented a report that updated Members on further work that had been done on the East Devon Housing and Economic Land Availability Assessment (HELAA) to satisfy Government guidelines. Members noted that the majority of information provided had also been provided as an interim report at the 3 May 2022 meeting however since this meeting there had been a further call for sites with all the key findings being incorporated into this report.

In response to a request to check the numbering of the 2022 call for sites the Service Lead – Planning Strategy and Development Management advised this would be checked paying particular attention to West Hill.

RESOLVED:

1. That the East Devon Housing and Economic Land Availability Assessment November 2022 report for 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 endorsed;
2. That delegated authority be given to the Service Lead – Planning Strategy and Development Management in consultation with the Chair of Strategic Planning Committee, to finalise the HELAA for consultation. To include making any minor changes to correct possible factual or grammatical errors, ensure links to background reports are made and other minor amendments that do not materially change content.
3. That the East Devon Housing and Economic Land Availability Assessment November 2022 report be published on the Council's website as part of the new Local Plan evidence base.

58 **Consultation on the draft East Devon Local Plan - updated draft**

The Service Lead – Planning Strategy and Development Management presented the report which addressed the issues raised by Members at a previous meeting and addressed the need for resources for face to face engagement events during the plan consultation period.

The report highlighted the track changes summarising the main changes. The most significant changes were:

- Policy 2 – housing numbers have been recalculated to record preferred allocations and 2nd best allocation sites (previously just preferred sites were listed);
- Policy 8 – a preferred site is identified (shown on the Policies Map) for a new town on the western side of East Devon (alternative not preferred site options are also shown);
- Policy 21 – Honiton – Policy is amended to include two additional areas of land for allocation for housing development on the western side of Honiton (the officer intent was to have shown these as allocations but they were omitted from the 1 October draft);

- Feniton and Whimple – in line with conclusions reached at Strategic Planning Committee on 7 October text has been added to clarify that the plan does not suggest or allocate land to accommodate a strategic scale housing development at these two villages;
- New policies are inserted into the plan in respect of:
 - Telecommunications development;
 - Contaminated land;
 - Pollution control
 - Aerodrome safeguarding areas;
 - Vehicular access to sites and land; and
 - Service yards.

Members noted that the sustainability appraisal was an ongoing piece of work and further evidence gathering would extend into 2023.

Members' attention was drawn to section 6 of the report which detailed the resource implications for face to face engagement in the main towns between mid-afternoon to early evening. The Service Lead – Planning Strategy and Development Management welcomed Members comments on how this could be facilitated and advised enquiries had already begun on venue availability. Members' views were also sought on whether to include other areas including Feniton and Whimple following a request received from Feniton Parish Council for an event in their parish as a result of the scale of growth proposed.

The Service Lead – Planning Strategy and Development Management referred to the recommendations noting that the third recommendation had excluded Cranbrook as it has its own Local Plan and would not be included in the new Local Plan.

Councillor Philip Skinner who spoke before the Committee went into debate addressed the Service Lead – Planning Strategy and Development Management and sought clarification why Plymtree had not been included with Feniton and Whimple as he would like the village to have the same opportunities as other areas and how the face to face drop in session would be conducted and whether it would cover wards. In response it was advised that Feniton and Whimple had been included following a resolution by Members at the last meeting. Members did not resolve to include Plymtree. Councillor Skinner left the room and did not take part in the debate or vote.

Points raised during discussion included:

- The detail in section 6 was welcomed. Clarity was sought on officers attending the drop-in sessions as a provisional booking had been made at the Ocean Centre in Exmouth free of charge on 15 November to enable a cross party group of councillors to attend a drop-in session. It would be a shame to cancel if officers were unable to contribute. In response the Service Lead – Planning Strategy and Development Management advised although there was the intention to work together on this there was a need to distinguish between an official council event and an event organised by Members on a political basis. Officers need to attend official council events which Members are more than welcome to attend. Whether officers could attend other events legal advice would be sought;
- The Chair suggested to extend the consultation period to Friday 6 January 2023 to give Councillor Millar time to reschedule the Ocean event;
- It is important we get this consultation right as in the past consultations have not had a good response. This is a massive consultation and just doing it online is not good enough.

- Alternative venues need to be found outside towns as some people cannot travel – villages need to be considered;
- A need to consider mobile libraries;
- The policy on green wedges needs finalising as it is an important policy

Councillor Dan Ledger proposed recommendations 1 and 2 seconded by Councillor Paul Hayward with a further proposal that under recommendation 1 the Service Lead – Planning Strategy and Development Management provided clarity on the minor changes

Further comments included:

- The tree policy on page 296 is not a tree policy;
- The green wedge policy needs finalising. Clarification sought on whether the draft Local Plan would be sent out incomplete. It was acknowledged that some areas were less developed than others and further work on the intended wording would be completed after public engagement. Final boundaries for the green wedges would need to be consulted on at a later date and brought to Members next year.
- There was no reference to the employment at West Hill. It was advised that public views would be obtained through the consultation stage.
- Agree with the Chair for the consultation period to be extended to 5 January.
- Why has Honi_01 still been included when it had been rejected twice by the town council – please can this be removed; It was advised Honi_01 was previously resolved by Members to be included in the draft Local Plan as a 2nd choice site;
- Clarification sought about whether there had been conversations to consider a different policy in relation to biodiversity net gain percentages in AONB's.

RESOLVED:

1. Delegated authority be given to the Service Lead – Planning Strategy and Development Management in consultation with the Chair of Strategic Planning Committee, to finalise the plan for consultation. To include making minor changes to correct possible factual or grammatical errors, ensure links to background reports are made and other minor amendments that do not materially change content;
2. That the draft Local Plan, as appended to this report and subject to final refinements, for public consultation be endorsed.

The Chair welcomed Members comments on the third recommendation.

Comments included:

- Having only one event in Clyst St Mary is not going to work. To have a coherent structure there needs to be one in Clyst St Mary, Farringdon, Woodbury, Exton, Clyst Honiton, Clyst St George and any other village missed to encompass every surrounding village. In response the Service Lead – Planning Strategy and Development Management highlighted the resourcing issues with all the additional events and suggested to remain with Feniton, Whimble and Clyst St Mary and perhaps a special meeting for any village that would be affected by the volume of development
- There is a need to separate the towns from the villages;
- A suggestion was made to extend the consultation to the 8 January which was a Sunday night.
- A suggestion was made for town and parish council drop-in sessions;
- Will there be an opportunity to see CommonPlace before it goes live. The Service Lead – Planning Strategy and Development Management was happy to arrange a zoom meeting for councillors to see it;

- We need a consultation for the new community;

Councillor Ingham proposed the third recommendation as written, seconded by Councillor Richard Lawrence with an additional proposal to read as follows: “that the period for consultation responses would end on Sunday, 15 January 2023”

RESOLVED:

3. That Strategic Planning Committee does wish to proceed with proposals for face to face drop in consultation events in each of the main towns and further events in Feniton, Whimble and Clyst St Mary;
4. That the period for consultation responses be extended to end on Sunday, 15 January 2023 be agreed.

59 **Proposed response to consultation on the evolving Local Plan for Torbay**

The Committee was asked to consider the proposed response to Torbay Council’s local plan consultation as set out below.

“Thank you for providing the opportunity for East Devon District council to comment on Torbay Local Plan 2022 – 2040: ‘A Landscape to Thrive’ (your local plan consultation that concludes on 21 November 2022). I would advise that this council has no specific comments to make on the current consultation. There appears to be no evidence published to support the approach to housing numbers or how the proposed shortfall would be addressed and so we are unable to comment other than to reiterate points raised in the previous round of consultation that we set out below and would request you fully take into account in respect of your future work on plan making”

RESOLVED:

That the Council respond to the Torbay Local Plan Consultation advising of concerns around their current policy position in respect of housing provision in line with the text set out in this committee report be agreed.

Attendance List

Councillors present (for some or all the meeting)

P Arnott (Chair)
O Davey (Vice-Chair)
M Allen
J Bailey
K Blakey
P Hayward
B Ingham
R Lawrence
D Ledger
A Moulding
E Rylance
P Skinner

Councillors also present (for some or all the meeting)

J Bonetta
A Bruce
P Faithfull

G Jung
P Millar

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer
Shirley Shaw, Planning Barrister

Councillor apologies:

S Chamberlain
M Howe
G Pratt

Chairman

Date:

Report to: **Strategic Planning Committee**

Date of Meeting: 14 February 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



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

Report summary:

The Government are currently undertaking consultation that could have a particular bearing on planning policy matters, specifically including proposed changes to the National Planning Policy Framework (NPPF), and therefore on the new East Devon Local Plan. These changes run ahead of legislative changes that are proposed in the Levelling-up and Regeneration Bill (which is currently going through Parliament) though are clearly informed by thinking set out in the Bill.

The consultations close at 11:45pm on 2 March 2023 and this report sets out a proposed response to the consultation by this Council. One matter that has been very topical in recent debate, including in comments on the local plan consultation, is the potential to plan for lower levels of housing growth than those set out under the current planning system (under the current Government methodology). This matter is discussed and addressed in this report and also officer recommended responses to the consultation, from this council, reference the subject matter.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- 1. Strategic Planning Committee agree that this Council respond to the Government consultation with the boxed text explicitly set out in this committee report.**

Reason for recommendation:

To secure members endorsement of the proposed response by this council to the Government consultation on changes to the NPPF.

Officer: Ed Freeman, Assistant Director 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

Climate change Low Impact

Risk: Low Risk; .

Links to background information

1. [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/levelling-up-and-regeneration-bill)
2. [National Planning Policy Framework: draft text for consultation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/consultations/national-planning-policy-framework-draft-text-for-consultation)
3. [East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment 2022](#)

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 The Levelling-up and Regeneration Bill is currently going through Parliament. Once (assuming) it is passed, and then in whole or parts enacted, it will introduce what could be significant changes to planning legislation. Any new legislation could have a particular bearing on planning policy matters and as such on the emerging new local plan for East Devon.
- 1.2 Running ahead of the legislation (though informed by thinking and content within) are proposed changes to the existing NPPF, though these changes are not (it is assumed) reliant on legislative changes. The Government are currently undertaking consultation on the current proposed changes to the NPPF and also wider matters that may inform future redrafts of the NPPF and/or guidance or legislation. It is recommended that this council submit a response. In the consultation the Government advises:

“Consultation description

This consultation seeks views on our proposed approach to updating to the National Planning Policy Framework. We are also seeking views on our proposed approach to

preparing National Development Management Policies, how we might develop policy to support levelling up, and how national planning policy is currently accessed by users.”

- 1.3 It should be noted that the further round of changes (after those currently being consulted on) are proposed to the NPPF and these will follow at a later date. These later changes will (or at least may) reflect and be informed by legislative changes that will come through in the Levelling-up and Regeneration Bill (noting, of course, that the Bill might change as it passes through Parliamentary stages, assuming it gets through them).
- 1.4 It should be noted that the Government do not advise that they are inviting comments on the Levelling-up and Regeneration Bill or other aspects of planning legislation. However, through making comment on the current consultation and the NPPF any respondent might be seen to be making observations that could have some impacts on the bill.
- 1.5 On the Government web site there are two documents that form part of the consultation:
 - The first ([Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](#) – referred to as the ‘Prospectus’) forms a commentary around the proposed changes to the NPPF and wider planning matters and it asks a series of questions; and
 - The second ([National Planning Policy Framework: draft text for consultation \(publishing.service.gov.uk\)](#)) forms what the Government reference as “*indicative changes for consultation*” to the NPPF. It is a tracked changes re-draft of the NPPF.

Potential future changes to NPPF

- 1.6 Whilst many of the proposed changes to planning policy relate to housing and would occur in spring 2023, subject to the consultation, further potential additional changes have been signalled in the consultation.
- 1.7 First, plans progressed under the new Bill’s proposals, as currently drafted, would not face that legal test as the Bill would remove the Duty to Co-operate. However, the Duty to Co-operate will remain in place until the Bill’s provisions come into effect.
- 1.8 Members are advised that the Government’s Prospectus highlights potential future changes to NPPF in addition to those in the consultation document. The Government proposes to introduce an “Alignment policy” as part of a future revised NPPF, so as to secure appropriate engagement between authorities where strategic planning considerations cut across boundaries. This will replace the Duty to Cooperate. Consistency with the policy will be tested at Examination. Unlike the current system, authorities and Inspectors would have the ability to amend plans to improve alignment. No further details are available on how the policy will operate. Government will undertake further consultation on what should constitute the alignment policy. What the consequences of any unmet need would be for East Devon under the alignment policy and whether it would enable the Council to justify a housing requirement policy that is lower than local housing need is unclear.

- 1.9 Second, other changes to NPPF may occur. The Government is signalling it will consider the implications of new 2021 Census-based household projections, planned to be published by the ONS in 2024. It will then review the approach to assessing housing need, *“to make sure the method for calculating need commands long-term support based on the most relevant data”*. Using more up to date evidence and/or longer timeframes may be appropriate. However, new ONS district level household projections will not be available for some time.
- 1.10 The LHNA 2022 shows more housing is needed in East Devon as the result of the Standard Method (including its ‘affordability uplift’) compared to 2014-based demographic trends. The Government has not signalled terminating the use of a Standard Method as the starting point to establish local housing need, nor do we know what, if any, ‘exceptional circumstances’ could be identified for East Devon to justify a lower housing need figure. But if it could be justified then this LHNA 2022 information could start to provide a steer on what a different lower need level could look like.

2. Commentary on and proposed responses by this Council to the Government Consultation

- 2.1 This Government consultation document contains a series of Chapters and in this proposed response to the consultation we run through the document in sequential order. We list each chapter heading separately and then, under each chapter heading, we:
- Identify each question asked in turn;
 - provides some commentary around and related to each question drawing on material in the consultation document and matters that might be specifically relevant to East Devon; before then
 - providing (in boxed text) a proposed response by this Council to the question asked (the boxed text forms the recommended text for submission to Government).
- 2.2 In providing suggested responses we cross-reference, in some cases, to the specific proposed (indicative) new NPPF wording. Though it should be noted that not all matters in the consultation questions are actually cross-referenced in or through proposed current changes to the NPPF. Some questions and matters go to possible future longer term changes.
- 2.3 Consultation responses need to be submitted by 11:45pm on 2 March 2023 and there is an on-line response form that we intend to use for making responses, it’s the boxed text in this report that we propose to submit through this system. All questions have a text box for answers and some questions also have a ‘Yes’, ‘No’, ‘Indifferent’ tick box options. Where these tick boxes appear, or in other limited cases there is a slightly differing format, we will tick the relevant box that most closely aligns with the agreed text answer or otherwise complete the form as appropriate.

Chapter 1 – Introduction – this chapter forms an introduction to the consultation and does not actually ask any questions, therefore no response is proposed by this Council

explicitly in respect of this chapter though themes and matters it introduces come up further in the consultation and are reflected in proposed responses to the consultation.

Chapter 2 - Policy objectives - this chapter, also, does not actually ask any questions, therefore no response is proposed by this Council. The chapter itself sets out seven broad policy objectives, with supporting commentary, headed:

- Building beautiful and refusing ugliness;
- Securing the infrastructure needed to support development;
- More democratic engagement with communities on local plans;
- Better environmental outcomes;
- Empowering communities to shape their neighbourhoods;
- All this is needed to deliver more homes in the right places, supported by sustainable and integrated infrastructure for our communities and our economy.

Chapter 3 – Providing certainty through local and neighbourhood plans – this chapter contains Questions 1 to 5 and text below sets out commentary related to the questions and a proposed response.

Q.1: Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) for as long as the housing requirement set out in its strategic policies is less than 5 years old?

The consultation advises of removal of the requirement for local authorities with an up-to-date plan to demonstrate continually a deliverable 5-year housing land supply. This is an important factor as land supply assessment, typically updated on an annual basis, can fluctuate over the life of a plan and might for some years dip under five years supply even though an overall whole plan life picture will clearly establish a total supply to meet needs.

This proposed change would not remove the need to demonstrate a five year land supply at the point of local plan adoption or the ability to maintain supply after adoption, for plan making purposes. This will be tested at local plan Examination. Nor does it remove the need to monitor housing supply against housing requirement after plan adoption. But it does mean that the 5 year housing land supply could not be a material consideration where an adopted plan with policy on housing requirements is less than 5 years old.

Proposed EDDC response to Question 1

East Devon District Council supports the proposal that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply where they have an up to date plan. The critical consideration when it comes to delivering appropriate levels of planned for and high quality housing is not one of possible minor fluctuations that could see a temporary dip below having a five year supply, but one of having an overall picture, established over a number of years, that will see appropriate levels of high quality housing delivery.

Q.2: Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

Due to our Housing Delivery Test result, the current buffer in East Devon is only 5% for the 5YHLS calculations used for development management purposes. This means that the identified deliverable supply for the next 5 years, as at the annual monitoring point, needs to be 5% more than the housing requirement for the next 5 years. So by removing the buffer we need less identified deliverable supply needs to achieve a 5 year housing land supply.

For plan-making purposes the current buffer for East Devon is 10%. Removing the buffer does not reduce the overall housing requirement in a plan period, but it makes it easier to demonstrate achieving a 5YHLS at the point of plan adoption. It would still be necessary to identify a robust and deliverable housing land supply and so some leeway may still need to be built in.

The consultation advises of the proposed removal of buffers noting that they *“can add a complexity which may not bring equivalent supply rewards. For plan-making, they can prolong debate, making it harder to get plans into place. For decision-making they can open additional routes to unplanned development. Therefore, to simplify the planning system, support a plan-led approach and to make housing land supply calculations more comprehensible to the public, we propose removing these 5-year housing land supply buffers from national planning policy in the future.”*

It should be noted that there is a separate, additional Question 16 on 5YHLS, with a proposed EDDC response.

Proposed EDDC response to Question 2

East Devon District Council supports the proposal for the removal of the buffers from 5YHLS calculations and agrees that it would simplify plan making and support a plan-led approach to securing new development that aligns with Government aspirations to ensure high quality housing is built in appropriate locations to meet recognised needs.

Q.3: Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on, or is there an alternative approach that is preferable?

There have been interpretations, by some Inspectors at planning appeals, that have concluded that where a planning authority has a past level of housing supply that has exceeded need levels (for example annual housing policy requirements set out in an adopted plan) the past oversupply should not be taken into account in assessing future five year land supply assessments. Very sensibly the consultation identifies this as a flawed approach noting that proposed changes *“..... will enable a local planning authority to include historic oversupply in its 5-year housing land supply calculations and to demonstrate it is meeting its community’s overall housing requirements.”*

Proposed EDDC response to Question 3

East Devon District Council supports the proposed changes to paragraphs 11b(iii) and 75 that ensure that 'over supply' in previous years should be taken onto account in respect of calculating five year land supply. This aligns with the logic of also taking into account past under supply in overall assessment work. The most important consideration is that plan led development is meeting community needs over longer term time horizons and that fluctuations or variations that result in 'over-supply' in one or more past years are not discounted. To do otherwise, i.e. discount past oversupply, could discourage planned for development and would lead to disincentives for local planning authorities to encourage timely and potentially early development.

Q.4: What should any planning guidance dealing with oversupply and undersupply say?

Noting Question 3, above, and the proposed answer, the logic, if we are to achieve plan-led development that is geared to meeting appropriately identified need, then we should consider all aspects of supply and demand, over longer time periods, are taken into account to determine whether there is an appropriate supply position to deliver appropriate levels of housing development.

The draft NPPF proposes changes to both 5YHLS calculations and when calculating housing provision requirement for plan-making.

(Note: text in bold are additions; strikeouts are deletions)

NPPF paragraph 75 “ **When the housing requirement set out in strategic policies becomes more than five years old⁴⁴, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies⁴⁵, or against their local housing need (taking into account any previous under or over-supply as set out in planning practice guidance).**”

NPPF paragraph 11b) “strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas , unless:.....

iii) there is clear evidence of past over-delivery, in terms of the number of homes permitted compared to the housing requirement in the existing plan,; in which case this over-delivery may be deducted from the provision required in the new plan.”

However, it is unclear whether the 'over-delivery' for plan making purposes is based on having delivered all the housing requirement for the whole plan period or whether it is based on the annualised requirement in the adopted plan for the plan period to date.

Proposed EDDC response to Question 4

East Devon District Council is of the view that planning guidance should recognise issues of possible undersupply and oversupply in respect of assessing whether there is sufficient planned and committed development to provide for plan-led development needs. Most

importantly the onus should be on providing for housing over longer time periods rather than leaving assessment vulnerable to the vagaries of year on year fluctuation, especially where such fluctuations are beyond the controls of a planning authority – for example if they occur because the economy is in recession and developers, for commercial reasons, do not want to build new homes. Furthermore, where plan-led development proposes major long term and larger scale or complex development schemes, such as a new town, there should be scope to establish land supply calculations that are measured and assessed against greater than five year time horizons and which could show stepped patterns of delivery, perhaps lower in early years and greater in later years.

We are concerned that NPPF paragraph 11b(iii) is unclear. To avoid confusion, challenge and unnecessary debate at appeals, the Government should clarify in PPG that the term ‘over-delivery’ in NPPF paragraph 11b(iii) is based on the annualised requirement(s) in the adopted plan for the plan period to date and does not mean having delivered all the housing requirement for the whole plan period. It would be unreasonable to expect the latter when there are still several years until the end of the current plan period.

Q.5: Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Prospectus Ch 3 paragraph 8 to 11 is about boosting the status of Neighbourhood Plans. The Government expects that neighbourhood plans will be more protected in future, because the consultation proposes that where a local plan for the area is up-to-date, a 5-year housing land supply will not be required. This would mean that the presumption in favour of sustainable development would not apply as often.

Government is further proposing additional protections for neighbourhood plans in circumstances where a local planning authority’s policies for the area covered by the neighbourhood plan are out-of-date.

1. By extending protection to neighbourhood plans that are up to 5 years old instead of the current 2 years.
2. By removing tests which currently mean local planning authorities need to demonstrate a minimum housing land supply and have delivered a minimum amount in the Housing Delivery Test for Neighbourhood Plans to benefit from the protection afforded by the Framework.

Proposed EDDC response to Question 5

Overall, East Devon District Council in principle supports the proposed changes as set out in NPPF paragraph 14, but mindful of the Council’s response to Questions 16, and 18 to 21, and with a number of observations as follows.

The existing 2 year protection is not considered to be of sufficient length given the significant time and effort often over many years of dedicated community volunteers to prepare neighbourhood plans, set alongside the speed at which the development process tends to move. Neighbourhood Plans are also very unlikely (in our experience) to be

reviewed within 5 years. In East Devon we now have 25 made neighbourhood plans, dating back to 2015, and with none have as yet been through a review / modification process.

A 5 year protection would therefore seem much more fitting and would better reflect the purpose and value of neighbourhood plans as introduced and promoted by the Government as a tool within the statutory planning system to facilitate greater community engagement and influence. It could also encourage more communities to consider production (or review of) a neighbourhood plan, although we would identify the following potential issues / implications for consideration by the Government;

- i. the importance of encouraging positive neighbourhood plan making, beyond a desire to secure this enhanced protection;
- ii. the risk of the enhanced protection creating inequality / a two-tier system between those communities that have a neighbourhood plan, and those that do not (for whatever reason, noting that not all communities will have neighbourhood plans and that a neighbourhood plan is not right for every community)

Chapter 4 – Planning for housing – this chapter contains Questions 6 to 21 and text below sets out commentary related to the questions and a proposed response.

Q.6: Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

The first paragraph in the draft NPPF is sending a clear message.

1. The NPPF "sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans **can provide** for **sufficient** housing and other development in a sustainable manner.~~can be produced~~. **Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.**"

(Note: text in bold are additions; strikeouts are deletions)

The 7th paragraph repeats the message

7. The purpose of the planning system is to contribute to the achievement of sustainable development, **including the provision of homes and other forms of development, including supporting infrastructure in a sustainable manner.**

.....

Officer assessment is that:

- The proposed changes in NPPF paragraphs 1 and 7 do more than simply signal that "providing for necessary development that is integrated with local infrastructure is a core purpose of the planning system" as asserted in the Prospectus. It may not negate the fundamental importance of respecting the overarching economic, social and environmental objectives which set out in NPPF Chapter 2. But together with a plethora of changes proposed in the NPPF it clearly signals the Government's

continued and strengthened message for increasing the focus on housing growth delivery.

- The word “sufficient” in paragraph 1 manages to be vague and at the same time is clearly driven by the Government’s housing objective and target
- The changes to paragraphs 1 and 7 add a layer of emphasis, particularly about housing, that can be viewed as tipping the balance of the economic, social and environmental objectives which set out in NPPF Chapter 2. Provision of homes is emphasised as part of planning’s role in delivering sustainable development. Consequently, there appears to be a higher risk that the emphasis on housing delivery will be given greater weight when balanced against environmental and social factors, or in the balance of housing and other types of development
- Adding the words “including supporting infrastructure” in paragraph 7 is laudable but vague, if there is no mention of timing or the nature of infrastructure delivery.

Proposed EDDC response to Question 6

East Devon District Council is of the view that Government should give greater consideration as to whether including the word “sufficient” regarding housing and other development in NPPF paragraph 1 is helpful without better defining what is meant. The Council considers that additional text should be included in revised PPG to provide greater clarity on how a local planning authority determines what is meant by “sufficient”. In doing so it will be important for Government to consider whether the proposed changes to NPPF paragraphs 1 and 7, in combination with other changes related to housing, risk tipping the balance of sustainable development that could undermine the creation of sustainable places.

Q.7: What are your views on the implications these changes may have on plan-making and housing supply?

Providing for “sufficient” housing and other development is a vague concept. It requires interpretation in light of Government policy, particularly as there is no change to the Government’s objective of significantly boosting the supply of homes, nor to the target of 300,000 dwellings per year by the mid-2020s. Combined with the other proposed housing policy change, this simply consolidates the drive to deliver housing.

Officer assessment about the implications of the related changes to NPPF for plan making and housing supply leads to the conclusion that the proposals will have unintended consequences from shifting the burden of proof about supply delivery from post plan adoption, to the local plan examination, increasing the need for resources for plan-making and testing, and impacting on the plan-making timetable.

Proposed EDDC response to Question 7

East Devon District Council considers that Government should give further thought to the following unintended consequences that can be expected to flow from the changes to 5 year land supply, Housing Delivery Test and the proposed approaches aimed at more build-out.

- Delivery of housing is a priority, so we can expect evidence of actual and forecast housing delivery to be closely scrutinised, including where it supports the selection or rejection of site allocations.

- Removing buffers from the 5 year housing land supply and the changes to the Housing Delivery Test will benefit development management once the plan is adopted. But these changes reduce the degree of supply 'flexibility' for the plan period. The unintended consequence is they place a greater burden on the Planning Authority and increase the need for resources for plan-making and testing. The unintended consequences relate to evidential requirements for the local plan to demonstrate housing supply flexibility. In particular,
 - More detailed and robust evidence is needed to justify the housing delivery forecasts, the scale of supply headroom, and contingency mechanisms eg the use of reserve sites and monitoring/phasing and governance;
 - The evidence has to be updated at least annually before and during the plan examination, and the consequences for policy and plan making analysed and reported, including detailed audit trail documentation
 - Removing the buffer does not mean that fewer development sites are needed. Sufficient sites still need to be identified and allocated to provide headroom.
 - The planning authority will continue to have to evidence a rolling 5 year housing land supply for the plan period for the examination– certainly at the point of plan adoption and for at least the following 5 years.
- The housing land supply position will still need to be monitored for plan performance purposes. Otherwise, without performance measures such as five-year supply how would the Planning Authority know if supply issues need addressing. Not having to demonstrate a '5 year land supply position' does not remove appellants' ability to question the scale and type of housing supply. The unintended consequence is that the changes shift the burden of proof for the Planning Authority from 5 year deliverable supply to the full plan period, to show how supply is being maintained.

Q.8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

Much has been said in respect of the Levelling-up and Regeneration Bill about housing numbers. Under the current NPPF, and associated guidance, the Government set out a standard methodology that determines the levels of housing growth that Local Planning Authorities should plan for, this is a **need** figure. It is stressed that use of the current methodology is not mandatory but it is extremely difficult to deviate from this standard and justify alternative numbers.

The current NPPF and Guidance focuses on using the Standard Method to calculate local housing need, noting that there is, however, already the flexibility for a Planning Authority to use alternative methods to calculate need. However, if the alternative approach results in a lower housing need figure then the Planning Authority has to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method.

As the Levelling-up and Regeneration Bill progressed through early stages of parliamentary procedure in late 2022 there were messages coming through that there could be more

flexibility for Planning Authorities to establish and determine for themselves what they consider are appropriate levels of housing to plan for. There was speculation in the press that the proposed changes weaken the link between the government's local housing need figures and councils' local plan homes targets.

In the context of possible changes there was a statement made by Michael Gove, the Secretary of State for Levelling Up, Housing and Communities, in the House of Commons on 6 December 2022 in which he said,

"I will retain a method for calculating local housing need figures, but consult on changes. I do believe that the plan-making process for housing has to start with a number. This number should, however, be an advisory starting point, a guide that is not mandatory. It will be up to local authorities, working with their communities, to determine how many homes can actually be built, taking into account what should be protected in each area—be that our precious Green Belt or national parks, the character of an area, or heritage assets. It will also be up to them to increase the proportion of affordable housing if they wish." [Michael Gove – 2022 Statement on the Planning System – UKPOL.CO.UK](#)

It is not fully clear what is meant by the above, however, we can reasonably see from the tone of the consultation that the Government are not minded to completely open it up to all or any Planning Authority to freely plan for whatever they think is appropriate.

The Prospectus explicitly states:

Chapter 1 - paragraph 6 - *"The government remains committed to delivering 300,000 homes a year by the mid-2020s and many of the immediate changes focus on how we plan to deliver the homes our communities need."*

The consultation NPPF does not propose to change the Government's objective to significantly boost housing supply and the Prospectus reconfirms the target. This driver for housing growth would therefore remain.

The Prospectus also explicitly states

Chapter 4 - Paragraph 3 – *"The standard method for assessing local housing need was introduced in 2018 to make sure that plan-making by local authorities is informed by an objective assessment of projected household growth and affordability pressures, while speeding up the process of establishing housing requirement figures through local plans. It remains important that we have a clear starting point for the plan-making process and we are not proposing any changes to the standard method formula itself through this consultation."*

The consultation Prospectus indicates that the outcome of the Standard Method is therefore a starting point and states that it is 'advisory', not mandatory. It also makes clear that the ability to use an alternative method would be retained. Whilst text in the Prospectus does clearly suggest some greater flexibility to consider alternative housing provision it would not be a reasonable reading of the consultation document to conclude that there is Government aspiration or expectation that there is now going to be complete freedom for Planning Authorities to unilaterally determine need.

From the Prospectus, the more reasoned reading would be that the Government are minded to accept more nuanced grounds, perhaps quite if not very narrowly defined, to establish a basis for deviating from the existing approach. There may be more clarity in Spring 2023 when the Government responds to the consultation and publishes NPPF revisions about the type of demographic and geographic characteristics specific to the authority's area that could be used to demonstrate 'exceptional circumstances'.

The consultation states that "local authorities will be expected to continue to use local housing need, assessed through the standard method, to inform the preparation of their plans; although the ability to use an alternative approach where there are exceptional circumstances that can be justified will be retained. We will, though, make clearer in the Framework that the outcome of the standard method is an advisory starting-point to inform plan-making – a guide that is not mandatory – and also propose to give more explicit indications in planning guidance of the types of local characteristics which may justify the use of an alternative method, such as islands with a high percentage of elderly residents, or university towns with an above-average proportion of students. We would welcome views on the sort of demographic and geographic factors which could be used to demonstrate these exceptional circumstances in practice".

The consultation provides a new opportunity to consider whether to make a case for the other combinations of characteristics that might justify "exceptional circumstances". Whilst a high and growing proportion of elderly residents is a key demographic characteristic of East Devon it is not unique. What is unique (or at least unusual or not-typical) in the district is the combination of constraints of.

- 66% of the district being protected landscape (AONB designated) – which surrounds or abuts nearly all of our market towns; plus
- two sides of the district (nearly 50% of the district boundary) being sea or estuary, including the East Devon part of the Dorset and East Devon Coast World Heritage Site (the "Jurassic Coast") plus
- a significant area to mitigate the impact of development through the South-East Devon European Sites Mitigation strategy (e.g. through SANGS) – much of what is not AONB falls into catchment boundaries and there are also AONB overlays; plus
- the River Axe SAC catchment (where Nutrient neutrality mitigation and required water efficiency measures are required)

In combination these constraints impact on the amount of land that might be deemed desirable or appropriate for development. There are also additional constraints such as areas vulnerable to flood risk and adverse impacts on heritage assets.

Previously, Government guidance has been very clear that supply constraints are not taken into account. Officers' assessment of the consultation document is that one of the suggestions in the Prospectus for exceptional circumstances appears to relax the policy. It implies that the implications for sustainability resulting from supply constraints could be taken into account, at least for some constraints. The unintended consequence is that other areas could seek to use combinations of characteristic that include supply constraints to justify exceptional circumstances. This may not be what the Government intends, because it would more than 'tip the balance' away from meeting housing needs towards protecting the environment character in many areas. The conclusion is that it could be very challenging to manage to try and persuade the Government to significantly relax the policy to the extent that the

combination of environmental constraints in East Devon would be recognised as ‘exceptional circumstances’.

Proposed EDDC response to Question 8

East Devon District Council supports greater clarity in policy and guidance on what constitutes an exceptional circumstance for the use of an alternative approach for assessing local housing need. In this respect the Government should consider whether the example of ‘islands with a high percentage of elderly residents’ quoted in the Prospectus is appropriate as it is very specific and more common examples should be used. It is also unclear if this touches on introducing supply constraints as an exceptional circumstance.

In our case it is the presence of Areas of Outstanding Natural Beauty which make up two thirds of the land in the district which are the biggest constraint on development. Given that government policy is clear that great weight should be given to protecting them and that they should have the highest level of protection in landscape terms there should be means for authorities with large areas of AONB to appropriately reduce their housing need.

Similarly European protected habitats such as SAC’s, SPA’s and RAMSAR sites should also be an exceptional circumstance as these limit the potential to accommodate housing in a district. Delivering the numbers generated by the standard method may have a significant effect on the protected habitat and even if these impacts can be mitigated the cost of mitigation can be that the scheme cannot viably delivering the infrastructure to support it.

Government should give some clarity about the extent to which these constraints could justify an exceptional circumstance in order to manage community expectations, provide clarity to the development industry and local authorities and ensure that time and resources are not wasted seeking a disproportionate change to the assessed local housing need. Guidance is needed as to what is considered to be “sufficient” housing where exceptional circumstances are applied.

Q.9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

The need to optimise the efficient use of land is set out within the Consultation Draft East Devon Local Plan which already includes policy 63 where proposals for residential development will be permitted provided that the development which optimises the density of the site in a manner that conserves or enhances the character of the area and makes efficient use of land.

Proposed EDDC response to Question 9

1. East Devon District Council has no comment about Green Belt other than to say that it would be perverse to protect Green Belt in this way and not include the protection of AONB’s as an exceptional circumstance given that these are the highest quality

landscapes in the country and Green Belt land is often of very low landscape quality albeit of importance to prevent settlement coalescence.

2. East Devon District Council supports an approach where building at densities that are significantly out of character with an existing area may be considered in assessing whether housing need can be met, but it considers the wording of draft NPPF paragraph 11 b (ii) to be unclear (*“such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area”*.) The proposed wording of draft NPPF could have unintended consequences. By its very nature development changes the character of an area. The lack of clarity on what this means in practice, or what constitutes ‘significant’, casts uncertainty over all site allocations but particularly those on greenfield sites. In a rural area such as East Devon, there are limited previously developed land opportunities, and the need to use greenfield land for urban or village extensions or for new settlements could be compromised by proposed paragraph 11b(ii).
3. East Devon District Council agrees that past over-supply may be taken into account. The Council supports the proposed change that ensures that ‘over supply’ in previous years should be taken onto account in respect of calculating five year land supply. This aligns with the logic of also taking into account past under supply in overall assessment work. The most important consideration is that plan led development is meeting community needs over longer term time horizons and that fluctuations or variations that result in ‘over-supply’ in one or more past years are not discounted from and therefore not recognised as being part of the appropriate planned for development. To do otherwise, i.e. discount past oversupply, could discourage planned for development and would lead to disincentives for local planning authorities to encourage timely and potentially early development

Q.10: Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?

Under this proposed change, if the only way to meet development (eg housing) need in full is by building at densities significantly out of character with the existing area, this could be a reason to justify setting a housing requirement total lower than the housing need within the planning authority area. However, it would need robust evidence. The Council would need to prioritise resources to produce design guides/code and evidence about areas’ characters if we needed to use this policy to justify our housing requirement policy.

Officer assessment concludes the proposed changes to NPPF appear to be aimed primarily at urban areas where significant increases in density can be achieved by extending buildings upwards and/or downwards, and out on to gardens. This could lead to a significant change in character of the existing built up area. But the policy could apply to East Devon and have consequences. It could for example run counter to the Council’s emerging proposals that could increase in the amount of affordable housing on existing housing estates owned by the Council, achieved through redevelopment and intensification.

Paragraph 11b(ii) as revised could be interpreted in more than one way, depending on what is meant by “existing area”. The policy needs to be clarified so that it could not be used for

example to justify not allocating housing on a greenfield site adjoining/very close to a settlement just because the site currently has no built development (i.e. nil density). For allocations that would extend existing settlements then “existing area” should mean the adjoining part of the settlement. Paragraph 11b(ii) should not apply to new settlement proposals. In East Devon, this would mean a greenfield, or largely greenfield site, well detached from existing settlements. Although there isn’t a specific question on this point, the Council can still raise this issue.

An initial assessment of the type of evidence required suggest that it would need to be locally relevant, robust evidence, and available no later than at the time of making decision on the Publication (Pre-submission) local plan to be consulted on at Regulation 19 stage. This would be onerous in terms of the work required to produce an agreed methodology, and then use this to produce a sufficiently fine-grained assessment of the “character of the area” across settlements within the settlement hierarchy where the Local Plan allocations. The methodology would need to be guided by design guides/codes which are part of the development plan (or adopted as SPG). It would be a considerable burden on the Council’s resources.

Proposed EDDC response to Question 10

East Devon District Council in principle supports the proposed change to NPPF paragraph 11b(ii) provided that it is not interpreted as a reason to preclude development of allocated greenfield sites either adjoining the built form of existing settlements, or allocated as a free-standing new settlement or other detached site in a plan.

The evidential requirements are likely to be a potentially huge burden on the planning authority. Government should consider whether there is a realistic prospect of this being achievable in the timeframes and resources available to planning authorities.

We would though also stress the value that design codes have to offer. We would suggest that district-wide design codes would need to be produced in accordance with national guidance including defined area types and respective densities. These density assessments would therefore be available to guide appropriate densities in accordance with the character of the district and areas contained within. Following assessment of the local housing need, a district-wide assessment of available sites appropriate for allocation could be evaluated against the district-wide density guidance to assess the district’s total character-appropriate housing capacity. This evidence could be made available to justify a reduced local provision where harm to local character would result.

By its very nature, development changes the character of an area. The lack of clarity on what ‘significantly out-of-character’ means in practice casts uncertainty over all site allocations but particularly those on greenfield sites. We would encourage design-code guidance that is clear on the appropriate assessment of density for green field sites adjacent to settlements or for exception sites in the open countryside.

Q.11 Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

Currently the NPPF includes the test of soundness that the Local Plan should be “*Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence*”. The Government proposes deleting this test for plan-making

purposes. However, the other three tests of soundness remain, albeit with proposed changes to the test of being 'positively prepared'. There is no change proposed to NPPF paragraph 31. The Planning Authority still has to explain the reasons for the plan's policies and proposals, and under NPPF paragraph 31, the preparation and review of a local plan still requires relevant and up to date evidence.

A more proportionate approach to examination will still need to take account of which issues in East Devon are particularly relevant to supporting the delivery of the local plan's vision and objectives, as well as demonstrating consistency with national planning policy and effectiveness (ie deliverability. Some matters such as the explanation of site selection or the scale of housing requirement, can be expected to continue to require significant evidence. Simply deleting the justification test does not remove the evidential test.

Proposed EDDC response to Question 11

East Devon District Council supports the intention to deliver a more proportionate approach to examination, but concludes that the proposal to delete the test of soundness about plan 'justification' in previous NPPF para 35b) is negated by the retention of the test of soundness that the local plan should be consistent with national policy (ie '*enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant and other national planning policy*') – in Paragraph 35d) -now 35c).

Draft NPPF paragraph 31 still states "*The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals*".

The need for evidence remains relevant when the planning authority demonstrates how the other tests of soundness are met ie is the plan positively prepared and is it effective, or when demonstrating that legal tests have been met.

In light of the proposed changes to the tests of soundness, the Council considers that Government should provide new guidance in PPG to make clear what is meant by "proportionate" in NPPF paragraph 31 as a matter of urgency. In particular, to make clear what is the evidence 'bar' for key matters such as housing and employment development. Without this, the Planning Authority may not produce the necessary evidence in a timely way. Alternatively it could gather and use evidence that is no longer necessary. In both circumstance there is a risk of delay or challenge to plan making, and a risk of incurring unnecessary or avoidable costs.

Q.12: Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Prospectus Ch4 paragraph 13 indicates that "*For the purposes of the changes to the test of soundness, the Government proposes that the change regarding the test of soundness will not apply to plans that have reached pre-submission consultation stage, plans that reach that*

stage within 3 months of the introduction of this policy change, or plans that have been submitted for independent examination”.

The emerging East Devon Local Plan is unlikely to meet those criteria.

The applications of footnote 24 in Draft NPPF paragraph 36 is unclear and needs to make it clear which tests of soundness will be applied.

As written the qualifying criteria related to footnote 24 can be read as implying that:

- a) none of the tests of soundness apply to any development plans that have reached Regulation 19 stage; or
- b) none of the tests of soundness apply to non-strategic policies in development plans that have reached Regulation 19 stage

It seems very unlikely that this is what Government means, and this needs to be corrected or clarified, otherwise there will be unintended consequences (ie no test of soundness applies).

Proposed EDDC response to Question 12

East Devon District Council is of the view that Government should give greater consideration as to whether the addition of footnote 24 as worded, to draft NPPF paragraph 36, has introduced the risk of an unintended consequence. As written, the qualifying criteria related to footnote 24 can be read as implying that:

- a) none of the tests of soundness apply to any development plans that have reached Regulation 19 stage; or
- b) none of the tests of soundness apply to non-strategic policies in development plans that have reached Regulation 19 stage

This seems very unlikely and in order to avoid challenge and delay to plan-making this needs to be corrected or clarified. The Councils suggests that this could be achieved by adding the following to the end of NPPF paragraph 225.

“All the tests of soundness shown in the previous version of NPPF (July 2021) will continue to apply to plans that have reached Regulation 19 stage and continue to progress through the plan-making process”.

Q.13: Do you agree that we should make a change to the Framework on the application of the urban uplift?

Would not apply to East Devon as the urban uplift only applies to the largest cities.

Proposed EDDC response to Question 13

East Devon District Council has no comment to make as changes would not impact on the district.

Q.14: What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

Would not apply to East Devon.

Proposed EDDC response to Question 14

East Devon District Council has no comment to make as changes would not impact on the district.

Q.15: How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

As worded in draft NPPF, this would not apply to East Devon as the nearest local planning authority falling under the urban uplift classification is Plymouth.

However, Government has yet to publish its 'alignment policy' which is signalled in the Prospectus (to replace the Duty to Cooperate) and whether this applies only to the 20 largest cities and their surroundings, or whether it would also apply to smaller towns and cities, such as Exeter. So it is unclear at this time what the consequences would be for East Devon.

Proposed EDDC response to Question 15

East Devon District Council has no comment on urban uplift as set out in draft NPPF paragraph 62 as this relates to the top 20 cities. Prospectus Ch 4 paragraphs 14 and 15 appear to relate to the top 20 cities. But in the absence of the Government's proposal for an 'alignment policy' as signalled in the Prospectus there is no clarity at this time about what mechanisms there will be to address strategic planning considerations which cut across boundaries at smaller cities and towns. The Council reserves its position, but urges Government to give further consideration to this matter for the next review of the NPPF.

Q.16: Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

Draft NPPF paragraph 226 proposes that. *" From the date of publication of this revision of the NPPF, for the purposes of changes to paragraph 61, for decision-taking, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) consultation which included both a policies map and proposed allocations towards meeting housing need, and the housing requirement as set out in strategic policies has become more than five years old in the extant plan, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against their local housing need instead of a minimum of five years as set out in paragraph 75 of this document. These arrangements will apply for a period of two years from the publication date of this version".*

Prospectus Chapter 4 paragraph 17 makes clear that the 2 year time frame is proposed because it is the government's "*objective to provide time for review while incentivising plan adoption*". It aligns with the Secretary of State's 5 December 2022 letter to MPs which indicated that the purpose of the proposed change is to make sure that places where plan making is advanced are less at risk from speculative development, by reducing the amount of land which they need to show is available on a rolling basis (from the current five years to four).

This proposal is a pragmatic way to encourage planning authorities such as EDDC which have reached Reg. 18 stage and meet the criteria, to continue to progress their plan making. It is a lower bar and an easier test to meet. Members may wish to consider the significant benefit this proposal provides by only having to demonstrate a 4 year housing supply, mindful that the published East Devon Housing Monitoring Update 2022 demonstrated a 4.6 year supply.

Proposed EDDC response to Question 16

East Devon District Council supports the proposal for 4-year rolling land supply requirement for emerging local plans that meet the criteria in NPPF paragraph 226. This approach is entirely sensible where plans are progressing beyond the Reg. 18 consultation stage and allows time for local planning authorities to progress their plans without the added pressures of having to apply the presumption in favour of sustainable development because housing supply has temporarily dipped below 5 years. The current position means that the assessment of sites through the local plan allocation process can be undermined by applications pre-empting that process coming through the system and proving hard to resist where the presumption in favour of sustainable development is to be applied. This can lead to plan making being overridden by decision making and a public loss of confidence in the system as a result.

Q.17: Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

Would not apply to East Devon. The emerging East Devon Local Plan is not being prepared under the transitional arrangements in current NPPF paragraph 220.

Proposed EDDC response to Question 17

East Devon District Council has no comment.

Q.18: Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

Under NPPF paragraph 11d (for decision taking where the policies which are most important for determining the application are out of date) and footnote 9, this test is only relevant where "*the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years (unless permissions for housing in excess*

of 115% of the requirement over the same period have been granted, as set out in footnote 49)". Footnote 49 states "The presumption is, however, not to be applied if permissions have been granted for homes in excess of 115% of the authority's housing requirement over the applicable Housing Delivery Test monitoring period".

The latest East Devon HDT result is 123%, which is well above the 75% bar. However, in the current housing market it is prudent to consider a response on this matter. The government wants to apply an additional test to ensure that authorities where developers are not building out sufficient permissions are not penalised for the behaviour of developers if they have issued sufficient permissions. The shift to a permissions based test could enable the planning authority to take account of dwellings granted permission over the relevant HDT time period. In principle this may be helpful if completions slow down. Nevertheless, there are practical issues about how "permissions" are counted – which is the subject of Question 20.

Proposed EDDC response to Question 18

East Devon District Council supports this additional test in principle, but has concerns about the practicalities of standardising a count of permissioned homes for the relevant HDT time period, as set out in the Council's response to Questions 20. It is also concerned that by adding a permissions based test into the HDT there is a danger of taking the test away from its purpose of testing the delivery of housing and starting to look at supply side issues which are the pervue of the 5 year housing land supply test. It would only make sense to do this if the 5 year housing land supply test were withdrawn otherwise it is a unnecessary duplication and authorities who fail the HDT should simply be given the opportunity to justify exceptional circumstances at which point these issues could be looked at rather than making it part of the test and monitoring data for all.

Q.19: Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

In Prospectus Ch4 paragraph 22, the 115% figure is intended to provide for 'contingency'. Government proposes defining 'sufficient' deliverable units as 115% of the housing requirement or local housing need, and this will form the basis for the 'switch off'. The figure is based on an average of 15% of planning permissions in England that are not progressed or revised ie which expire. It is unclear whether that 15% takes account of new applications being submitted subsequently on the sites. It penalises authorities where the rate of expiring is less than 15%. However, although the commitments figures in the East Devon Housing Monitoring Updates take account of expired planning permissions (ie removes them from the counts), the HMU does not report which permissions have expired or a count of the related number of dwellings that were permissioned.

Proposed EDDC response to Question 19

East Devon District Council has no comment on the 115% figure at this time, except to note that it appears to be the mid-point of the expiry range (where "10 to 20% of permissions do not materialise into a start; the permission 'drops out') which Ruth Stanier DCLG showed in her presentation to the HBF Planning Conference September 2015.

Q.20: Do you have views on a robust method for counting deliverable homes permitted for these purposes?

A robust method means using data that can calculate net dwellings (including dwelling 'equivalents') similar to the method the district council uses to monitor 'commitments' from planning permissions. Monitoring commitments is complex, and has to be undertaken each and every year, on an annual basis. At this time, there is no quick technical solution to capturing this data. However, the Council undertakes annual monitoring to calculate the net commitments figure for East Devon at the annual monitoring point. This could provide the source data for counting deliverable homes permitted for the years relevant to the HDT.

Proposed EDDC response to Question 20

East Devon District Council considers that Government needs to be realistic about the timing and availability of the housing monitoring data for 'permitted' data, if this is to be collected via national statistics data gathering. In particular, will robust data on permitted units from a 31 March monitoring point be ready in time for the National Statistics data collection deadline? Identifying and calculating the net housing commitments take longer than identifying /counting completions – particularly in rural areas such as East Devon which have a high number of small sites to monitor).

This proposal raises a lot of detailed issues but ultimately the administrative burden on local authorities does not justify this approach. As a result this approach should only be taken, if at all, where a local authority would be unfairly penalised under the HDT for slow housing delivery results rather than all authorities having to produce this data. This could be done as a focused secondary piece of work in circumstances where the HDT has been failed and an authority feels that they are being unfairly penalised without permissions being taken into account.

Q.21: What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

The consultation is inviting views on three options relating to the consequences of proposed changes to the Housing Delivery. Responses to these options below. The Officer assessment concludes that the only appropriate option is "*frozen to reflect the 2021 Housing Delivery Test results while work continues on our proposals to improve it*". This option is appropriate because in East Devon our 2021 HDT result was 123% so no action is required. We then keep this position until the Government concludes its work on HDT.

Proposed EDDC response to Question 21

East Devon District Council response is as follows:

1. Should the test's consequences follow from the publication of the 2022 Test?
 - a. EDDC Response - No, because there are no national statistics for the permitted units at this time.

2. Should they be amended, suspended until the publication of the 2023 Housing Delivery Test?
 - a. EDDC response - Unclear if this means that the 2022 results would be published but not lead to action if HDT is less than 95%
3. Should they be frozen to reflect the 2021 Housing Delivery Test results while work continues on Government's proposals to improve it.
 - a. EDDC response - This option is appropriate.

Chapter 5 – A planning system for communities – this chapter contains Questions 22 to 32 and text below sets out commentary related to the questions and a proposed response.

Q.22: Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

The consultation reiterates a commitment from the Levelling Up White Paper to increase the amount of social housing available over to provide the most affordable housing to those that need it.

The Regulation 18 Consultation draft Local plan has already looked at this issue because of the planning policy in the Written Ministerial Statement 24 May 2022 on First Homes which set out national planning policy for 25% of affordable housing from development to be First Homes (affordable home ownership), then to prioritise social rent housing. But there are potential issues with this mix, as our local plan evidence shows that the WMS policy reduces the amount of social rent housing in our affordable housing mix. It also squeezes out Shared Ownership from the mix. The latter has been an effective means in East Devon to help deliver a higher number of affordable dwellings from development.

If Government maintains its policy on prioritising First Homes, then this means we cannot prioritise Social Rent first. We can only seek to deliver Social Rent once the 25% for First Homes is provided for, if our Local Plan is to be consistent with national planning policy. First Homes reduces the delivery of Social Rent, Affordable Rent and Shared Ownership dwellings.

However, the draft NPPF continues to be silent on First Homes, and the Prospectus only says that "*We will also consider opportunities to incorporate existing written ministerial statements into revised national planning policy, such as that on First Homes policy*". This comes across as surprisingly ambivalent given the Government's current planning policy approach for First Homes to be the Government's preferred form of affordable home ownership. The current WMS requirement prioritises First Homes ahead of Social Rent when the mix of affordable housing types are being considered in plan making and development management.

Proposed EDDC response to Question 22

East Devon District Council strongly supports giving more weight to Social Rent in planning policies and decisions when considering the affordable housing mix within development. However recent government commitments to First Homes in a Written Ministerial Statement

is making the delivery of social housing even more difficult than it was before and needs to be reconsidered.

House prices in East Devon are now over 10 times average salaries and so providing discounted first homes with a 30% discount simply does not meet the needs of district and certainly does not meet the needs of those in greatest housing need. However regardless of our local evidence of needs which shows a very high and acute need for social housing we are required under government policy to provide 25% of affordable housing as First Homes. If we are to deliver social housing and meet the needs of our community then we need to have the ability to significantly reduce this percentage to address local circumstances.

Government should reconsider the implications of its First Homes and affordable home ownership 'targets', and in particular should reconsider the priority order. The Council would support prioritising Social Rent ahead of First Homes if national planning policy were to allow this and where there is evidence of the urgent need to deliver social rent affordable housing.

Q.23: Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

In the Prospectus, the Government indicates that it has been considering ways in which the Framework can further support the supply of older people's housing. They propose to do this by adding an additional specific expectation that within ensuring that the needs of older people are met, particular regard is given to retirement housing, housing-with-care and care homes, which are important typologies of housing that can help support our ageing population.

The Regulation 18 consultation draft East Devon Local Plan already includes policy on housing for older people. We may need to tailor policy to align fully with the types identified in NPPF as follows:

- retirement housing,
- housing-with-care and
- care homes

Members should note that the draft NPPF does not propose changing the definition of older people that is in the NPPF glossary.

"People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs"

That definition includes **accessible, adaptable general needs housing** – not just retirement housing, housing with care and care homes. So the local plan policy still needs to reflect the important role of housing adaptations.

Prospectus Chapter 4 paragraph 9 says that the Government is also launching a taskforce on older people's housing, which was announced in the Levelling Up White Paper. This taskforce will explore how to improve the choice of and access to housing options for older people and will follow important work conducted recently by Professor Mayhew on meeting the challenges

of our ageing population. There is no indication when this will report, or whether there will be a further review of this matter in a later NPPF revision.

Proposed EDDC response to Question 23

East Devon District Council is broadly supportive of the proposed changes to NPPF paragraph 62 (now renumbered as paragraph 63). We acknowledge the need for a range of types of housing to meet the needs of older people and the importance of this in freeing up the wider housing stock to meet the needs of the wider community by enabling older people to down size and move from their current homes into more suitable accommodation. Linked to this is a need to provide affordable housing within retirement housing schemes and care facilities, however current case law means that such facilities that fall within the C2 use class do not need to provide affordable housing even when they are providing units with their own front doors and facilities. Government policy should address this so that the needs of older people who are in housing need and cannot afford market housing can also be met.

Q.24: Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

The current NPPF requires us to provide at least 10% of our housing requirement on small sites these being sites no greater than one hectare. The consultation suggest that this is proving insufficient and seeks views on the effectiveness if this and how this approach could be strengthened in order to speed up the delivery of housing (including affordable housing), diversify the housing market and support SME's.

The small sites policy has unintended consequences when applied to the traditional planning obligations mechanism. Small sites fall below the threshold for seeking affordable housing or may have viability issues. Overemphasis on delivery on small sites further undermines the ability to deliver large enough numbers of affordable housing in East Devon to meet our Affordable Housing Need (AHN) as evidenced in our Local Housing Need Assessment 2022, and the forecast of delivery as evidenced in our Interim Housing Topic Paper November 2022. The issues on small sites are as follows.

1. Small sites of 9 or less dwellings – only deliver affordable housing contributions on sites of 5 to 9 dwellings in Designated Rural Areas. These don't deliver affordable housing on site.
2. Small sites of 10 dws to 1 hectare:
 - a) regeneration sites in East Devon – often do not deliver affordable housing due to viability issues
 - b) Greenfield sites (not exception sites) – we seek affordable housing (unless exempted) – but often applicants' assertions about viability issues results in the submission of Deeds of Variation reducing the amount of affordable housing delivered on sites through legal agreements.
3. Exception sites – we have policy in our adopted Local Plan , and in the emerging Local Plan towards Rural Exception sites, requiring at least 66% affordable dwellings. Where this policy can be applied there has been successful delivery of affordable housing BUT there have not been a large number of exception sites planning applications. It may well be that land owners/developers are not putting forward land as exception sites in the

hope of getting planning permission in the future for more market housing on sites adjoining development boundaries. This is taking advantage of the Government's changes to rural planning policy that have occurred since 2012

The work of the Council's Housing Task Force is evidence that alternatives to the traditional planning obligation route also need to be pursued, and this is highlighted in the proposed response to question 24

Proposed EDDC response to Question 24

East Devon District Council considers that the small sites policy has unintended consequences. Overemphasis on delivery on small sites undermines the ability to deliver large enough numbers of affordable housing through development in East Devon to meet our Affordable Housing Need (AHN). This is partly because government imposed thresholds mean that small sites of 9 or less dwellings are not required to provide affordable housing other than in designated rural areas where those of 5 to 9 dwellings make a financial contribution. This means that increasing the proportion of housing delivered on small sites would reduce the levels of affordable housing being delivered as it is the larger sites that achieve this.

Small sites can be financially challenging to deliver as they are often highly constrained and so it is more than planning support that is needed but also financial support and not just to SME's but also to local authorities who are able and willing to directly deliver housing on small sites.

EDDC is exploring how to deliver additional social and affordable housing in ways other than the traditional route of planning obligations. The work of a new EDDC Housing Task Force is at a very early stage. Members aspire to increase our social and affordable housing portfolio and have allocated resources to achieve this. The aim is to deliver a pipeline programme of directly delivered housing developments, maximise the relationships we have with development partners such as Registered Providers (RPs), Community Land Trusts (CLTs) and pushing for adherence to Section 106 agreements in place with volume builders, amongst other things. This includes

- looking at Council assets in new ways and we have publicised our desire to acquire development sites externally, these will likely be smaller sites of under 30 homes to be delivered as 100% social/affordable rents.
- the Council's own housing stock provides another potential route to deliver additional affordable dwellings.
 - A Stock Condition Survey is underway and there is an expectation that this will highlight areas within our portfolio that would greatly benefit from a stock regeneration programme. This will be a huge area of opportunity for us to build better quality, sustainable, carbon neutral homes in higher density, allowing us to maximise the land resource we have available
 - A significant number of our post war homes have huge gardens which many tenants struggle to maintain. This land can be used to provide additional new housing whilst ensuring that all homes have gardens (houses) or access to beautiful green spaces (flats etc)

- The council is exploring the use of Modern Methods of Construction allowing us to develop previously overlooked land such as a disused garage and brownfield sites etc.

Q.25: How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

Proposed EDDC response to Question 25

The Council's response to Question 24 is evidence that a more creative approach is needed to increase the delivery of affordable housing. National Planning Policy is not enough. What is needed is the combined and concerted actions of housing and planning authorities, including directly delivered housing development to boost supply.

Local Plan policies already consider how the spatial strategy distributes growth in ways that support affordable housing delivery, and has proposed sites within urban areas for redevelopment.

The Council is aware that a limited number of Neighbourhood Plans in East Devon include sites allocations as well as Rural Exceptions and delivering affordable housing. Prioritising the redevelopment of small brownfield sites in urban areas would help to encourage sites to come forward, otherwise the focus is on developing larger greenfield sites in order to achieve the 5 year housing land supply.

Q.26: Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

Questions 26 to 29 relate to ways to encourage a greater role for community-led housing groups. Government is seeking views on:

- a) Whether the definition of “affordable housing for rent” should be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes.
- b) How to ensure that any change aligns with the Government's drive (including through the Social Housing Regulation Bill) to ensure that social housing is of good quality and that residents can have access to swift and fair redress.
- c) How to make it easier for community groups to bring forward exception sites for affordable housing in rural areas, as they are often particularly well placed to understand community needs and aspirations.
- d) Whether there are any major barriers for community groups in making use of the existing rural exception sites policy
- e) Whether there are any broader changes that government could make to encourage community involvement in affordable housing delivery, particularly in rural areas

The Government proposals include amending the NPPF Glossary – by adding the following:

“Community-led developments: *Community-led developments are those that are driven by non-profit organisations that are owned by and accountable to their community members. The community group or organisation owns, manages or stewards the homes and other assets in a manner of their choosing, and this may be done through a mutually supported arrangement with a Registered Provider that owns the freehold or leasehold for the property. The benefits to the specified community are clearly defined and legally protected in perpetuity”.*

Proposed EDDC response to Question 26

East Devon District Council, in principle supports the proposed amendment to the NPPF Glossary to include community led developments, as securing an RP Partner is often the most challenging of CL developments with some failing to do so. However we feel there will need to be appropriately robust safeguards in place including the quality of affordable housing provided, consistency with local occupancy policy, and availability in perpetuity. We also support the proposed changes at paragraphs 60 and 80 which further support community led development.

Q.27: Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

See text following Question 26. There are examples of community led schemes through Community Land Trusts on Rural Exception Sites in East Devon.

Proposed EDDC response to Question 27

East Devon District Council, is not proposing changes to the NPPF exception site policy. EDDC in principle supports the potential for community led developments on Rural Exception sites, provided there are appropriate safeguards including the standard of affordable housing provided, consistency with the minimum percentage of affordable housing on the site, local occupancy policy, and availability in perpetuity.

Q.28: Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

See text following Question 26.

Proposed EDDC response to Question 28

East Devon District Council has no further comment at this time

Q.29: Is there anything else national planning policy could do to support community-led developments?

See text following Question 26.

Proposed EDDC response to Question 29

A neighbourhood plan is often the starting point for a community led development, however this is a long, time consuming and resource intensive piece of work for any community to undertake. It is understood why this is the case since it will form part of the Development Plan, however there is currently no stream lined way of reviewing a neighbourhood plan and

so we have concerns that communities that spent a lot of time and effort getting a neighbourhood plan through and made may face having to do this all over again when the plan is out of date. A simplified process of review would enable a neighbourhood plan to be refreshed on a regular basis and additional community led development to come through more easily perhaps with just the changes and new parts of the plan to be examined and subject to referendum. Currently these kind of changes would need an entirely new neighbourhood plan since only minor changes can be made otherwise.

Q.30: Do you agree in principle that an applicant's past behaviour should be taken into account in decision making? If yes, what past behaviour should be in scope?

Questions 30 to 32 cover proposals in the consultation relating to the role of developer 'behaviour.'

Separately from the immediate changes to the NPPF, Government is consulting on '*potential ways to improve developer accountability and, in particular, take account of past irresponsible behaviour in decision-making*'. Prospectus Ch5 paragraph 19 emphasises that there are "*instances of irresponsible individuals and companies persistently breaching planning controls or failing to deliver their legal commitments to the community are not uncommon. In their view, public confidence in the planning system is undermined if planning rules are deliberately ignored and there is no sanction against such behaviour.*"

This is part of a wider Government policy approach towards creating a planning system "*where communities are more welcoming of new development*".

The Levelling Up and Regeneration Bill already includes a package of planning enforcement reforms designed to enable local planning authorities to take more effective enforcement action against unauthorised development. These include removing the 4 year rule for immunity for residential development making the 10 year rule apply to all uses, the ability to serve an enforcement warning notice to formalise some letters currently written by LPA's and increased fines. However, the Government wants to go further. Prospectus Ch 5 paragraph 20 states that "*We are keen to explore whether past irresponsible planning behaviour should be taken into account when applying for planning permission. This would ensure bad developers cannot continue to play the planning system, helping to strengthen local communities' trust in it.*"

In Paragraph 21 the Government recognises "*the long-standing principle that planning decisions should be based on the planning merits of the proposed development – and not the applicant. This principle is critical to ensuring the planning system is fair, open and focused on land use considerations. Nonetheless, there are instances where personal circumstances can be taken into account, and we consider it would be legitimate to consider widening this scope to include an applicant's past irresponsible behaviour.*"

Officers have concerns about applying the term 'irresponsible' to the implementation of planning permissions in the context of forecasting housing delivery (the slow build out referred to in Paragraph 22). In particular, the evidential issues about demonstrating such behaviour Detailed concerns are set out in the Council's responses to Questions 31 and 32.

Proposed EDDC response to Question 30

East Devon District Council would agree in principle that an applicant's past behaviour should have consequences however taking it into account in decision making is fraught with difficulties and would be a worrying shift in approach to what constitutes a material planning consideration. Even if the past behaviour is clearly defined it would be very hard to police as developers would simply get someone else to apply on their behalf. It would also encourage objectors to developments to make claims about the applicants behaviour to influence decision making whether true or not. Many such claims may be libellous or inflammatory and could not be published and yet this change would require us to consider such matters.

These issues should be dealt with through stronger enforcement powers at the time the irresponsible behaviour occurs and the Council considers that the changes in the Levelling up and Regeneration Bill do not go far enough in this regard. The Council should have the powers to impose fines on unauthorised developments directly rather than having to go through the service of a notice and then prosecute through the courts. This process is so time consuming and resource intensive and developers know this and exploit it often dragging enforcement cases for months if not years. This severely harms the credibility of the planning system. It is also wrong that planning authorities can only take enforcement action against development that is harmful in planning terms leaving those that undertake unauthorised developments for which consent would have been granted to get away with it. None of the measures proposed by the government address these fundamental problems with planning enforcement.

Taking account of applicants past behaviour in decision making would undermine a basic principle of decision making on planning applications which is that it is based on the planning merits of the proposal. This change would open a pandora's box of other issues that could come into the decision making process for example if we are to have regard to applicants past behaviour why would we not have regard to an applicant's good behaviour or indeed other personal circumstances.

The importance of development delivery is recognised, however the Council considers that the Government should carefully reconsider its proposals to take applicants' past behaviour into account in decision making application when applied to housing delivery. The Council considers that there are more effective ways of speeding up housing delivery and delivering higher quality development and places. The Council's detailed comments are in its response to Questions 31 and 32.

If this proposals were to go ahead then Government should very clearly define what constitutes "irresponsible behaviour".

Q.31: Of the 2 options above, what would be the most effective mechanism? Are there any alternative mechanisms?

The Council's comments on Question 30 drew attention to the changes in the Bill and additional Government proposals in Prospectus Ch 5 paragraphs 20 and 21 about taking an applicant's past behaviour into account in decision making.

Question 31 focuses on Government proposals on how to take account of past irresponsible behaviour. This is wider than the current proposals in the Bill related to slow build out. In

Prospectus Ch 5 paragraph 22 the Government indicates that it “*considers there are at least two potential ways of take account of this past irresponsible behaviour:*”

- *option 1: making such behaviour a material consideration when local planning authorities determine planning applications so that any previous irresponsible behaviour can be taken into account alongside other planning considerations;*
- *option 2: allowing local planning authorities to decline to determine applications submitted by applicants who have a demonstrated track record of past irresponsible behaviour prior to the application being considered on its planning merits - similar to the amendment which we have already made to the Levelling Up and Regeneration Bill allowing local planning authorities to decline to determine new applications on sites where the build out of development has been too slow.”*

In light of the proposed response to Question 30, Members may conclude that neither option proposed in Prospectus Ch 5 paragraph 22 is appropriate. Rather than spending resource on trying to measure, record and deal with alleged “irresponsible behaviour”, including slow development, the Government should consider whether it would be more efficient and effective to ensure that there is adequate resourcing of planning authorities to strengthen pre-application input, to expedite the processing of applications, to strengthen monitoring and intelligence functions, to strengthen plan-making evidence, and to review the currently onerous tests in PPG regarding deliverable development.

Comments regarding the proposals relating to addressing slow development is set out under Question 32.

Proposed EDDC response to Question 31

Aside from the in-principle concerns set out in the answer to question 30 East Devon District Council’s has concerns about the ability to have robust evidence of irresponsible behaviour capable of withstanding close scrutiny at appeals and in courts which is likely to be required if either option were implemented.

In the absence of robust evidence then there is a risk of

- subjective judgement and decision making based on information not in the public domain and a subsequent loss of transparency
- non-planning matters being brought into consideration on the grounds of ‘irresponsible behaviour’
- challenges to decisions made that will divert planning resources from core development management and plan making functions

Option 1 is particularly concerning because it can take “any” previous irresponsible behaviour into account when making decisions. The evidential bar is unclear. More applications might be refused but there could be more appeals. Ultimately this could lead to acceptable applications which may have wider public benefits such as creating jobs or delivering affordable housing being turned away because of previous irresponsible behaviour or if not refused on this basis the Council being seen to turn a blind eye to this despite it being a consideration.

Of the 2 options Option 2 is preferred as by simply refusing to consider applications many of the concerns with option 1 would be avoided but clarity would be needed on what constitutes irresponsible behaviour and the evidential bar to be met. Declining to determine an application could still be challenged through an appeal process taking up significant resource while applications that could be beneficial would potentially be turned away before even being considered.

Q.32: Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

Speed and timing of house-building is directly relevant to the achievement of the East Devon local plan's vision and objectives and related housing requirement policies. How soon all the permissioned dwellings can be completed depends on:

- Lead in times between planning permission and the first dwelling being built, and
- The speed of build out (ie the number of dwellings completed per year).

The issue of slow or delayed delivery is seen by Government as part of the wider issue of potential barriers to housing delivery. Through proposals in the Bill the government propose:

- House-builders will be required to formally notify local authorities, via a Development Commencement Notice (DCN), when they commence development.
- Existing powers for local authorities are to be modernised and streamlined to serve a completion notice (so that if the development is not completed within the period specified in the notice, the planning permission for unfinished development lapses)
- Housing developers will be required to report annually to local authorities on their actual delivery of housing against a proposed trajectory that they submit on commencing a scheme for which they have permission; and
- Local planning authorities will have discretion to decide whether to entertain future planning applications made by developers who fail to build out earlier permissions granted on the same land.

Government expects local authorities to '*do their bit*' in promptly processing planning permissions and discharging conditions. An increase in planning fees that Government intends to consult on is intended to help resource local authorities to do this.

Question 32 relates to 3 measures set out in paragraph 25, as follows:

"25. To further strengthen this package, following passage of the Bill, we intend to introduce 3 further measures, via changes to national planning policy:

a) We will publish data on developers of sites over a certain size in cases where they fail to build out according to their commitments.

b) Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (which is the rate at which homes are sold or occupied).

c) The National Planning Policy Framework will highlight that delivery can be a material consideration in planning applications. This could mean that applications with trajectories that propose a slow delivery rate may be refused in certain circumstances.”

Government is seeking initial views on these measures ahead of consultation as part of a fuller review of national planning policy next year. Government will “*be launching a separate consultation on proposals to introduce a financial penalty against developers who are building out too slowly*” as signalled in Prospectus paragraph 27.

Officer assessment of the proposed measures leads to the issues highlighted in the proposed response to Question 32. The Government’s anticipates that these measures will “*improve transparency and public accountability over build out rates once permission is granted, empower local authorities to take account of build out considerations when making planning decisions, and give authorities stronger tools to address build out problems where they arise.*” Whether this will lead to significantly faster housing delivery is uncertain, in light of the concerns set out in the Council’s response.

Proposed EDDC response to Question 32

East Devon District Council highlights the following as key issues regarding build out measures, to which the Government should give further consideration:

- a) Government in ‘publishing data’ will increase the burden on the planning authority to monitor development (by developer and site size), to capture the ‘commitments’ information and compare this to actual completions and updated forecast. We are not adequately resourced to do this. It is unclear whether minor as well as major housing development applications will need to provide commitments and trajectory.
- b) There will be an increased burden on the development management process in ensuring that Development Commencement Notices are received and contain the correct information. What will be the consequence if they are not submitted? Where are the resources to deal with this coming from?
- c) What happens if the site is sold to another developer/builder? Are they to be held to the previous ‘commitment’ and housing tenures diversity? What happens if companies merge? Does the ‘clock’ reset?
- d) The Planning authority will still need to assess the achievement of commitments annually at a fixed Monitoring Point (ie 31 March) and will need to contact developers to understand why permissioned development has or has not progressed as forecast. Currently this is an important data requirement in PPG, and is part of the evidence audit trail. This work requires resource to be available to prepare and undertake this contact process. Government should factor this in to the data capture timescales if this information is to be provided for national statistics.
- e) Could the planning authority be challenged at local plan examination and at appeal if it has accepted the commitments data but actual delivery is delayed?

At EDDC we have been capturing evidence on housing lead in times and build rates to assess whether there are realistic prospects of delivery in the 5 years, or whether sites are potentially developable. We can and do challenge lead in times and build rates which developers indicate in their responses to our monitoring inquiries. In our experience, the

developers forecast of lead-in times and build rates for their individual sites which they provide to us do not factor in their competitors' development. When we review developers/builders information, sometimes we conclude that their timescales are too short (eg too optimistic for some stages of lead in) or their build rates are too ambitious (eg when sites at a settlement are considered 'in-combination'). We would therefore question the weight that can be given to the trajectories that would be provided by developers under this proposal.

Chapter 6 – Asking for beauty – this chapter contains Questions 33 to 36 and text below sets out commentary related to the questions and a proposed response.

Q.33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

In its current format, the National Planning Policy Framework (NPPF) makes clear that the creation of high quality places and buildings is a fundamental requirement of the planning and development process. It highlights that good design is a key aspect of sustainable development and helps make development acceptable to communities. The consideration of good design and placemaking in the determination of applications has been enhanced in recent years with the publication of the National Design Guide, National Model Design Code, and Guidance Notes for Design Codes. East Devon's emerging Local Plan places a clear requirement for development to provide for the design of beautiful and healthy spaces and buildings (Chapter 11 - Designing beautiful and healthy spaces and buildings).

The proposed Bill will go further and require every local planning authority to produce a design code / design codes for its area. The requirement is for a district-wide design code and/or smaller area and development specific design codes to guide and improve future design, development and placemaking. These codes will set simple clear minimum standards on development in that area – such as height, form and density. Codes will have statutory status when making decisions on development, either through forming part of local plans or being prepared as a supplementary plan. They will empower communities, working with local authorities, to have a say on what their area will look like by setting clear standards for new, beautiful development.

Proposed EDDC response to Question 33

East Devon District Council supports the changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development. The supporting guidance contained within the National Design Guide, National Model Design Code, and Guidance Notes for Design Codes provide clarity and are further enhanced through available assessment frameworks such as Building for a Healthy Life.

The pilot schemes for the production of design codes at multiple planning authorities suggested that significant funding and resource was essential to produce effective codes.

We would encourage central support and additional production resources to be made available to authorities to facilitate effective design codes.

Q.34: Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places' to further encourage well-designed and beautiful development?

The Building Better, Building Beautiful Commission published its final report – Living with Beauty – on 30 January 2020. The report proposed a new development and planning framework, which will:

- Ask for Beauty
- Refuse Ugliness
- Promote Stewardship

From the report:

'Ask for Beauty. We do not see beauty as a cost, to be negotiated away once planning permission has been obtained. It is the benchmark that all new developments should meet. It includes everything that promotes a healthy and happy life, everything that makes a collection of buildings into a place, everything that turns anywhere into somewhere, and nowhere into home. So understood beauty should be an essential condition for the grant of planning permission.

Refuse Ugliness. People do not only want beauty in their surroundings. They are repelled by ugliness, which is a social cost that everyone is forced to bear. Ugliness means buildings that are unadaptable, unhealthy and unsightly, and which violate the context in which they are placed. Such buildings destroy the sense of place, undermine the spirit of community, and ensure that we are not at home in our world.

Promote Stewardship. Our built environment and our natural environment belong together. Both should be protected and enhanced for the long-term benefit of the communities that depend on them. Settlements should be renewed, regenerated and cared for, and we should end the scandal of left-behind places, where derelict buildings and vandalised public spaces drive people away. New developments should be regenerative, enhancing their environment and adding to the health, sustainability and biodiversity of their context. For too long now we have been exploiting and spoiling our country. The time has come to enhance and care for it instead. Our recommendations are designed to ensure that we pass on to future generations an inheritance at least as good as the one we have received.'

The recommendations and principles of the report have directly informed the focus on beauty now contained in the NPPF. The subjectivity of 'beauty' is recognised by the report and indeed highlighted as a term often avoided to the cost of placemaking.

The report quotes –

'Today to talk of beauty in policy circles risks embarrassment: it is felt both to be too vague a word, lacking precision and focus and, paradoxically given its appeal by contrast with official jargon, elitist. Yet in losing the word 'beauty' we have lost something special from our ability to shape our present and our future.' FIONA REYNOLDS (2016)

Good design, placemaking, and beauty are all terms that potentially contain high degrees of subjectivity in their assessment and value. Design codes, supported by policy and national guidance, do however provide developers with an understanding of the assessment criteria for such terms, whilst not limiting well-designed and beautiful development.

Proposed EDDC response to Question 34

East Devon District Council supports the emphasis on 'well-designed places' and we understand the context of the word 'beautiful' to be informed by the Building Better, Building Beautiful Commission's final report – Living with Beauty (30 January 2020). However the word is too subjective and sets a very high bar in many people's minds. Quite often developments that are well-designed and attractive places that are perfectly acceptable in planning terms would not necessarily be described as beautiful. Equally many commercial developments such as business units and logistics parks have operational requirements which means they will never be beautiful and yet we still need them to be built.

Q.35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

The consultation states –

'it is important that local planning authorities have visual clarity on the design of development as part of the planning application process by ensuring conditions refer to clear and accurate plans and drawings. This will help support effective enforcement and ensure well-designed and beautiful places where the design quality of approved development is not materially diminished after a scheme is permitted. We propose to amend the Framework to encourage local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process.'

It is not uncommon for planning conditions to specify that development should be in accordance with referenced plans and drawings provided with the application.

Proposed EDDC response to Question 35

East Devon District Council agrees that greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action. However this relies on clear and accurate plans being submitted at the outset which relies on having clear validation requirements that prevent application that do not provide the requisite information getting into the system in the first place. The requirement to review and readopt a

local validation checklist every 2 years is an unnecessary and significant burden on local planning authorities. In reality requirements do not change significantly in that time and this period could be extended to 5 or more years.

Q.36: Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

The consultation states –

Embracing gentle density

Building upwards in managed ways can help deliver new homes and extend existing ones in forms that are consistent with the existing street design, contributing to gentle increases in density. The Framework sets out how local planning policies and decisions should consider airspace development above existing residential and commercial premises for new homes. This includes allowing upwards extensions where the development would be consistent with criteria relating to neighbouring properties and the overall street scene, as well as being well-designed and maintaining safe access and egress for occupiers.

In some locations, local planning authorities have been reluctant to approve mansard roof development, as it has been considered harmful to the character of neighbourhoods^[footnote 7]. As a general approach, this is wrong - all local planning authorities should take a positive approach towards well designed upward extension schemes, particularly mansard roofs. It is proposed that a reference to mansard roofs as an appropriate form of upward extension would recognise their value in securing gentle densification where appropriate.

Proposed EDDC response to Question 36

East Devon District Council recognises the role of appropriate upward extension schemes to contribute to gentle increases in density. We do not however agree that the specific prioritisation of mansard roof development is justified. Mansard roofs may be appropriate in some areas but would be harmful to the character and appearance of other settlements where alternative solutions may be preferable. We would suggest that guidance encourages upward extensions where this can be achieved without causing harm to the character and appearance of an area but the specific use of Mansard roofs should be left to local level design guides and decision making having regard to the character of the local area.

Chapter 7 – Protecting the environment and tackling climate change

– this chapter contains Questions 37 to 40 and text below sets out commentary related to the questions and a proposed response.

Q.37: How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?

The text supporting question 37 sets out Government commitments to supporting and enhancing the natural environment and this is something that is reflected in the policy approach of the emerging new East Devon local plan. The prospectus highlights a number of the more significant approaches that the government set out in policy and guidance but specifically ask about potential options for smaller scale interventions. It refers to small scale interventions such as bat and bird boxes, bee and swift bricks and hedgehog highways. It also refers to limiting the use of artificial grass which has no value for wildlife.

Proposed EDDC response to Question 37

East Devon District Council does not highlight any specific smaller scale interventions but would identify that the key issue is that local planning authorities should be afforded greater power through legislative and policy revisions to establish and determine interventions that are appropriate at a local level. National policy should allow planning authorities to follow though at a local level with policy production and decision making that ensures local priorities and initiatives carry weight in decision making and implementation.

Q.38: Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?

This question relates to the importance of food production the text advises “..... *an aim to broadly maintain domestic production at current levels to build the UK’s resilience to future crisis and shocks. We have some of the best performing farms in the world, with 57% of agricultural output coming from just 33% of the farmed land area.*”

Views are sought on the approach to valuing the most productive land with a change to an NPPF footnote (presumably 67 rather than 58 as referencing on the consultation text) that highlights the relevance of considering food production value of land as a consideration alongside other matters when deciding what sites are most appropriate for development.

Proposed EDDC response to Question 38

East Devon District Council are happy to support the proposed amendment to the NPPF noting that we are a District with a substantial agricultural industry. We would, however, highlight the inevitability of tensions between such objectives as resisting the loss of high quality land whilst also having to accommodate large levels of development. This can be especially challenging, as we find, when there are significant overall constraints to development (for example 2/3rds of our District is designated as AONB) and there may be sound logical strategic planning reasons to develop in certain areas when such areas may also be where the most productive land is found.

The approach to best and most versatile agricultural land is very difficult to administer as the soil quality of land changes over time and publically held data on this is very high level and

old. Applicants will often submit their own surveys to demonstrate a site is of grade 3b or lower but there are concerns about how reliable this data is. There is also a more fundamental issue that the grade of the land is perhaps less important than what it is actually being used for. Even high grade land in the district is often not actually being used for food production as there are many other factors at play than just the quality of the soil that impact on what land is used for. It is considered that further work is needed on this issue and more publically held data made available on the quality of soil resources and what land is being used for food production and is capable of being economically used for food production. This would enable greater levels of protection to be given to areas that can genuinely help to feed the nation and enable us to reduce the protection of high grade agricultural land that could never for whatever reason be used for these purposes.

Q.39: What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

This question relates to issues in the prospectus around understanding and quantifying the impacts of planning decisions and development on carbon emissions. This could cover a range of factors including locational, design, travel and development choices.

Proposed EDDC response to Question 39

East Devon District Council would welcome, in principle, greater importance being attached to understanding emission levels and for such matters to be given greater weight in planning decision making. We would, however, wish to highlight the complexity that will most likely be attached to gathering and assessing relevant information and as such the timing and cost implications this may have. Should the Government wish to pursue carbon impact assessment approaches, which we can see the clear logic for so doing, then careful consideration will certainly be required to ensure they can be efficient and robust and also that they are afforded appropriate weight in the actual decision making processes.

We are trying to push forward with a local plan that requires new development to be zero carbon, however the guidance in the NPPF is currently deficient in this regard and this needs to be addressed so that the framework is more ambitious in how it seeks to address climate change. Carbon Impact Assessments could be a key part of that but local authorities need to be appropriately skilled and resource to consider these issues.

Q.40: Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

This question relates to text in the prospectus around climate adaption and flood risk management and is particularly concerned with such matters as the role that nature based solutions may play in helping to adapt to a warming planet and its impacts and implications. The text refers to the impacts of flood risk and implementing further elements of the Flood and Water Management Act 2010 in relation to requirements for sustainable drainage systems. It then refers to doing more to address issues such as overheating, water scarcity and says that

it should do more to focus on nature based solutions such as incorporating more green infrastructure into developments.

Proposed EDDC response to Question 40

East Devon District Council would not wish to highlight any specific initiatives noting that much, in-principle is already known anyway. But we would stress that we would see great importance being attached to planning policy and planning decisions supporting nature-based solutions in response to climate adaptation.

Chapter 8 – Onshore wind and energy efficiency – this chapter contains Questions 41 to 44 and text below sets out commentary related to the questions and a proposed response.

Q.41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Text in this section of the prospectus relates to on-shore wind farms and the first two questions are specifically related to *“re-powering of renewable and low carbon energy”* which means replacing old technologies on existing sites with newer and more efficient or better equipment, for example older wind turbines with new and potentially bigger turbines.

Members will be aware that there are comparatively few existing wind turbines in East Devon though there are a much greater number of solar farms.

The revisions to the NPPF, new paragraph 157, would see reference added to the text in respect of future repowering of existing sites and their maintenance. This wording would sit alongside existing text that does also currently highlight consideration of adverse impacts and as such the amendment is seen as desirable.

Proposed EDDC response to Question 41

East Devon District Council would support, in-principle, the changes proposed. We note that existing text around avoiding adverse impacts is retained and regard that impact considerations will form part of the planning balance in decision making.

Q.42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

The changes to the existing paragraph 158, new paragraph 160 of the NPPF, incorporate text which can be seen as an expansion on matters addressed in response to Question 41, in response we suggest a similar answer.

Proposed EDDC response to Question 42

East Devon District Council would support, in-principle, the changes proposed. We note that text is included around avoiding adverse impacts and these will form part of the planning balance in decision making.

Q.43: Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?

Do you have any views on specific wording for new footnote 62?

Of more contention than up-grading existing on-shore wind farms sites are provision of new sites and the prospectus notes that *“The (current) National Planning Policy Framework currently expects that for any proposed wind energy development to be considered acceptable, it should be located in areas identified as suitable in the development plan and following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has community backing”.*

As currently drafted the NPPF places considerable constraints on new wind farm development and as such there have been few new on-shore windfarms built in England in recent years, that is despite advances in technology and the fact that on-shore wind turbines produce some of the cheapest renewable electricity.

Changes to footnote 54 of the existing NPPF, footnote 63 in the amended draft, provide more flexibility for securing new on-shore windfarms. It is suggested that given that the Council has signed a climate emergency we should welcome changes, in-principle, that provides greater scope for on-shore wind turbine development. Albeit East Devon is not as windy as many parts of the south-west of England so is not as technically suitable for new wind farms as other areas and we do retain significant constraints in terms of protected AONB landscapes and large extents of undeveloped coastline that are also afforded protection.

Proposed EDDC response to Question 43

East Devon District Council supports wording changes that would give greater support for new on-shore wind turbines being built. We recognise that decisions on development should take into account environmental and other constraints and also public opinion, expressed through comment on matters relevant to planning, should form part of the mix in making decisions.

Q.44: Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

Text in the prospectus advises *“We have also committed to review the practical planning barriers that households can face when installing energy efficiency measures in their homes, such as improved window glazing and better insulation; and particularly relevant to conservation areas and listed buildings. To help the delivery of such measures, we have proposed adding new Paragraph 161 to the National Planning Policy Framework to clarify that significant weight should be given to the importance of energy efficiency through adaptation of buildings, whilst ensuring that local amenity and heritage continues to be protected.”*

The new paragraph 161 addresses matters referenced above.

Proposed EDDC response to Question 44

East Devon District Council, in-principle, supports the proposed changes but it is recognised that there may be challenges around compatibility with heritage concerns. Protecting and enhancing our built heritage assets remains a very important consideration and the wording of paragraph 161 should be revised to give greater clarity about the weight to be given to these issues and how this should be balanced against impacts on the significance of heritage assets. Currently the text simply says that the policies in chapter 16 of the framework should be “taken into account”.

Chapter 9 - Preparing for the new system of plan-making – this chapter contains Questions 45 to 48 and text below sets out commentary related to the questions and a proposed response.

Q.45: Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

The prospectus highlights that changes to the plan making system will come in through the levelling-up bill. These include simplified plans that can be produced more quickly and will carry greater weight in decision making. These will have longer term impacts but before then the prospectus highlights transitional arrangements that will provide for continuation of current plan making under the existing rules.

The prospectus advises “..... *we are proposing that plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework; this will mean that existing legal requirements and duties, for example the Duty to Cooperate, will still apply.*”

The Council’s Local Development Scheme shows submission well before this date so assuming that current timetables are adhered to we would expect to proceed under existing rules. We would suggest the proposed timetables for completing plans under the current rules are reasonable.

Proposed EDDC response to Question 45

East Devon District Council would consider that the proposed timeline for finalising local plans is reasonable.

Q.46: Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

When the new legislation does come into play there will be new and demanding timelines for plan preparation. The prospectus advises “*Under the reformed system, which we expect to go live in late 2024, there will be a requirement for local planning authorities and minerals and waste planning authorities to start work on new plans by, at the latest, 5 years after adoption of their previous plan, and to adopt that new plan within 30 months.*”

Starting work on a new plan within 5 years of previous plan adoption is not, in-principle, an unreasonable thing to do as long as resources are available, and the political will and decision is made to proceed. However completing a plan in 30 months (2½ years) can be seen as far more challenging, at least so under current plan making rules.

To ease the challenges of transitioning to the new system the Government propose to give 30 months leeway for new plan production advising *“we also intend to set out that plans that will become more than 5 years old during the first 30 months of the new system (i.e. while the local planning authority is preparing their new plan), will continue to be considered ‘up-to-date’ for decision-making purposes for 30 months after the new system starts.”*

Proposed EDDC response to Question 46

East Devon District Council recognise the up-to-test timing to be reasonable, albeit we would raise concerns around the fundamental challenges associated with producing a local plan, from beginning to end, in a 30 month time period. Any new system requires time to bed in and so while it is understood that new style local plans will be simpler and quicker to produce the 30 month time period to do this while adjusting to a new system is considered to be very challenging and should be extended.

Q.47: Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

The prospectus advise *“We are proposing that neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. ‘Made’ neighbourhood plans prepared under the current system will continue to remain in force under the reformed system until they are replaced.”*

We would suggest this sounds reasonable.

Proposed EDDC response to Question 47

Based on our extensive experience of supporting neighbourhood plan preparation in East Devon, with 25 plans now made, East Devon District Council would consider the cut-off date to be reasonable. To support us to most effectively continue to deliver our statutory duty to support communities with their neighbourhood plans, including in considering the relationship with our emerging Local Plan (currently anticipated to be submitted for examination in 2024), we would welcome early clarity, certainty and guidance from the Government about the future system. We also welcome the clarification in the prospectus that plans already made will remain valid until such time as they are reviewed / replaced.

Q.48: Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

The prospectus advises that *“In the reformed planning system, authorities will no longer be able to prepare supplementary planning documents (SPDs). Instead, they will be able to prepare Supplementary Plans, which will be afforded the same weight as a local plan or minerals and waste plan. We are proposing that when the new system comes into force*

(expected late 2024), existing SPDs will remain in force for a time-bound period; until the local planning authority is required to adopt a new-style plan. Current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place.”

The Council has a number of SPDs though some are dated and under current legislation we have struggled to see if clearly old SPDs can be formally withdrawn. Under the new system it is proposed that SPDs, at present, will cease to exist but new Supplementary Plans will come into play and they will carry more weight than SPDs, by default (though its not explicitly stated) it would appear they become part of the Development Plan.

Over time we will, no doubt, want to give further consideration to Supplementary Plans and we can presume (or at least hope) the Government will issue more guidance on what they are for, what they will do, and how they will be produced etc. The Prospectus gives few clues to answer these questions. What it does do, however, is give a time based expiry period to existing SPDs related to periods for new local plan production.

Proposed EDDC response to Question 48

East Devon District Council is of the view that the transitional arrangements would be reasonable but it is not possible to give more specific comment as there is a considerable lack of clarity on what Supplementary Plans are or will be. It is suggested that Government consult again on this matter when they can provide greater clarity.

Chapter 10 – National Development Management Policies – this chapter contains Questions 49 to 52 and text below sets out commentary related to the questions and a proposed response.

Q.49: Do you agree with the suggested scope and principles for guiding National Development Management Policies?

One of the major changes that is set out in the levelling-up bill is the proposals for the introduction of national Development Management policies. The expectation is that in the future a standardised set of national policies will apply across the whole of England that will be used, alongside slimmed down local plans and neighbourhood plans in the determination of planning applications.

In the future, therefore, the East Devon Local Plan could be expected to include policies that are clearly East Devon specific and as such not appropriate for generic national policies whilst leaving ‘standardised’ matters to national coverage. It is worth highlighting that to some degree this type of approach does already exist in so far as the NPPF sets out national policy that is used in respect of determination of planning applications.

The undoubted challenge that will exist under the proposed new system (and already exists in respect of the NPPF) will be determining what is nationally relevant for policy coverage and what is local planning authority relevant and how or where a dividing line may exist between the two. Further to this are questions around the degree to which a local plan may add extra considerations or local flavour to a national policy or if this will or should be ‘off-limits’.

In the consultation the government specifically asks about the scope of the national policies (though they understandably) do not seek views on actual specific policies. The consultation advises:

“12. The government’s initial view is that National Development Management Policies would fall within 3 broad categories:

- 1. Existing policies aimed at decision-making already provided within the National Planning Policy Framework, subject to these being reviewed on a case-by-case basis so that the rationale for their inclusion is clear;*
- 2. Selective new additions to reflect new national priorities, for example net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important.*
- 3. Selective new additions to close ‘gaps’ where existing national policy is silent on planning considerations that regularly affect decision-making across the country (or significant parts of it).*

13. We also propose that any National Development Management Policies would adhere to a number of principles:

- Covering only matters that have a direct bearing on the determination of planning applications;*
- Limited to key, nationally important issues commonly encountered in making decisions on planning applications across the country (or significant parts of the country); and*
- solely addressing planning issues, in other words that concern the development and use of land. National Development Management Policies would not address subjects which are regulated through other legislation, for example the building regulations or acts relating to public health, pollution, and employment; although we are minded to retain the scope for optional technical standards to be set locally through plans, where these remain appropriate, so that local planning authorities can go above certain minima set through building standards.”*

In the proposed response we do not include any reference to challenging whether the Government should introduce national policies. Though if members do have concerns around this matter then they should highlight these and provide guidance or instruction on how they would wish for the Council to respond. In the suggested response, below, we do however highlight concerns around the practicalities of such policies and relationship with our own local plan policies.

Proposed EDDC response to Question 49

East Devon District Council would suggest that the scope and principles set out in the consultation look a reasonable starting point should proposals for National Development Management Policies progress. At this stage we would, however, reserve judgement on

whether such national policies will be a good thing accepting that avoiding duplication is in-principle good.

We would highlight that we see potential for significant challenges in drawing a dividing line between what is or should be set out at a national level in policy and what should fall to a local planning authority to determine as matters for a local plan to cover. This consideration has scope to be heightened if or when a planning authority might wish to add extra material to a national policy or consider that it has limitations or weakness when applied to the particular concerns or characteristics that apply to a specific planning authority area or parts within. This concern would equally apply with Neighbourhood Plans and how policies within them would sit with national development management policies and the divide between the two.

Q.50: What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Following on from the above the consultation the Government seek views on other principles that should apply.

Proposed EDDC response to Question 50

East Devon District Council would recognise the significant challenges that the Government face in respect of defining nationally coherent development management policies that are fit for use and application across the whole of England. In the context of this challenge, and a reality that there is so much variation across the country, we would highlight that one further principle that should be built into national policies, should they proceed, is that the flexibility should exist for local planning authorities to add extra considerations or value to such policies where local circumstances can be shown to justify such an approach. Further to this where evidence based, and tested through plan examination, there should be scope for a local planning authority to seek to establish grounds to not apply or use a national policy in their locality and take a different approach. But of course grounds for deviation would need to be objectively defined and thereafter assessed.

Q.51: Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

This questions feels rather oddly constructed and having read the prospectus text it is not really clear what is being asked. In the consultation text three topic areas are highlighted where the text advises of *“Indicative examples of ‘gaps’ where national policy is silent on common decision-making issues, which National Development Management Policies might address.. “*

The listed matters in the consultation are - Carbon reduction in new developments, Allotments and Housing in town centres and built-up areas. It not really clear why these examples are chosen and it suggested that we do not offer more than a ‘we reserve judgement’ response.

Proposed EDDC response to Question 51

East Devon District Council would not, at this stage, wish to comment and would choose to reserve judgement until more is published and known.

Q.52: Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

There are no doubt many matters across all or most of England that could be considered for Development Management Policy coverage. However, it's not suggested that we seek to cover or address them.

Proposed EDDC response to Question 52

East Devon District Council does not seek to identify issues at this stage but would be keen to remain engaged in discussion as proposals may progress. The government should consult on a draft set of national development management policies when produced so that detailed comments on their requirements, wording and any gaps can be made with full sight of what is proposed.

Chapter 11 – Enabling Levelling Up – this chapter contains Questions 53 to 56 and text below sets out commentary related to the questions and a proposed response.

Q.53: What, if any, planning policies do you think could be included in a new Framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

This chapter of the prospectus addresses matters around levelling-up and is somewhat more opened ended in terms of questions asked and potential scope for responses.

In Question 53 the question is asked about what else the NPPF could do in support of levelling-up. There are no specific amendments to the NPPF that are suggested in this officer response but we are mindful that there are wider initiatives that align or relate to planning that are worthy of highlighted, the suggested response, is therefore specifically geared around these.

Proposed EDDC response to Question 53

East Devon District Council would not suggest specific amendments or additions to the NPPF to support levelling-up but we do have specific experience of securing substantial inward investment into our District and accommodating substantial levels of growth.

Our experience has shown that the planning system, and allied to this the NPPF, is not really a significant constraint, though getting plans through Examination can be cumbersome and long-winded. What is much more important that the planning process, and policy, in terms of delivering major strategic development are powers and monies related to local

interventions by public sector bodies and partners to enable and ensure that high quality development will happen, specifically in respect to infrastructure provision that is needed to support and enable commercial driven development. This is specifically important noting that many commercial developers will lack the resources to pay substantial up-front costs and often will be too risk averse to do so.

The levelling-up agenda should, therefore, be supported by Government initiatives to support and fund more innovation in delivery vehicles and mechanism, specifically to include enhanced powers, monies and authority to local councils to facilitate high quality development. Allied to this should be scope to secure much more of the uplift in land values that development secures in order to fund necessary social, physical and environment infrastructure that is essential to actual implementation, securing the economic benefits that will be delivered and high quality place making.

Of the 12 levelling up missions the follow are considered to have the most direct land use/spatial implications;

Mission 1 – providing for improved employment opportunities will require ensuring a range and choice of available employment sites

Mission 3 – improving public transport connectivity may require focusing new development on public transport corridors

Mission 4 – digital connectivity can have spatial implications, for example in terms of ensuring a range and choice of service providers alongside wider building regulation requirements

Missions 7 & 8 – the Council has direct experience though the NHS Healthy New Towns programme of trying to secure improved health and wellbeing outcomes for residents.

Mission 9 – promoting the successful regeneration of town centres is an ongoing challenge, particularly in the face of changing retail demand

Mission 11 – designing our crime continues to be a key a consideration in the determination of planning applications

It will be important that these objectives are address in the suite of National Development Management Policies

Q.54: How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the levelling up agenda?

Text in the prospectus continues by advising of review of the NPPF to amend policies to promote further investment and growth that

“a. Make sure that local plans in every part of the country support new business investment and give existing business, including SMEs, the confidence to expand and grow.

b. Support the sectors and businesses that will drive up productivity. We want technology companies, life sciences and all those involved in Research and Development to invest more and grow more in every part of country – in line with the levelling up R&D mission.

c. Spread financial capital and investment to the places, projects and people that need it most. We want to empower local decision makers in those places to say yes to commercial development if it will drive economic growth, deliver new jobs, and stimulate innovation and productivity”

Proposed EDDC response to Question 54

East Devon District Council would repeat it's answer to Question 53 to this question noting that we would be supportive of Government initiatives and outcomes sought, but this should not mean that economic growth objectives are written to over-ride the full range of other planning considerations.

Q.55: Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

This question and scope for NPPF changes would have some relevance to East Devon, and our towns, but it is suggested that application and relevance is likely to far more relevant to cities and bigger urban areas. Text in the prospectus specifically talks about city development, none the less there is value in providing a favourable response.

Proposed EDDC response to Question 55

East Devon District Council would welcome greater strength in national policy to support and encourage brownfield land and higher quality urban development and renaissance. Further to the economic benefits that brownfield development in city and town centres may help deliver it also lessens the need for Greenfield development and as such has wider than economic benefits.

Q.56: Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?

The question asked is seen as self-explanatory and the answer is yes,

Proposed EDDC response to Question 56

East Devon District Council is strongly of the opinion that all possible initiatives should be taken to ensure women, girls and other vulnerable groups feel safe in our public spaces, The NPPF should be rigorously reviewed and amended to ensure potential to achieve the outcomes sought are embedded in national policy. We regularly consult with our local police on designing out crime issues, however further guidance on this issue would be helpful particularly in terms of striking the right balance between making spaces accessible and permeable from a design perspective and avoiding spaces that lack natural surveillance and encourage crime and anti-social behaviour. This can be a difficult balance.

Chapter 12 - Wider changes to national planning policy in the

future – this chapter does not contain any questions and we would not, therefore, envisage any responses being made. However, in this chapter of the Prospectus Government signals wider changes to NPPF that are likely to be needed to reflect the Bill and other aspects of Government policy. These would be additional to the proposed changes in the current consultation draft NPPF: The list is indicative and not exhaustive. For example, under plan-making chapter 12 lists the following: :

- any changes to the ‘soundness’ tests for assessing draft plans which may be appropriate so that plan examinations are proportionate;
- how infrastructure delivery strategies are to be prepared;
- the importance of effective community engagement in plan-making, including through digital means
- taking Neighbourhood Priorities Statements into account when preparing local plans; and
- other procedural changes to plan-making, including a fixed timetable for local plan production, the role of gateway checks, new data standards, streamlined evidence requirements and the introduction of Environmental Outcome Reports.
- how to encourage wider uptake of strategic planning to understand and resolve environmental issues in a joined up way. Strategic planning also needs to consider rural communities to ensure that local policies are tailored to their different needs.

It also signals the intention to introduce an Alignment policy which has been considered in paragraph 2.27 of this Committee report.

Chapter 13 - Practical changes and next steps – this chapter contains

Questions 57 to 58 and text below sets out commentary related to the questions and a proposed response.

Q.57: Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

This chapter is specifically concerned with presenting national policies in an accessible and used friendly manner.

Proposed EDDC response to Question 57

East Devon District Council would not wish to highlight specific approaches to bring about the objectives, but would stress the importance of high quality communication that is easy for end users to access and apply. Approaches taken should seek to integrate with other procedures so, for example, if or when national Development Management policies are written they should be presented in a way that seamlessly allows for them to be used in Development Management and processing software systems.

The NPPF and PPG should be searchable on-line to improve access and make it easier to locate the relevant sections. The current search engine searches the whole of the Gov.uk website and shows throws up a whole host of other documents whereas a specific search engine dedicated to the NPPF and PPG would make access much easier.

Q.58: We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document

The question below is specifically about Public Sector Equality Duty considerations.

Proposed EDDC response to Question 58

East Devon District Council recognises and applauds the importance of Public Sector Equality Duty considerations. These should be rigorously applied in Government work. We have no additional specific comments to raise at this point.

Chapter 14 – Table of questions – this chapter repeats all the questions that are responded to in the above report and so is not repeated and **Chapter 15 - About this consultation** – sets out process information about the consultation and privacy information.

Financial implications:

There are no specific financial implications regarding the council's finances on which to comment.

Legal implications:

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

Report to: **Strategic Planning Committee**



Date of Meeting 14th February 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Greater Exeter Economic Development Needs Assessment

Report summary:

This report advises of the Greater Exeter Economic Development Needs Assessment January 2023 report by the consultants Hardisty Jones into future employment needs in the District.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- 1. That Strategic Planning Committee note the Greater Exeter Economic Development Needs Assessment January 2023 report and agree 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;**
- 2. That Members note 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 the further work referred to in Section 4 of the report to more fully understand Economic Development issues in East Devon.**
- 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.**

Reason for recommendation:

To advise members of receipt of the consultants' work, to allow them to review the full report content, and to enable timely availability and use of the report as evidence.

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

Portfolio(s) (check which apply):

Climate Action

Corporate Services and COVID-19 Response and Recovery

Democracy and Transparency

- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change High Impact

Risk: Low Risk;

Links to background information

[Greater Exeter Economic Development Needs Assessment Hardisty Jones Associates Final Report;](#)

[Greater Exeter Economic Development Needs Assessment JLL Final Report](#)

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 In 2021 this council, working collaboratively with Exeter City, Mid Devon District and Teignbridge District Councils, produced a consultants’ brief for undertaking an update to a previous assessment into future employment needs for the Greater Exeter market area, broken down to assess the level of need for each of the four districts. The consultancy firm Hardisty Jones were appointed to undertake this work as they undertook the original Economic Development Needs Assessment (EDNA) in 2016 for the four districts as part of the then Greater Exeter Strategic Plan evidence base. This work was initially proposed for 2018 and was not intended to be a full repeat of the study, but rather to update areas that might have changed over that period. In addition to this work assessing likely employment needs, a market overview and assessment of potential supply has been provided as an appendix, by JLL property consultants.
- 1.2 Joint commissioning has been an efficient way to procure evidence, and ensure evidential consistency across the four districts in the Greater Exeter functional economic market area. Collaborative working also demonstrated a positive approach towards the Duty to Cooperate. Preparation of the EDNA included consultations with planning officers and economic development officers from the four authorities.
- 1.3 Although commissioned jointly by the four councils, it should be noted that in addition to the overall findings relating to the Greater Exeter Market Area, each council has its

own separate section of the report. This council therefore only considers noting the East Devon District report as evidence, not all four District reports.

- 1.3 In the case of this district, if noted as evidence, the EDNA will underpin our economic evidence base. Other evidence will add further sector-specific and site specific detail and further quantify the amount of provision that is needed.
- 1.4 The EDNA report enables the council to ensure that there is evidence on employment need that is up to date in accordance with the latest Government planning policy and practice guidance, and has been informed by available information.

2 Key EDNA findings

- 2.1 The report opens with an executive summary that provides a brief overview of key conclusions from the work, though for a more complete picture the report should be read in its entirety.
- 2.2 In line with the National Planning Policy Framework and the Planning Practice Guidance the focus of the EDNA report is on quantifying and justifying the economic development need for East Devon. Through the Local Plan the Council then needs to allocate enough employment land to meet the forecast demand over the 20 year plan period and support the delivery of allocated sites to ensure sufficient supply of suitable premises over the period. Members should be aware that there is an historic, and ongoing, issue with the delivery of suitable sites in the District despite sufficient land being allocated to meet previously identified demand. This is discussed later in the report.
- 2.3 The main body of the EDNA explains the methodology and assesses employment change, need arising from this change and likely demand for floorspace/sites in key employment sectors as a result. It also looks at the potential availability of sites to meet this need. This focuses on the Greater Exeter market area with detailed assessments being undertaken for each District in the appendices. The section relating to East Devon is appended to this report but should be read in the context of the whole report. In summary, the key conclusions which are particularly relevant to the emerging Local Plan are listed below:

Economic context

- 2.4 Greater Exeter is a growing area which has seen population, Gross Value Added and employment growth rates above the regional and national comparators. The working age population is also growing, and aside from Mid Devon, the population is better qualified than the national and regional populations.
- 2.5 East Devon accounts for approximately 20% of employment and GVA across Greater Exeter and employment growth rates are the highest of the local authority areas in Greater Exeter. A large proportion of this growth is concentrated in the West End of the district. Provision of B8 use class land should be prioritised to support growth in the Transport & Storage sector.

Economic forecasts

2.6 Economic forecasts for each district in Greater Exeter have been purchased from Cambridge Econometrics (CE) and Experian. These forecasts have been aggregated to find total employment growth for Greater Exeter. Both forecasters suggest similar levels of employment growth to 2040 and both take account of the impact of Covid-19, but there is still some uncertainty about the long-term effect of this on the economy. These forecasts are considered to provide a baseline to test different growth scenarios against. In order to develop a robust evidence base, the local authorities selected four scenarios to take forward for employment land modelling purposes:

- A 'Minimum' scenario which is based on selecting the lowest employment growth in each sector regardless of which baseline forecast this is.
- A 'Mid-point' scenario which takes the mid-point between the Cambridge Econometrics and Experian forecasts for every sector.
- A 'Clean growth' scenario which applies an uplift on the mid-point scenario to employment growth in the Information & Communication and Professional, Scientific & Technical Activities sectors. This is based on discussion with the 4 local authorities, and the review of local policies which indicate a desire to drive economic growth whilst also achieving net-zero carbon targets.
- A 'Maximum+' scenario, which is based on selecting the baseline forecast with the highest growth for each sector, plus accounting for the uplift in the clean growth scenario.

Across each of these scenarios a 'Homeworking+' adjustment has been applied to the office requirements to take into account the latent impact of the Covid-19 pandemic on working practices. This adjustment reduces the office requirement by 10% of the existing (2021) stock, but does not affect employment in the sectors with greater homeworking.

Additional Jobs

2.7 This figure shows the change in employment (no of full time equivalent jobs) in East Devon, under each of the four scenarios over the Local Plan period 2020-2040

Scenario	Minimum	Mid-Point	Clean Growth	Maximum +
No of jobs	3200	8400	9400	13700

The main report explains the sectoral changes that are predicted to occur. The greatest decline in employment is anticipated to take place in the manufacturing sector, although CE also predict a significant decline in retail trade whilst Experian predict a growth in that sector. Overall a reasonable level of growth is anticipated in most sectors, with construction and food and accommodation performing particularly strongly.

Requirements for Sites and Premises

2.8 In calculating the additional land which may be required to accommodate the additional jobs, a staged approach was undertaken:

- Firstly, the projected growth and decline of employment in particular sectors was converted to Planning Use Classes. This provides an indication of the spread of future employment change across the full range of Planning Use Classes and none. From that point onward the focus is on employment land Use Classes E(g), B2, and B8. The net employment changes in the E(g), B2, and B8 Use Classes are then converted to property and land requirements using employment and development density assumptions.
- Secondly, consideration was given to wider market factors, particularly the need to recognise the churn in the economy and the associated need to replace and upgrade buildings. This demand can be driven by existing companies needing more/less space, a different location, or a different type of premises. It can also be driven by new companies in the market, which may not find the right type of property available in the right location within the market. As a result, whilst a sector may see overall employment decline (although this still applies to growing sectors too), there are changes beneath the surface that continue to drive demand for sites and premises. This can be a particular issue where existing stock is ageing or where vacant sites are no longer in the locations that are suitable to modern occupiers. This also ensures provision is made for replacing sites that might be lost to other uses. This stage of the assessment also builds in an allowance for choice and flexibility, taking account of offering location choice as well as choice in terms of the type of property and setting.
- In addition to these considerations, Planning Practice Guidance requires special consideration of the needs of the logistics sector, because of its role in the economy and distinctive locational requirements. This should include provision of premises for 'last mile' distribution as well as national and regional logistics sites. There is a significant amount of evidence of recent growth in demand for logistics sites and premises, and that demand is greater than supply throughout the UK and in the South West, although there is no quantitative figure for forecast future logistics demand in the Greater Exeter area. JLL estimates that 80% of the current industrial demand in East Devon is generated by logistics businesses and most of this logistics demand will be concentrated in the West End of East Devon.

Offices

2.8 Total estimated future sites and premises requirements including 'Homeworking+' adjustment (offices) - all scenarios 2020 to 2040 are:

	Minimum	Mid-point	Clean Growth	Maximum+
Total Requirement (sqm)	16,000	31,000	39,000	46,000
Average Annual Requirement (sqm)	800	1,500	2,000	2,300
Total Land Requirement (ha)	2 - 4	3 - 8	4 - 10	5 - 12
Average Annual Land Requirement (ha)	0.1 - 0.2	0.2 - 0.4	0.2 - 0.5	0.2 - 0.6

Industrial

- 2.9 Total estimated future sites and premises requirements in East Devon (industrial) 2020 to 2040 are:

	Minimum	Mid-point	Clean Growth	Maximum+
Total Requirement (sqm)	228,000	241,000	243,000	255,000
Average Annual Requirement (sqm)	11,400	12,100	12,200	12,700
Total Land Requirement (ha)	57 - 65	60 - 69	61 - 69	64 - 73
Average Annual Land Requirement (ha)	2.9 - 3.3	3.0 - 3.5	3.0 - 3.5	3.2 - 3.6

Logistics

- 2.10 HJA have calculated a Mid-Point scenario demand for between 80 ha and 92 ha of land for logistics (as part of a total Mid-Point demand for between 202 ha and 231 ha for all industrial uses). Based on its local market experience, JLL has estimated annual demand (mostly concentrated in the West End of East Devon) for between 3 ha and 5 ha of land for logistics in Greater Exeter. If sustained over a 20 year period, this would amount to between 60 ha and 100 ha of employment land for logistics.
- 2.11 Comparing these two estimates of demand for employment land for logistics businesses in Greater Exeter over the period from 2020 to 2040, there is overlap between the two. The upper end of JLL's estimate (extrapolated over 20 years) is slightly higher than the upper end of the range suggested by the main forecasting exercise, by 8 ha over 20 years. Therefore, demand for an additional 8 ha, above the current forecast industrial demand, could be considered in Greater Exeter.

Overall Requirements in East Devon

- 2.12 For simplicity Mid-Point total land requirements are set out in the table below. These mid-point figures closely align to the clean-growth scenario figures which take account of the proposed strategy in the emerging Local Plan.

	Future sites and premises requirement (ha)
Offices (Homeworking+)	3-8 nb this increases to 4-10 if the homeworking allowance is not applied
Industrial	60-69
Logistics	8 nb the requirement was calculated for the GE area although most demand is identified in East Devon

Demand for Sites and Premises

- 2.13 The last section of the report comprises a market review and a high level review of available sites in each District, undertaken by JLL on behalf of Hardisty Jones. A quantitative assessment has then considered the fit between supply and demand.
- 2.14 East Devon contains approximately 447,000 sq m of employment space, with industrial stock comprising 85% of this total. The employment floor space is focused around Exeter Airport (the Exeter and East Devon Growth Area), along the A3052 corridor (Hill Barton and Greendale), and within the key towns such as Exmouth and Honiton. In addition to these areas, there are also numerous small business premises in the smaller towns and in the countryside. The West End of East Devon is the most popular location within Greater Exeter for industrial occupiers. This is due to its accessibility to the regional road network and the availability of both serviced land and good quality second-hand options. It is evident that there is a large quantity of unsatisfied demand. JLL anticipates that the larger sites around the airport will experience good levels of take-up due to strong demand. It is important that the next tier of medium-term supply is identified and brought forward.
- 2.15 The revival of the former Aviva HQ at Winslade Park has skewed the office market take-up in the District. Historically, office occupiers have focused on established business parks or new-build opportunities west of the motorway in Exeter. Exacerbated by the pandemic, JLL does not envisage significant levels of office demand in East Devon. Take-up in Exeter is on average five times more than East Devon, which indicates the relative scale.

Demand

- 2.16 Known demand for industrial premises is significantly higher in East Devon than the other three Districts in the Greater Exeter area. This demand is particularly focused on the West End. It is estimated that 80% of the industrial demand is from businesses in Distribution and Logistics, with the remainder from Manufacturing and R&D. Rents have grown over 6% in the past year which is double the average annual change in the past decade. Known demand for office space is low, with occupiers preferring to locate in Exeter or on established business parks. The recently refurbished Winslade Park has seen rental rates far higher than that across the majority of the District, and reflect those seen in Exeter.

Supply

- 2.17 There is currently 2,100 sq m of employment space under construction in the District, which is the lowest amount in three years. The delivery of 17,000 sq m of employment space over the past three years represents an expansion of 4.4% of the total stock. The assessment considered available units, above 185 sq m, and found that at the time of the review there is 4,900 sq m of industrial space available in East Devon; and 11,900 sq m of office space. The report acknowledges that there are rural workshops and converted farm buildings within the district that currently provide employment space and these have not been assessed as most of that floor space is sub-standard, below the 185sqm threshold and unsuitable for the bulk of employment demand but they offer valuable job opportunities.
- 2.18 Relative to the scale of the total built stock, there is a very low amount of supply. In particular there are no larger industrial buildings close to the airport, and a limited supply of small to medium sized office properties, although the Winslade Park buildings can be sub-divided into smaller suites if viable. The office space at Airport House and Winslade Park offer some of the largest options in the Greater Exeter area.

Total Land Available

- 2.19 In total, 17 sites that are consented, allocated, or could be brought forward for employment development were identified by JLL (and can be viewed in the EDNA report). This amounts to 106.21 hectares of employment land in East Devon.

	ha
Total potential supply	106
Suitable for offices	16 – 41
Suitable for offices (potentially deliverable in the short term)	16 – 41
Suitable for industrial	65 – 90
Suitable for industrial (potentially deliverable in the short term)	39 - 64

Of this total land supply, the majority (81.95 hectares) may be deliverable in the short term (within three years) provided barriers such as landowner willingness and high infrastructure costs can be satisfactorily overcome (although it should be noted that, to date, some of these sites have been allocated in Local Plans for many years and have yet to be delivered). Further, detailed, assessment work will be undertaken by the District Council and the status, and therefore quantum of supply, may be revised in light of this. Within the district it is important that new opportunities continue to be identified that suit logistics and industrial use, to match the healthy levels of demand and undersupply in other districts.

3. Other Considerations

- 3.1 A number of employment allocations in the adopted Local Plan are very longstanding and have not been developed despite being identified for many years. As allocations, some of these sites are identified in the EDNA as potentially being available in the short term, but further work is required to understand the barriers to their delivery and why they have not come forward already despite clear policy support. Possible reasons could include landowner intention, infrastructure cost, title restrictions and land values. If these sites are not likely to be developed in the short term then, if need is to be met, alternative, additional sites will need to be identified.
- 3.2 In terms of additional employment land supply, a small number of potential employment sites were submitted in response to the two calls for sites undertaken as part of the emerging East Devon Local Plan. Further analysis is required, but an initial consideration of the sites suggests that there is very limited potential for allocations to meet the need already identified for East Devon. This situation is exacerbated if sufficient land is to be allocated to offer businesses a choice of premises.
- 3.2 There is also a potential pressure to identify further land to meet Exeter's employment need. In the introductory summary to the EDNA the consultants state "**East Devon** appears to have a sufficient amount of employment land which is consented, allocated, or suitable for development to meet the demand generated between 2020 and 2040 within the District. However, some of the sites may have barriers to their delivery, and the District Council needs to work with landowners and promoters to understand and potentially help to overcome these. *East Devon should also consider how to accommodate some of the forecast future demand driven by the economy of the City of Exeter, which may require further site allocations*". (Italics are our emphasis)
- 3.2 This point is expanded in the subsequent paragraph specifically relating to Exeter. "The **City of Exeter** is the main office location in Greater Exeter. However, it has insufficient employment land to meet its forecast demand for both offices and industrial development between 2020 and 2040. Delivery should be encouraged on all currently identified sites and conversion of redundant retail units should be considered. There is limited scope for more employment land in the city, above that already identified, so some of the demand for employment land stimulated by the city's economy will need to be accommodated in its hinterland, in adjoining local authority areas. The Liveable Exeter initiative sets out proposals to replace some industrial sites with mixed-use development, including residential as well as employment space. This, along with the lack of potential employment sites emphasises the need to accommodate new employment development in its hinterland."
- 3.3 The Exeter Plan is being developed at a similar timescale to our Local Plan and a number of Policies were consulted upon before Christmas. In response to the Exeter Policy EJ2:Retention of employment land, this Council suggested that the policy was not sufficiently robust in protecting jobs and employment sites, especially where existing employment sites are to be allocated for housing and mixed use development. Some existing employment sites are allocated for housing and mixed use development under Policy H2 allowing the loss of employment land to some, or perhaps substantial levels, of non-job uses without clearly referencing where or how commensurate new job provision, especially of the job types that might be lost, will be accommodated. To illustrate this with just one (big) example, Marsh Barton supports a significant number of businesses and jobs and many of these are of a nature that do

not typically sit comfortably alongside residential uses. So it would be difficult to integrate some existing businesses and job types into redevelopment schemes.

- 3.4 There are clear cross-boundary issues arising from the Exeter Plan proposals, noting two in particular:
1. Employment sites in Exeter provide jobs for people that commute from outside of the city into the city for work purposes; and
 2. If jobs and business premises are lost as a result of development under Policy H2 then we would expect to see the need for relocations and allied to this provision of additional land to accommodate any net new jobs.
- 3.5 In EDDC's response to the Exeter Plan, it was recommended that the City Council should undertake more detailed assessment of the implications of the proposed housing sites in the plan in respect of impacts on employment. The main evidence supporting the employment proposals of the Exeter Plan is the Exeter Employment Study acknowledges that there is insufficient employment land supply in Exeter to meet the city's current and future demand (a deficit of up to 71 hectares of land based on accommodating a forecast of up to 21,000 new jobs to 2040). The employment study suggests that once sites in East Devon (and Teignbridge) are factored into the supply forecast, Exeter's demand can be accommodated. Not only have sites beyond the city boundary not been discussed with the local authorities but the Exeter Employment Study does not appear to factor into its analysis the demands on East Devon sites that may be generated from East Devon generated growth and development. In particular we would highlight potential East Devon specific trajectories for employment growth and the demands that these may place on employment land. It is essential that potential double counting is avoided – sites in the West End of the District cannot simultaneously meet both Exeter's and East Devon's future strategic requirements.
- 3.6 From our assessment it would appear that the Exeter Employment Study indicates a need (the net amount which can't be met within the city) at up to 71 hectares of land if the higher levels job forecasts are to be realised (less so, of course, if lower level forecasts occur). Some estimate that in reality this could be much higher if we look simply at the land take of the existing employment uses that would be displaced accepting that new employment spaces may be built as part of the liveable Exeter programme but these may not meet the needs of the existing uses on the site affected. Our reading is that there is more than an implied assumption that at least some will be accommodated outside of the city.
- 3.7 This is a very significant cross boundary issue that will need to be addressed with Exeter and the other neighbouring authorities. Members will be aware that work on the local plan is struggling to find sufficient appropriate sites to meet the needs of the district and so accommodating employment uses displaced by the Exeter Local Plan would be very problematic. Equally many residents of East Devon commuting into the city for work potentially to jobs at businesses which would appear to be displaced by the strategy being promoted by the city. There could be very significant economic

implications for the district if these businesses cannot be suitably relocated within the local area. Alternatively Exeter may need to reconsider their strategy. Further work is needed to understand the exact extent of displacement as a result of the Liveable Exeter programme and its implications. Members will be kept advised of progress and implications for the East Devon Local Plan.

4. Further Work

- 4.1 Aside from the further work referred to above it should be noted that the EDNA is not considered to be the total sum of all economic needs evidence needed for the new Local Plan. A number of meetings have been held with the Economic Development Team who were heavily involved in the early stages of work on the EDNA and have identified some issues that will need to be addressed.
- 4.2 The Economic Development Team raised substantive concerns in relation to a draft of the EDNA. In particular some of the conclusions regarding the economic needs do not align with their thinking and they would have liked to have seen more engagement with developers particularly within the logistics sector. There were also expectations that the issues identified above with the potential displacement of businesses within Exeter would be addressed more fully by the work. Although the points raised by the Economic Development Team are understood in many cases the brief for the work did not address the issues raised. This was also a joint commission with Exeter, Teignbridge and Mid-Devon Councils and so changes to the brief to address specific East Devon only issues would have been problematic. As a result these need to be picked up separately. There has not been an opportunity to seek further input/comment from Economic Development in relation to this final version. It was submitted shortly before reports needed to be submitted for this agenda and was urgently needed for consultation on the Teignbridge Local Plan. However the requirements of the brief for the EDNA have been satisfactorily met.
- 4.2 In order to address the remaining issues highlighted by the Economic Development Team it is proposed to carry out further work to supplement the EDNA. This would be likely to look in greater detail at the needs of key sectors within the district and explore in more detail the delivery of the currently allocated employment sites and their delivery constraints. The findings of this further work will be reported to Members in due course.

5. Making use of the consultants' report

- 5.1 The NPPF and planning practice guidance requires the production of a relevant, up to date, robust and proportionate Employment Need Assessment evidence and this evidence should be used to justify relevant policies in the local plan. It is therefore essential that the council's plan-making is underpinned by such evidence.
- 5.2 The purpose of commissioning the consultants' EDNA 2023 report is to provide the essential evidence to help inform the preparation of the new East Devon local plan, particularly relevant policies. It would also provide an evidence base to inform

development management as well as wider council work and activities related to provision and management of housing.

- 5.3 The EDNA is not a policy document. It is a jointly commissioned technical report, produced by consultants working with Officers. It is considered that the report meets the project brief, and is consistent with the NPPF and PPG regarding Local Plan evidence. The report can therefore be technically signed off.

6. Next steps

- 6.1 Subject to Committee recommending agreeing the use of the EDNA report for plan-making evidence, Committee are also requested to recommend that the report will then be published as part of the new Local Plan's evidence base. Clearly we did not have the final version in time for the recent draft plan consultation but regard was had to the emerging EDNA in producing the consultation document.
- 6.2 The EDNA will also shape plan making. It provides evidence relevant to the Local Plan and was produced in accordance with the requirements of the most recent NPPF and associated PPG. The evidence is robust, proportionate and up to date, to support plan-making. The report indicates a range of scenarios that the Council could consider when preparing the Local Plan and suggests a mid-range figure which could be used as a starting point in plan making.
- 6.3 Use of evidence is integral to the decisions which the council makes when shaping Local Plan policy content. To support this process, work has been undertaken in-house to understand the implications of the consultants' report, and to inform the recommended use of this evidence for plan making. As mentioned in section 4 further work is needed. When complete the evidence will shape policy options and help to justify which options to recommend be included or not included in the plan.
- 6.4 Policy options resulting from use of the EDNA 2023 evidence will be set out in a future report to this Committee on the new Local Plan. Any recommendations for draft policies will be subject to Committee recommending agreeing the use of the EDNA 2023 evidence for plan-making. This would include policies on meeting employment need; the total employment requirement and site allocations.

Financial Implications

There are no specific financial implications regarding the councils finances on which to comment.

Legal Implications

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

Appendix One – East Devon Specific EDNA Findings

To be read in conjunction with the main EDNA report

- The following Appendix sets out the results of the analysis in Chapters 4 – 6 inclusive for East Devon.

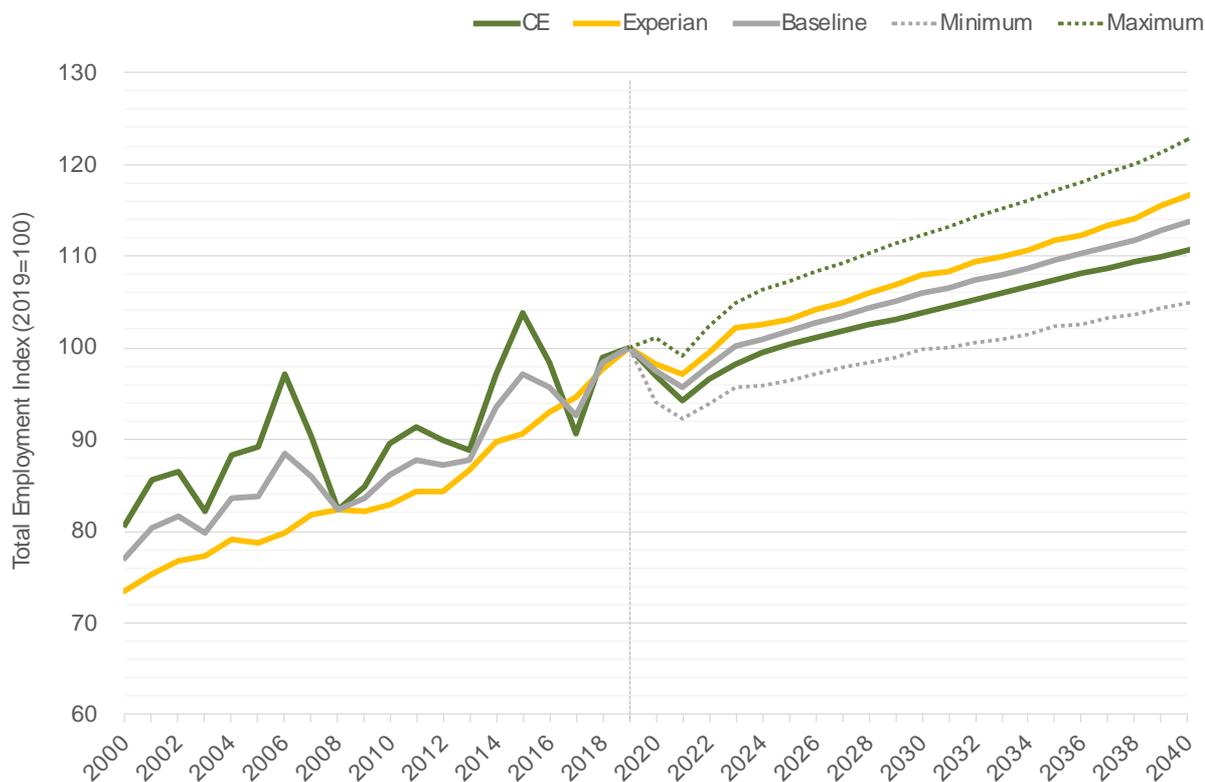
Baseline Forecasts

- The figures below set out the baseline forecasts for the local authority area.

Total Employment

- CE is forecasting employment growth of +6,800 jobs over the period 2019 – 2040, with Experian forecasting employment growth of +10,900 over the same period. These equate to growth of +320 jobs and +520 jobs per annum respectively. Using these annual growth rates, jobs growth over the Plan period (2020 – 2040) is forecast at +6,500 in CE forecasts and +10,400 in Experian forecasts.
- The minimum forecasts shows jobs growth of +2,400 over the Plan period, whilst the maximum forecasts has jobs growth of +6,900.

Figure Error! No text of specified style in document..1: Historic and Forecast Employment Change, index (2019=100)

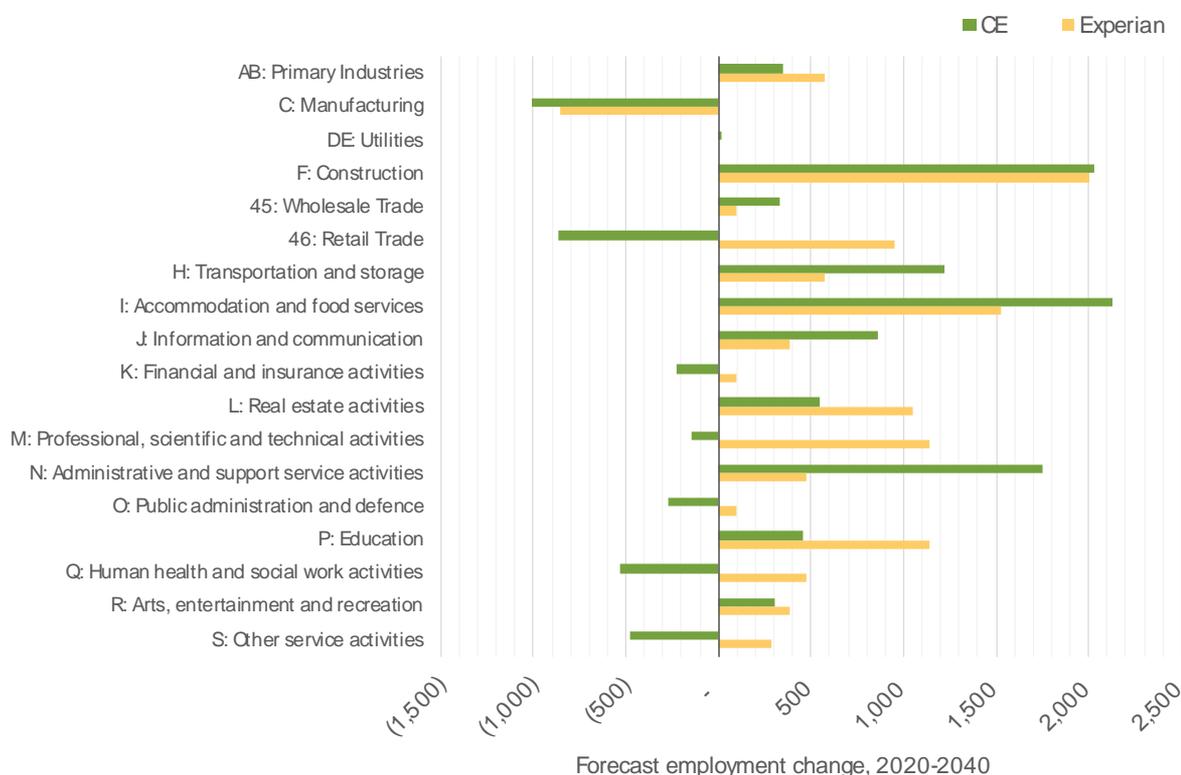


Source: HJA based on Cambridge Econometrics and Experian forecasts

Employment by Sector

- Employment forecasts by sector are shown in the figure below.

Figure Error! No text of specified style in document. .2: Employment Change by Sector 2020 - 2040



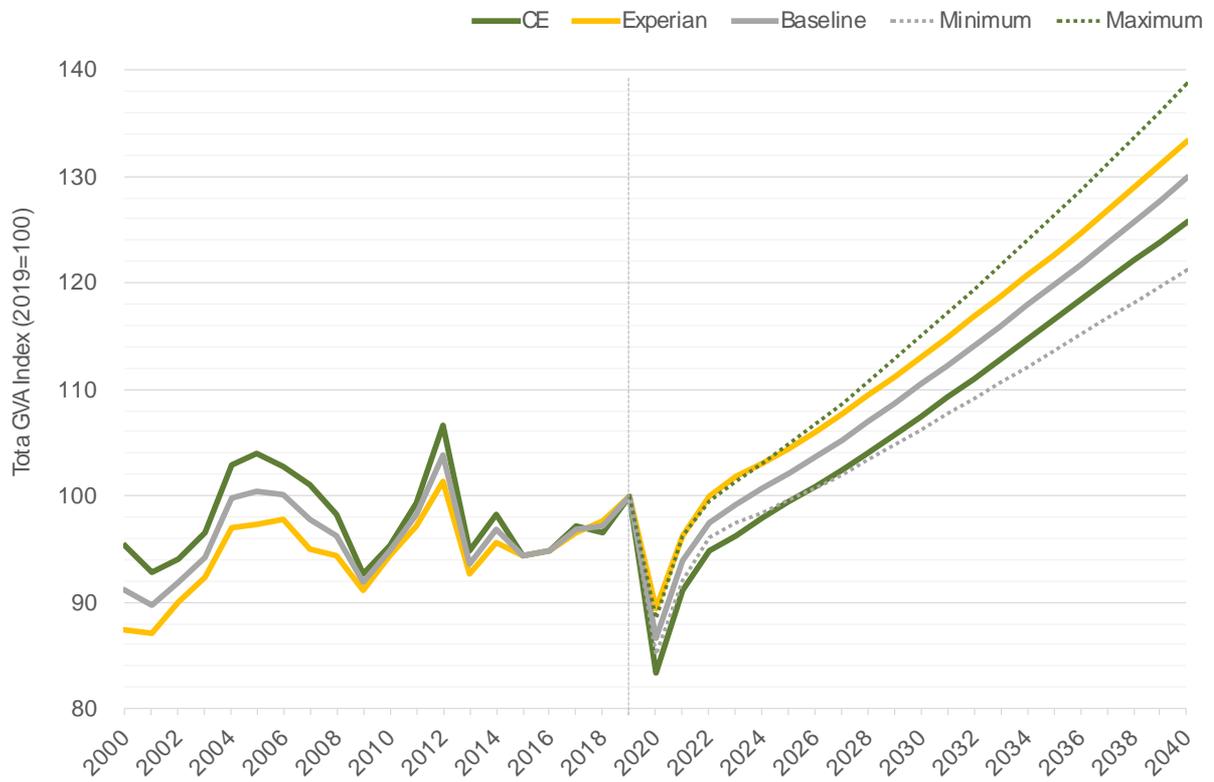
Source: HJA based on Cambridge Econometrics and Experian forecasts

- There is a notable difference in the forecasts for the *Professional, Scientific & Technical* sector for East Devon compared to the forecast growth in this sector in Greater Exeter. CE forecasts a small decline in employment in the sector and Experian forecasting a reasonable level of growth.

Gross Value Added

- The figure below shows forecast GVA for the local authority area. Overall, these forecasts are in-line with the Greater Exeter forecasts.

Figure Error! No text of specified style in document.:3: Historic and Forecast GVA Change, index (2019=100)



Source: HJA based on Cambridge Econometrics and Experian forecasts

Demand for Employment Sites and Premises

Use Class Conversion Matrix

- The Use Class conversion matrix used to convert employment to Use Classes is set out on the following page.

Figure Error! No text of specified style in document..4: East Devon SIC Use-Class Matrix

	B2	B8	C1	C2	C2a	E(a)	E(b)	E(c)(I)	E(c)(II)	E(c)(III)	E(d)	EI	E(f)	E(g)(I)	E(g)(II)	E(g)(III)	F1(a)	F1(b)	F1(c)	F1(d)(e)	F1(f)	F1(g)	F2(a)	F2(b)	F2(c)	F2(d)	SG	None + Homeworking		
AB: Primary Industries	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	
C: Manufacturing	81%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	17%
DE: Utilities	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	57%	43%
F: Construction	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	4%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	96%
G (part): Wholesale	0%	55%	0%	0%	0%	2%	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	30%	12%
G (part): Retail	0%	1%	0%	0%	0%	85%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	2%	12%	
H: Transportation and storage	0%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	14%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%	65%
I: Accommodation and food services	0%	0%	22%	0%	0%	6%	24%	0%	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	14%	34%
J: Information and communication	0%	9%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	50%	3%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	38%
K: Financial and insurance activities	0%	0%	0%	0%	0%	0%	0%	33%	0%	0%	0%	0%	0%	48%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	19%
L: Real estate activities	0%	0%	0%	0%	0%	0%	0%	19%	0%	0%	0%	0%	0%	60%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	21%
M: Professional, scientific and technical activities	0%	0%	0%	0%	0%	0%	0%	0%	2%	0%	0%	0%	0%	57%	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	8%	28%
N: Administrative and support service activities	0%	0%	0%	1%	0%	3%	0%	0%	0%	0%	0%	0%	0%	32%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%	51%
O: Public administration and defence	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	49%	0%	0%	0%	0%	0%	0%	0%	0%	36%	0%	0%	0%	0%	0%	0%	15%
P: Education	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	90%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%
Q: Human health and social work activities	0%	0%	0%	52%	0%	0%	0%	0%	0%	0%	0%	27%	3%	9%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	8%
R: Arts, entertainment and recreation	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	30%	0%	0%	0%	0%	0%	0%	0%	1%	1%	0%	0%	0%	0%	0%	0%	11%	8%	27%	22%
S: Other service activities	0%	0%	0%	0%	0%	29%	0%	0%	0%	0%	0%	0%	34%	0%	0%	0%	0%	0%	0%	0%	2%	0%	0%	0%	0%	0%	0%	5%	29%	
Total	4%	5%	3%	6%	0%	12%	3%	0%	1%	0%	1%	3%	2%	11%	0%	0%	7%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	6%	34%	

Conversion to Use Class Order

- **Applying the matrix (above) to the FTE employment forecasts for the area provides the following results for change in FTE employment that will impact the E(g), B2, and B8 Use Classes.**

Figure Error! No text of specified style in document..5: Change in FTE employment by use class over Plan period (2020–2040) based on 2019–2040 average change per annum

Use Class	Description	Minimum	Mid-point	Clean Growth	Maximum+
B2	General industrial	(790)	(730)	(730)	(660)
B8	Storage or distribution	180	330	360	490
E(g)(i)	Offices	420	1,410	1,890	2,430
E(g)(ii)	Research and development	5	40	70	70
E(g)(iii)	Light industrial	0	5	5	10

Source: HJA analysis based on Cambridge Econometrics and Experian. Figures may not sum due to rounding. Negative numbers in parenthesis.

Net additional floorspace requirements

- **Applying employment density guidance figures to this data provides the net additional floorspace requirements for the area. These are set out in the figure below.**

Figure Error! No text of specified style in document..6: Net additional demand for employment floorspace by use class over Plan period (2020–2040) (sq m)

Use Class	Description	Minimum	Mid-point	Clean Growth	Maximum+
E(g)(i)	Offices	5,500	18,500	24,900	32,000
E(g)(ii)	Research and development	300	2,300	4,400	4,400
	Offices	5,800	20,800	29,300	36,400
E(g)(iii)	Light industrial	5	263	263	521
B2	General industrial	(29,800)	(27,400)	(27,400)	(25,100)
B8	Storage or distribution	14,600	26,700	28,800	39,300
	Industrial	(15,200)	(500)	1,600	14,800

Source: HJA (negative values in parentheses). note: Figures are rounded to nearest 100

Replacement Allowances

- **The forecast replacement allowance for the area is presented in the figure below.**

Figure Error! No text of specified style in document..7: Forecast replacement requirement 2020-2040 (sq m)

Use	Total Stock (2020-21)	Annual Replacement	20 Year Plan Period Total
Office (1% pa)	104,000	1,000	21,000
Industrial (2% pa)	687,000	13,700	275,000
Total	791,000	14,800	296,000

Source: HJA based on VOA data

Total Requirements

- **The total requirements for offices are shown in the figures below. There is a requirement for between 3 ha and 14 ha of office space over the Plan period. This reduces to 2 – 14 ha when taking into account the Homeworking+ adjustment.**

Figure Error! No text of specified style in document..8: Total estimated future sites and premises requirements in East Devon (offices) (sq m unless otherwise stated) 2020 to 2040

	Minimum	Mid-point	Clean Growth	Maximum+
Replacement Provision (A)	21,000	21,000	21,000	21,000

Net Additional Requirement (B)	5,800	21,000	29,000	36,000
Gross Requirement (C=A+B)	27,000	42,000	50,000	57,000
Flexibility allowance (D)	3,000	4,000	5,000	6,000
Net Requirement (E=C+D)	29,000	46,000	55,000	63,000
Delivered on Existing Employment Sites (F)	3,000	5,000	6,000	6,000
Total Requirement (G= E-F)	26,000	41,000	50,000	57,000
Average Annual Requirement	1,300	2,100	2,500	2,800

Total Land Requirement (h-a)	3 - 7	4 - 10	5 - 12	6 - 14
Average Annual Land Requirement (ha)	0.1 - 0.3	0.2 - 0.5	0.2 - 0.6	0.3 - 0.7

N.b. Figures may not sum due to rounding

Figure Error! No text of specified style in document.:9: Total estimated future sites and premises requirements including 'Homeworking+' adjustment (offices) - all scenarios (sq m unless otherwise stated) 2020 to 2040

	Minimum	Mid-point	Clean Growth	Maximum+
Replacement Provision (A)	21,000	21,000	21,000	21,000
Net Additional Requirement (B)	5,800	21,000	29,000	36,000
Gross Requirement (C=A+B)	27,000	42,000	50,000	57,000
Flexibility allowance (D)	3,000	4,000	5,000	6,000
Net Requirement (E=C+D)	29,000	46,000	55,000	63,000
Delivered on Existing Employment Sites (F)	3,000	5,000	6,000	6,000
Homeworking+ adjustment (G)	10,000	10,000	10,000	10,000
Total Requirement (H= E-F-G)	16,000	31,000	39,000	46,000
Average Annual Requirement	800	1,500	2,000	2,300
Total Land Requirement (ha)	2 - 4	3 - 8	4 - 10	5 - 12
Average Annual Land Requirement (ha)	0.1 - 0.2	0.2 - 0.4	0.2 - 0.5	0.2 - 0.6

N.b. Figures may not sum due to rounding

- The figure below shows a requirement of 57 – 73 ha of industrial land over the Plan period.

Figure Error! No text of specified style in document..10: Total estimated future sites and premises requirements in East Devon (industrial) (sq m unless otherwise stated) 2020 to 2040

	Minimum	Mid-point	Clean Growth	Maximum+
Replacement Provision (A)	275,000	275,000	275,000	275,000
Net Additional Requirement (B)	(15,000)	-	2,000	15,000
Gross Requirement (C=A+B)	260,000	274,000	276,000	290,000
Flexibility allowance (D)	26,000	27,000	28,000	29,000
Net Requirement (E=C+D)	286,000	302,000	304,000	319,000
Delivered on Existing Employment Sites (F)	57,000	60,000	61,000	64,000
Total Requirement (G= E-F)	228,000	241,000	243,000	255,000
Average Annual Requirement	11,400	12,100	12,200	12,700
Total Land Requirement (ha)	57 - 65	60 - 69	61 - 69	64 -73
Average Annual Land Requirement (ha)	2.9 - 3.3	3.0 - 3.5	3.0 - 3.5	3.2 - 3.6

N.b. Figures may not sum due to rounding

Assessment of supply

Figure Error! No text of specified style in document..11: JLL Assessment of Employment Land Supply

	ha
Total potential supply	106
Suitable for offices	16 - 41
Suitable for offices (RAG rated green)	16 - 41
Suitable for industrial	65 - 90
Suitable for industrial (RAG rated green)	39 - 64

Source: JLL

Report to: Strategic Planning Committee



Date of Meeting 14th February 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

District Heating: Reliability and Resilience

Report summary:

This report has been prompted by an event in early December whereby technical issues affected the operation of the district heating network serving Cranbrook. This subsequently directly impacted the supply of hot water to over 400 homes. The report details the cause of these issues and what has been done to rectify the position. It also considers how to improve oversight of the operation of the networks going forward alongside the introduction of regulation at a national level. More strategically the report considers whether there are wider implications for the Council's approach to promoting the roll out of district heating in the West End of the District.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

It is recommended that members;

1. **Note the issues that led to the supply issues on the Cranbrook network in December and what has been done to rectify the position**
2. **Endorse the principle of establishing a District Heating Stakeholder forum with E.ON to cover both district heating networks**
3. **Continue to support the approach of pursuing the roll out of district heating networks to serve the major development areas in the West End in line with adopted policies**
4. **Endorse 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)**

Reason for recommendation:

To ensure that the circumstances surrounding the heat outages in Cranbrook in December 2022 are understood.

To provide for improved oversight and scrutiny of the operation of the heat networks going forward.

To support the large scale delivery of low and zero carbon development in the West End of the District in line with Strategy 40 of the East Devon Local Plan 2013-2031 and CB12 of the Cranbrook Plan DPD.

Officer: Andy Wood – Assistant Director Growth, Development & Prosperity. Email: adwood@eastdevon.gov.uk. Tel: 01395 571743.

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 High Impact. The roll out of district heating networks in the West End is expected to secure up to 17,200 tonnes of carbon savings per year. This is significant both locally and nationally. Delivering large scale zero carbon development in the West End is a key objective in the Council's Climate Change Action Plan. The Devon Carbon Plan makes it clear that in 2019 burning of fossil fuels for heat accounted for 19% of Devon's greenhouse gas emissions. It states that 'we must consider district heating for new developments where the distribution pipes and energy centre can be designed in from the outset, particularly in locations where waste heat is available from industrial processes.'

Risk: Medium Risk; It is the intention for the bulk of new housing in the District to be connected to a district heating network as the preferred means of supporting the large scale delivery of low and zero carbon development. The success of this approach ultimately hinges on the day to day operation of these networks. The report puts forward proposals for improved scrutiny and oversight of the performance of the networks. Alongside the introduction of national regulation this will help to mitigate potential risks.

Links to background information [Towards Zero Carbon Development in the West End – agenda for Cabinet on Wednesday, 2nd November, 2022 item 19 - East Devon Towards Zero Carbon Development in the West End – Cabinet 12th May 2021 item 13](#) [Towards Zero Carbon Development in the West End - Cabinet January 2021 – item 26](#); [Towards Zero Carbon Development in the West End - Planning Committee March 2021 – item 8](#) [Towards Zero Carbon Development in the West End, Cabinet Report September 2020 item 14](#) [Zero Carbon Development in the West End, Cabinet Report July 2019 item 13](#) [Cranbrook Heat Networks Detailed Feasibility Study](#) [Future Homes Standard](#) [Energy Security Bill](#) [Cranbrook Plan Inspector's Report](#) [Heat and Buildings Strategy Independent Assessment: The UK's Heat and Buildings Strategy - Climate Change Committee \(theccc.org.uk\)](#) <https://www.heattrust.org/>

Link to [Council Plan](#)

Priorities (check which apply)

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

1. Background and context

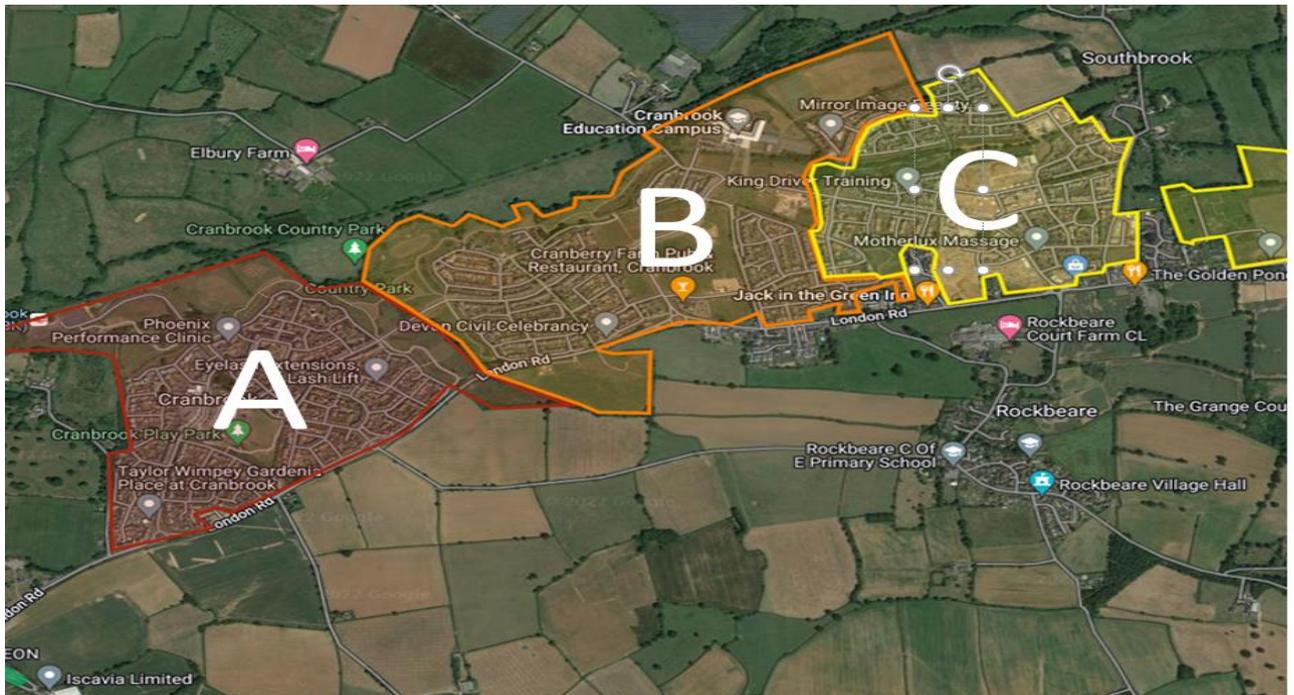
- 1.1 One of the unusual features of the West End of the District is the presence of two district heating networks. These are designed to meet all the heat and hot water needs of the buildings to which they connect. The first network (to serve Cranbrook/SkyPark) was negotiated in 2010 with 'heat on' being achieved in 2012 to coincide with the first new home

being occupied. A second network serving the Titebarn/Monkerton/West Clyst area was agreed in 2015. As originally planned, together these two networks will serve approximately 8,000 homes and 2million sq ft of commercial space including Exeter Science Park when fully developed.

- 1.2 The decision to roll out district heating was part of a deliberate strategy to underpin the large scale delivery of low and zero carbon development. This avoided the need for gas boilers to be installed in individual homes. This was a farsighted decision, predating the national Heat and Building Strategy by over 10 years. This Strategy emphasises that ultimately, net zero will mean gradually, but completely, moving away from burning fossil fuels for heating. In their Net Zero modelling, the Committee on Climate Change showed that 18% of the UK's heat supply will need to come from heat networks by 2050 to reach net zero commitments, an increase from the current figure of 3%.
- 1.3 Cabinet has received a series of reports over the past three years regarding district heating. These reports have focused on proposals to decarbonise the network, culminating in a report to the November 2022 Cabinet to move forward with the interconnector project.
- 1.4 This report has been prompted by issues in relation to the operation of the Cranbrook network during December 2022. It details the circumstances around this 'outage' and what has been done to rectify the issue. The report then moves on to consider the wider strategic approach of the Council in terms of supporting the continued roll out of district heating networks.

2. Cranbrook Heat Outage

- 2.1 There are currently around 3,000 occupied homes in Cranbrook which, with the exception of the nineteen homes being developed at South Whimble Farm, are each connected to the district heating network. Water is heated at the main energy centre at SkyPark and then distributed via a network of pipes. A Heat Interface Unit (HIU) in each house then plays the key role of transferring the heat, but not the water, from the main network in to the ordinary domestic wet system (radiators etc). As such the HIU acts as a heat exchanger, with the main network and the domestic system being hydraulically separated. Householders are then billed for each unit of heat that they consume with the price pegged to a basket of gas prices. The district heating network is a closed loop with the cooler water then returning to the energy centre to be reheated and redistributed.
- 2.2 Energy company E.ON own and operate the district heating network. This is on the basis of an 80 year concession agreement originally negotiated with the developer consortium for Cranbrook. E.ON are responsible for the Energy Centre and pipework as well as all of the HIUs. As well as pricing, the contract with individual households also covers minimum service standards. Residents can only purchase heat from E.ON and there is no opportunity to change provider.
- 2.3 A period of colder weather began on the 7th December with minimum temperatures dropping to freezing or below for the next 10 days. This prompted greater demand being placed on the district heating network. By the 9th December E.ON became aware that there was an issue affecting the heat supply to multiple households as the number of calls to their contact centre increased significantly.
- 2.4 Following engineer visits it became clear that the cause of the issue related to valves becoming stuck open in a particular make of HIUs. This effectively meant that hot water was bypassing the heat exchanger and then returning back to the Energy Centre. In total this affected 228 individual properties in Phases A and B of Cranbrook (see plan below).



- 2.5 As well as directly affecting individual households the nature of the issue then had knock on implications for the operation of the wider network. Essentially too much hot water was simply being returned directly back to the main energy centre. This caused wider issues of heat starvation which impacted a further 68 households in phases A and B. To bolster the heat supply in this area E.ON redirected heat from a temporary energy centre used to supply new development to the east of the town centre (Phase C). This then caused wider issues for this area with 196 households experiencing intermittent heating and hot water.
- 2.6 To rectify the issue E.ON began a programme of replacing the stuck valves. This began on the 8th December and was completed on the 18th. Alongside this the Eastern Transmission Main was commissioned on the 15th December. This was a pre-planned infrastructure improvement that had been under construction for 8 months. It is designed to provide a bulk supply of heat direct from the main energy centre at SkyPark to the town centre and development to the east of this. This effectively bypasses parcel A and the majority of parcel B and has the effect of making the overall network more resilient as well as negating the need for temporary energy centres to serve the eastern wards development areas.
- 2.7 The maximum period that a household was without heat/hot water was 9 days but the average was 1 day. This is clearly an unacceptable level of service. In recognition of this a meeting was convened on the 19th December which included Director level representation from E.ON, Simon Jupp MP and six Cllrs (three ward members together with the Leader and portfolio holders for Coast, Countryside and Environment and Strategic Development, Sustainable Homes and Communities. A series of questions were posed in advance of the meeting ranging from what had caused the issue through to customer service and compensation arrangements.

3. Current position and learning points

3.1 The current position is as follows;

- All households have had heat/hot water from the 18th December at the latest
- All affected households received financial compensation before Christmas, credited to their accounts and commensurate with the period of interruption.

- In total 1,722 households have been compensated. In addition to the households identified in paragraphs 2.4 – 2.5 above this includes a further 1,224 households where service was disrupted for a period of less than one day.
- E.ON are undertaking a root cause analysis of what caused the valves to stick
- A review of the customer service response is also being conducted

3.2 A customer evening was held on the 25th January and was attended by 66 residents alongside representatives from the Town Council. The events surrounding the December outages were discussed and four help desks were also available to help resolve any individual customer issues. A wide range of issues were raised including billing, metering and servicing as well as in relation to the wider customers experience such as the time taken to answer phone calls. There was a commitment to hold a customer service workshop with local residents in order to help address the feedback and to develop tangible solutions/improvements.

3.3 There are some immediate learning points arising from the events in December;

- The efficacy of the system, and ultimately the strategy for supporting the delivery of low and zero carbon development, rely on the ability to meet the day to day needs of residents
- Unlike with individual gas boilers, issues can escalate from the individual household level to impact a wider range of residents at a community level
- In turn there is a need for a holistic, system level response that considers a variety of issues ranging from communication through to customer service and preventative maintenance.
- The customer service team failed to respond adequately and had to be supported with local intervention by a ward member who relayed customer reports to the local team. It is not only the performance of the network that is at issue but the performance of the company in failing to respond adequately to the event
- There is an opportunity for closer collaboration between key stakeholders to improve the experience of residents

3.4 In relation to the last point it is a specific recommendation of this report that a new group is formed to provide greater oversight and accountability for the operation of the two networks in the District. In addition to representation from EDDC and E.ON it is considered that this should include the following stakeholders;

- Cranbrook Town Council
- Broadclyst Parish Council
- Devon County Council
- Exeter City Council
- Local MP
- Relevant developers
- Exeter Science Park Company

3.5 The precise Terms of Reference for this group will need to be agreed but it is anticipated that meetings should initially take place on a 6 monthly basis – ideally in September and March to coincide with the beginning and end of the colder seasons.

4 Strategic Assessment

- 4.1 In terms of the issues experienced by Cranbrook residents during December it would be easy to compartmentalise these as purely contractual issues to be resolved between the householders themselves and E.ON. But having played a key role in helping to secure the district network at the outset and with a strategic policy approach of continue to roll this out to the Cranbrook expansion areas, this issue is still clearly within the purview of the Council. At the very least the Council has a moral responsibility to help ensure that the operation of the network meets the needs of residents.
- 4.2 This is also a strategic issue for the Council given that the bulk of the new housing supply in the District will be connected to district heating. Furthermore the Council's role is expected to evolve such that it has more of a direct stake in the successful operation of the network. The procurement of the interconnector project, which will enable a bulk supply of low carbon heat, began last month in this respect. A bid has also been submitted to the government's Green Heat Network Fund which is seeking just under £7m to help enable the continued roll out of district heating to serve the Cranbrook expansion areas – a further 4,000+ homes.
- 4.3 There is a question as to whether the events in December represented a one off and unpredictable incident, a so called black swan event, or are emblematic of wider systemic failure. Certainly local residents would point to repeated issues over the years when the first cold weather event hits. The December issues were specific to Cranbrook but there have been subsequent reports of other outages both in Cranbrook itself and affecting the network serving the Tithebarn/West Clyst area. Whilst in at least one instance the cause of the outage was beyond the control of E.ON (a power cut) it nonetheless adds to the impression that there is a general lack of reliability and resilience.
- 4.4 It is also clear that E.ON are taking their responsibilities to resolve the issues highlighted in this report extremely seriously. This includes organising the further public meeting with local residents to address any outstanding concerns. It is vital that the key learning points identified above are acted upon. The credibility of the Council's strategic approach to supporting the delivery of low and zero carbon development in the West End ultimately hinges upon the successful day to day operation of both networks. The proposed twice yearly stakeholder meetings will provide a forum for formally reviewing progress and ensuring greater accountability in this respect.
- 4.5 Heat networks are currently unregulated at a national level. Any codes of practice and other arrangements in place to date, such as through the Heat Trust, have been entered in to on a purely voluntary basis. The government has committed to Ofgem becoming the regulator for heat networks through the passage of the Energy Security Bill. This will include service standards and price controls. But Ofgem's role is not likely to start for a further 18 months. The proposed six monthly meetings will enable greater scrutiny in the intervening period. The need for continued local oversight is likely to continue to be important going forward. As such there can be a combination of formal national regulation and greater local scrutiny.
- 4.6 As part of the wider discussions with E.ON it became clear that there were also concerns around the potential position for district heating customers following the end of the Energy Bill Relief Scheme in March of this year. E.ON are advocating a follow on support package from April 2023 that would provide equivalent financial support for domestic consumers on heat networks to that received by domestic consumers on the gas grid under the Energy Price Guarantee (EPG). The National Housing Federation is also campaigning on this matter currently. This is an area where we can work with E.ON and the local MP to lobby central government. It is a further recommendation of this report that a letter is sent to the relevant Minister to set out the case for ongoing and equivalent support for district heating customers.

5 Future Strategy

- 5.1 Given the events in December it is important to question whether the Council's strategy of supporting the achievement of low and zero carbon development through the continued roll of district heating networks is still robust. With the first major planning application for a Cranbrook expansion area due to be considered by Planning Committee in the first quarter of this year, this is an approach that will be tested immediately.
- 5.2 Policy CB12 of the Cranbrook Plan requires all new housing to be delivered to a net zero standard. This target is both more demanding than the national Futures Homes Standard, which is likely to require only 75% carbon reductions as opposed to 100%, and is being introduced more quickly (the Future Homes Standard is not due to apply until 2025). This policy approach speaks to the long held ambition for Cranbrook to develop as an exemplar in terms of low and zero carbon homes.
- 5.3 The continued roll out of the district heating network underpins this approach and is intended to provide the bulk of the required carbon savings going forward. The Council's planned investment in the interconnector project has the potential to save around 17,000 tonnes of carbon in this respect. Indeed if the approach of requiring district heating had not been pursued at the outset each house would instead have had a gas boiler installed. The first homes are now reaching the point where these boilers would be coming to the end of their operational life, likely to be replaced like for like with another gas boiler.
- 5.4 It is important to question whether it would be possible to meet the zero carbon policy standard through other means rather than sticking doggedly to an approach predicated upon district heating. This would likely require the installation of air source heat pumps in individual homes which would then become the responsibility of individual householders to own and maintain. There are issues that would need to be addressed to enable this approach, including bolstering the capacity of the local electricity network.
- 5.5 Is now the time to change approach? In the author's opinion the answer to this question is no. The Council has invested considerable time and effort to create a position whereby in both policy and investment terms the continued roll out of district heating should provide the most effective pathway to achieving zero carbon development. Not only this but the proposed social fund arising from the investment in the interconnector project will also provide a dividend for the wider community that would simply not be possible with a house by house approach alone.
- 5.6 This is not to ignore the imperative that the system operates both effectively and efficiently. The forthcoming regulatory role for Ofgem will provide further safeguards for district heating customers in this respect. Indeed the government's overall approach to supporting the roll out of district heating networks in terms of the interplay between policy, regulation and financial support is particularly coherent. This includes proposals for forthcoming Heat Network Zones which will identify areas that are specifically suited to the roll out of district heating networks. Exeter is one of 28 Cities that have been selected to pilot this approach. Given that the Monkerton/Tithebarn/West Clyst network straddles the M5 this provides an opportunity to create a heat network zone that covers the West End of the District. Officers have been in discussion with the City Council and BEIS appointed consultants as to the potential coverage of such a zone, including in relation to the potential for a second new town.

6. Conclusion

- 6.1 The heat outages that occurred in Cranbrook in December led to an unacceptable level of service for a significant number of households. Whilst there is no direct contractual locus over the operation of the networks, the Council nevertheless has as a minimum a moral obligation to help ensure that both networks perform as intended. The proposed forum is intended to achieve a greater level of scrutiny and oversight in this respect that can complement forthcoming national regulation.
- 6.2 The issues that occurred in December severely impacted a large number of households. The priority moving forward needs to be on ensuring that these don't recur and that overall the networks become more resilient. Whilst deeply regrettable, this event is not considered to warrant moving away from the overall strategy of continuing to promote the roll out of district heating to underpin the large scale delivery of low and zero carbon development.

Financial implications:

There are no direct financial implications from the recommendations in this report.

Legal implications:

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

Report to: Strategic Planning Committee



Date of Meeting 14 February 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

East Devon self-build monitoring report

Report summary:

A self-build monitoring report has been produced that covers the period from 31/10/2021 until 30/10/2022. This shows that the overall demand for plots indicated on the self-build register was 28, with 11 on 'Part 1' of the register. We will need to permission enough serviced plots to meet the demand indicated on Part 1 (11 plots) between 31/10/2021 and 30/10/2024.

Supply figures show that we permissioned around 16 plots suitable for self-build between 31/10/21 and 30/10/22. This means that, so far, we are 10 plots short of meeting our 2020 – 2021 demand figures of 26, but we have up to 30/10/2024 to meet this legal requirement.

The methodology used to inform the report is unchanged from the last monitoring [report](#), which was published in February 2022.

The number of plots permissioned is significantly lower than in previous years and consideration should be given to whether further measures are required in the new local plan to encourage self-build.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That SPC endorses the draft monitoring report for use in planning decisions (both to inform local plan production and inform decision making on planning applications).
2. That SPC note that 28 individuals were added to the self-build register during the latest monitoring period (31/10/21 to 30/10/22).
3. That SPC note 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 30/10/202);
4. That SPC note the additional need to permission 10 additional plots suitable for self-build between 31/10/22 and 30/10/13 to meet the 'residual' requirement from the demand shown on the register for 31/10/20 to 30/10/21;
5. That SPC note that the demand for self-build plots indicated on the register should be taken into account in our planning, housing, regeneration and estate functions.

Reason for recommendation:

The latest monitoring report shows that East Devon is meeting its statutory duty to provide a supply of suitable sites to meet the demand for self/custom build housing shown on the self-build register. The Council also has a duty to take account of the register when exercising its planning, regeneration, housing and estate management functions.

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; The increased delivery of land for self-build and custom build purposes is a government priority and there is a duty to provide sufficient serviced plots to meet the demand shown on the register.

Links to background information [Self-build and custom build - Monitoring - 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 Background to self-build register

1.2 The Government is keen to encourage opportunities for people to build their own homes. It diversifies the supply of housing, gives individuals and groups the opportunity to tailor make their own home, can be cheaper than buying a 'standard' home from a house builder and can produce innovative designs with enhanced ecological credentials

1.3 Since March 2016 we have kept a register of people who are interested in building their own home in East Devon. Since October 2017 we have had a duty to ensure that enough serviced plots are 'permissioned' to meet the demand shown on the register. Our latest self-build monitoring report 31/10/21 to 30/10/22 shows the latest demand and supply figures and includes definitions of what constitutes self-build housing. We need to consider the results in our planning, housing, regeneration and estate functions.

- 1.4 In April 2017 we introduced a local connection test so that, generally, only those who live or work in East Devon, are included on the part of the register that is used to gauge demand for the number of plots that need to be permissioned (Part 1). In February 2020 this Committee decided to keep the local connection test and not to introduce a financial solvency test or a registration fee. It is not considered that circumstances have changed that would justify reconsideration of these issues.
- 1.5 In addition to being relevant to developing plans and policies, Government Guidance states that the self-build register is likely to be a material consideration in planning applications. The guidance also says it should be taken into account in housing decisions, including preparing local housing strategies, delivering affordable housing, supporting community-led housing and building housing on land owned by the local housing authority. The register should also be used to inform disposal of Council owned land and when preparing redevelopment plans. The relevant officers have been made aware of the monitoring figures.

Summary of draft self-build monitoring report

- 2.1 The latest (sixth) self-build monitoring report (attached) shows that during the last monitoring period (31/10/2021 to 30/10/2022 – these dates are set by legislation) 28 individuals were added to our self-build register. Since April 2017 our register has been divided into two. Part 1 includes a local connection test: we have a legal duty to permission enough serviced plots that are suitable for self-build to meet the level of demand shown on Part 1 of our register. The number of individuals added to Part 1 of our register in the latest monitoring period (which is referred to as a base period) was 11. Part 2 of the register is for those who do not meet the local connection test. Parts 1 and 2 together indicate the general level of demand for self-build and we must have regard to this in our planning, housing, regeneration and estate functions.
- 2.2 We are required to show that we have permissioned enough serviced plots to meet the demand shown on Part 1 of the register within the three years following the end of each base period. Our figures show that sufficient permissions have been granted to meet the demand shown for the first five base periods. Our figures show that we permissioned 16 of the 26 plots to meet the demand for the sixth base period – the time for meeting this need does not expire until 30/10/2024.

Implications for emerging planning policy

- 3.2 Whilst the monitoring report shows that we are meeting our legal requirements, Members have previously expressed a desire to do more to promote self-build opportunities. It is noticeable that the number of self-build plots permissioned last year was significantly lower than in previous years. We now have an adopted plan for Cranbrook with a policy requiring the provision of self-build plots and it is hoped that this will significantly increase opportunities for self-build as the expansion areas are developed. The policy in the emerging local plan should further increase opportunities in the future, but members may wish to consider whether more should be done through the local plan to encourage new build away from specific allocations. Strategic Planning Committee did not support an officer recommendation to allow self-build on the outside edge of settlement boundaries in limited circumstances and may wish to reconsider this issue at a future meeting in light of the reduced supply figures and whatever responses are received to the local plan consultation.

Financial Implications

There are no specific financial implications regarding the council's finances on which to comment

Legal Implications

No legal implications other than as set out in the report and attachment.

Planning policy monitoring report

Self-build Demand and Supply Draft Version

6th Self-build Monitoring Report 31/10/21 to 30/10/22



Published February 2023

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Glossary of Terms

Self and custom house building

The building or completion by

- (a) individuals,
- (b) associations of individuals, or
- (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person. The wording of this definition is from the 2015 (amended) Self-build [Act](#).

Government [guidance](#) on self-build advises that “In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout”.

In this report the term self-build is used to describe both custom build and self-build.

Private housebuilders, custom build and self-build

Private homebuilders are private individuals or groups of people who commission the construction of their home from a builder, contractor or package company (this is known as ‘custom build’ housing), or in a limited number of cases, physically build the home on their own with or without the help of sub-contractors (this is known as ‘self build’ housing). (Definition from [Right to Build Toolkit Glossary](#)).

Serviced plot of land

A plot of land that—

- (a) has access to a public highway and has connections for electricity, water and waste water, or
- (b) can be provided with those things in specified circumstances or within a specified period.

Definition included in 2015 (amended) Self-build [Act](#).

Community Infrastructure Levy (CIL)

A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area. Learn more about the [Community Infrastructure Levy](#). Definition taken from Planning Portal [Glossary](#).

Base Period

Demand for self-build plots is measured yearly by 'base periods'. The first base period is the date the self-build register was started until 30/10/2016. Subsequent base periods are measured from 31st October until 30th October the following year.

Summary of demand shown on register

This table shows demand figures from the self-build register by base period

Table 1

Base Period	Number on Part 1	Number on Part 2
30/03/16 - 30/10/16	32	0
31/10/16 - 30/10/17	40	3
31/10/17 - 30/10/18	9	9
31/10/18 - 30/10/19	19	10
31/10/19 - 30/10/20	13	10
31/10/20 - 30/10/21	26	18
31/10/21 - 30/10/22	11	17
Total	150	67

Summary of supply of 'suitable permissions granted'

This table shows supply figures by base period

Table 2

Base Period	Number of Suitable Permissions Granted
31/10/16 - 30/10/17	31
31/10/17 - 30/10/18	43

31/10/18 - 30/10/19	61
31/10/19 - 30/10/20	39
31/10/20 - 30/10/21	36
31/10/21 - 30/10/22	16
Total	226

Summary of 2021 to 2022 Base Period (31/10/2021 – 30/10/2022)

This table highlights key outputs from the monitoring report so that the overall picture can be viewed in one place.

Table 3

Overall Demand	28 plots - See Table 1
Demand on 'Part 1'	11 plots - See Table 1
Number of plots needed to be permissioned from 31/10/22 to 30/10/25 to meet demand from 2021-2022 base period	11 plots - See Table 1
Supply (suitable permissions granted) 2021 to 2022	16 plots – See Table 3
Is there a shortfall of sites to meet demand from previous years?	No - See Table 3
Number of individuals leaving register during base period	None
Location preferences	Many applicants were happy to self-build anywhere in East Devon, but, of those who expressed a preference, the most popular locations were Ottery St. Mary, Exmouth and Sidmouth, (see Appendix 2).
Budget for plot	Around one quarter of applicants had a total budget of up to £400 000, one quarter between £400,000 and £600,000, just over a quarter between £600,000 and

	£800,000, with the remainder above this or unwilling to say.
Plot size	Around three quarters of applicants were looking for a relatively small minimum plot size (for an estate style 4 bed home or smaller), although around one third aspired to larger plots of an acre or larger.

1 Requirements

- 1.1 The Self- build and Custom Housebuilding [Act 2015](#) (as amended by the Housing and Planning [Act 2016](#)) places a duty on local authorities to keep a register of individuals and associations of individuals who wish to acquire plots of land on which to build their own home and to publicise that register. The Act also places a responsibility on councils to give ‘suitable development permission’ for serviced plots of land to meet the demand shown through the register. The act states that ‘development permission is “suitable” if it is permission in respect of development that could include self-build and custom housebuilding’.
- 1.2 The East Devon register is divided into 2 parts and, generally, only those with a local connection (they work or have lived in the District for the last three years) are included on ‘Part 1’. The requirement to provide enough serviced plots to meet the demand shown on the register only applies to Part 1, but both Part 1 and 2 are used to assess the general level of demand to inform decisions of the Council. The level of demand is measured in ‘base periods’ that run from 31st of October until 30th of October in the following year.
- 1.3 We reviewed our arrangements for maintaining the register in February 2020 and decided to retain the local connection test, but not to impose a financial test or a registration fee¹.
- 1.4 This report sets out both the demand for self-build in East Devon, as shown by the numbers on the self-build register and the supply of self-build plots in East Devon, as taken from the Council’s records of self-build exemptions to the Community Infrastructure [Levy](#) (known as CIL).

¹ See report to Strategic Planning Committee of 25th February 2020 at <https://democracy.eastdevon.gov.uk/documents/s8246/self%20build%20monitoring%20and%20reiew.pdf>

2 Demand

- 2.1 The East Devon self-build [register](#) was started on 30th March 2016. Demand is measured in 'base periods'. The first base period ran from 30th March 2016 until 30th October 2016; the second base period was from 31st October 2016 to 30th October 2017; the third base period was from 31st October 2017 until 30th October 2018; the fourth base period was from 31st October 2018 until 30th October 2019; the fifth base period from 31st October 2019 until 30th October 2020, the sixth base period from 31st October 2020 until 30th October 2021 and the seventh from 31st October 2021 until 30th October 2022.
- 2.2 We have a local connection test that is met by people who work in East Devon, have lived in East Devon for at least the last three years or are current members of the regular armed forces (or former members who have left within the last three years). People who meet the local connection test are added to Part 1 of the register: we have a statutory duty to permission enough serviced plots suitable for self-build to meet the demand shown on this part of the register within three years of the end of the relevant base period. People who do not meet the local connection test are added to Part 2 of the register: there is no statutory duty to permission plots suitable to meet the demand shown on Part 2 of the register, but the total numbers (on Parts 1 and 2) must be had regard to in our planning, housing, regeneration and estate management functions.
- 2.3 The number of people on the register for the first base period in East Devon was 32 and the requirement to permission sufficient serviced plots to meet this demand expired on 30th October 2019.
- 2.4 The number of people on Part 1 of the register for the second base period was 40 with 3 on Part 2 of the register (making a total of 43). The requirement to permission sufficient serviced plots to meet this demand expired on 30th October 2020.
- 2.5 The number of people on Part 1 of the register during the third base period was 9, with 9 on Part 2 (making a total of 18). The requirement to permission sufficient serviced plots to meet this demand expired on 30th October 2021.
- 2.6 The 'Fifth' monitoring report (31 Oct 2020 to 30 Oct 2021) shows how we met the demand for self-build plots for the first, second and third base periods.
- 2.7 The number of people on Part 1 of the register during the fourth base period (31/10/18 to 30/10/19) was 19, with 10 on Part 2 (making a total of 29). The requirement to permission sufficient serviced plots to meet this demand expired on 30th October 2022. This 'Sixth'

monitoring report shows how we have met the demand during the fourth base period (see Table 5).

- 2.8 The number of people on Part 1 of the register during the fifth base period (31/10/19 to 30/10/20) was 13, with 10 on Part 2 (making a total of 23). This means that 13 plots suitable for self-build need to be permissioned between 31st October 2020 and 30th October 2023.
- 2.9 The number of people on Part 1 of the register during the sixth base period (31/10/20 to 30/10/21) was 26, with 18 on Part 2 (making a total of 44). This means that 26 plots suitable for self-build will need to be permissioned between 31st October 2021 and 30th October 2024.
- 2.10 The number of people on Part 1 of the register during the seventh base period (31/10/21 to 30/10/22) was 11, with 17 on Part 2 (making a total of 28). This means that 11 plots suitable for self-build will need to be permissioned between 31st October 2022 and 30th October 2025.
- 2.11 The demand figures are set out in Table 4 below.

Table 4 Demand for Self Build Plots and Statutory Duty to Permission Suitable Serviced Plots

Base Period	Date range for base period	Individuals	Associations	Part 1	Part 2	Plots required	Period for meeting demand
1	31/03/16 - 30/10/16	32	0	32	0	32	31/10/16 - 30/10/19
2	31/10/16 - 30/10/17	43	0	40	3	40	31/10/17 - 30/10/20
3	31/10/17 - 30/10/18	18	0	9	9	9	31/10/18 - 30/10/21
4	31/10/18 - 30/10/19	29	0	19	10	19	31/10/19 - 30/10/22
5	31/10/19 - 30/10/20	23	0	13	10	13	31/10/20 - 30/10/23
6	31/10/20 - 30/10/21	44	0	26	18	26	31/10/21 - 30/10/24
7	31/19/21 - 30/10/22	28	0	11	17	11	31/10/22 - 30/10/25

3 Supply

- 3.1 The method used to calculate supply of suitable permissions for self-build in this monitoring report is the same as that used in the previous report (the Fifth self-build monitoring report from 31/10/20 to 30/10/21). Essentially we 'count' all plots where there is an application for exemption for CIL on the basis that the development is self-build. See the Fifth monitoring report for further details.
- 3.2 Appendix 1 identifies all the plots included in our self-build supply figures for the period from 31st October 2021 until 30th October 2022. Full details of supply figures for previous years are included in the Fifth monitoring report, but a summary is included in Table 5 below. This shows that there has been a marked decrease in the number of CIL exemptions for self-build in the 2021 to 2022 base period. Previously, other than a shortfall of 1 for the first year (and remember that the demand must be met in the three following years rather than one or two years) there was a surplus of sites available in every previous year (which cannot be 'carried forward' to subsequent years because the permissions predate the end of the relevant base year). Effectively this meant that the number of permissions suitable for self-build exceeded the demand shown on the register (as shown by the positive figures in the 'shortfall/surplus' column). However, to meet the 2020 to 2021 demand of 26 there is a 'shortfall' of 10 plots in the first of the subsequent base periods in which the demand may be met (31/10/21 to 30/10/22), although there are two remaining years in which this demand can be met.

Table 5 Supply based on permissions

Base	Base dates	Demand	Period for meeting demand	Supply Year	Permissions	Shortfall/surplus	Outcome
1	31/03/16 - 30/10/16	32	31/10/16 - 30/10/19	31/10/16 - 30/10/17	31	-1	demand met by 16 - 18 supply
2	31/10/16 - 30/10/17	40	31/10/17 - 30/10/20	31/10/17 - 30/10/18	43	2	demand met by 17 - 18 supply
3	31/10/17 - 30/10/18	9	31/10/18 - 30/10/21	31/10/18 - 30/10/19	61	52	demand met by 18 - 19 supply
4	31/10/18 - 30/10/19	19	31/10/19 - 30/10/22	31/10/19 - 30/10/20	39	20	demand met by 19 - 20 supply
5	31/10/19 - 30/10/20	13	31/10/20 - 30/10/23	31/10/20 - 30/10/21	36	23	demand met by 20 - 21 supply
							Part of demand met by 21 - 22 supply leaving 'residue' of 10 to be met in 2 subsequent base periods
6	31/10/20 - 30/10/21	26	31/10/21 - 30/10/24	31/10/21 - 30/10/22	16	-10	

Notes : no surplus can be carried forward if it predates the end of the subsequent base period

3.5 In order to assess whether the supply of potential plots included in Table 5 above is starting to deliver self-build homes, we have also assessed the number of permissions that have commenced. Table 6 below summarises the outcome. Unsurprisingly, there are fewer plots included in the supply when these figures are used (the supply year relates to the date of permissions rather than commencement), but previously the demand shown was met by sufficient plots within one or two years (up to three years is allowed).

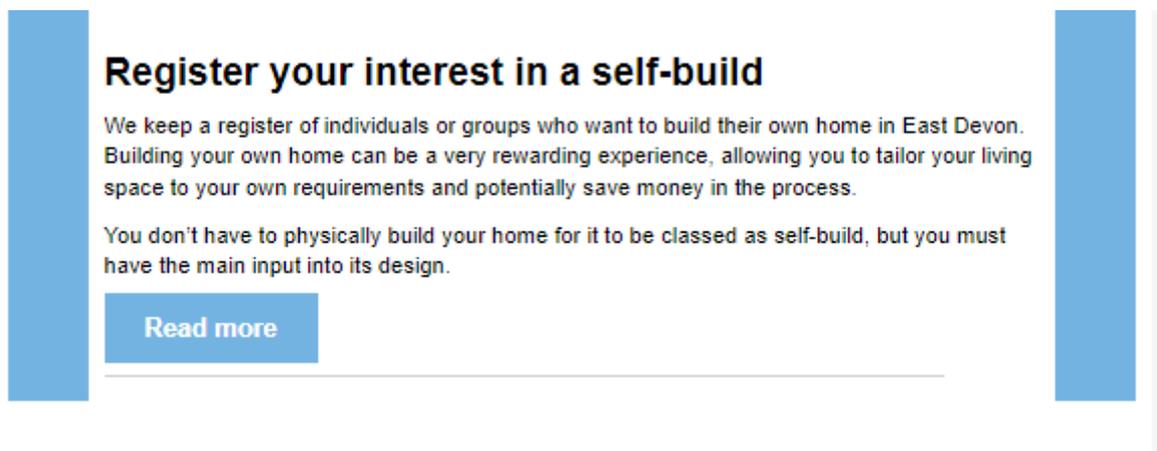
Table 6 Supply based on commencements

Base Period	Base dates	Demand	Period for meeting demand	Supply Year	Permissions	Shortfall/surplus	Outcome
1	31/03/16 - 30/10/16	32	31/10/16 - 30/10/19	31/10/16 - 30/10/17	23	-9	demand met by 16 - 18 supply
2	31/10/16 - 30/10/17	40	31/10/17 - 30/10/20	31/10/17 - 30/10/18	34	-15	demand met by 17 - 19 supply
3	31/10/17 - 30/10/18	9	31/10/18 - 30/10/21	31/10/18 - 30/10/19	48	39	demand met by 18 - 19 supply
4	31/10/18 - 30/10/19	19	31/10/19 - 30/10/22	31/10/19 - 30/10/20	29	10	demand met by 19 - 20 supply
5	31/10/19 - 30/10/20	13	31/10/20 - 30/10/23	31/10/20 - 30/10/21	26	13	demand met by 20 - 21 supply
6	31/10/20 - 30/10/21	26	31/10/21 - 30/10/24	31/10/21 - 30/10/22	8	-18	Part of demand met by 20-22 supply leaving a 'residue' of 18 to be met in subsequent two base periods

Notes: 1. no surplus can be carried forward if it predates the end of the subsequent base period
2. the number of plots in the supply year relate to the date of permission not date of commencement

4 Publicity

- 4.1 Our web site has a dedicated self-build [page](#) where the register is advertised and the application forms are readily available. We also advertised the register in our digital newsletter. In January 2021 a [newsletter](#) (extract below) was sent to 3,048 recipients and included a 'register your interest in self-build' [article](#).



The screenshot shows a website article with a blue header bar on the left and right sides. The main content is centered and includes a title, two paragraphs of text, and a 'Read more' button. A horizontal line is positioned below the button.

Register your interest in a self-build

We keep a register of individuals or groups who want to build their own home in East Devon. Building your own home can be a very rewarding experience, allowing you to tailor your living space to your own requirements and potentially save money in the process.

You don't have to physically build your home for it to be classed as self-build, but you must have the main input into its design.

[Read more](#)

5 Additional Information from the Self-build Register

- 5.1 In addition to the 'standard' questions that are needed to establish whether applicants meet the criteria set for inclusion on the self-build register, extra questions are to help tailor our approach such as where in East Devon people are most interested in building, what people are interested in building and how much money is available to finance it. The results are useful in helping to provide evidence to inform planning applications, Council decisions and policy development.
- 5.2 Charts are included in Appendix 2 of this report for the current monitoring year (31/10/2021 to 30/10/2022). Some key points from this show that:
- Nobody under the age of 30 applied for the register;
 - The majority of applicants lived outside of East Devon;
 - The three most popular locations for self-building overall were Exmouth, Ottery St. Mary and Sidmouth;
 - Just over a half of applicants wanted a three bedroomed house;
 - Around three quarters of applicants were looking for a relatively small minimum plot size (for an estate style 4 bed home or smaller), although around one third aspired to larger plots of an acre or larger; and.
 - Around three quarters wanted to build a detached house with the remainder favouring a bungalow.

Appendix 1 Table of Permissions Suitable for Self-build

The 'Date' column refers to the date of the permission. The 'Commenced' column specifies the number of plots that have been commenced. All sites are for single plots.

Table 7

No	App. No.	Address	Proposal	Date	Commenced
1	21/1219/FUL	Hillcrest, Woodhouse Hill, Uplyme, Lyme Regis, DT7 3SL	Replacement of existing dwelling with two-storey, 4-bed, detached dwelling and replacement detached garage, involving demolition of existing detached dwelling house and detached garage.	03/11/2021	24/01/2022
2	21/1435/FUL	Cringleford Cottage, Stepps Lane, Axmouth, Seaton, EX12 4AS	Erection of a replacement dwelling with associated amenity space and erection of a detached single storey double garage.	09/11/2021	
3	21/1966/FUL	Upalong, Elm Way, Sidford, Sidmouth, EX10 9SY	Demolish existing dwelling and erection of new dwelling	26/11/2021	01/06/2022
4	21/2921/FUL	Sidcliffe Cottage, Questant Lane, Sid Road, Sidmouth, EX10 9AL	Demolition of existing outbuildings, proposed construction of a new 3 bedroomed detached house, detached garage and conversion of existing dwelling into ancillary and annexe accommodation	12/01/2022	
5	21/2725/RES	20 Cranford Avenue,	Reserved matters application for appearance, layout, scale and landscaping of proposed	03/03/2022	25/04/2022

No	App. No.	Address	Proposal	Date	Commenced
		Exmouth, EX8 2HU	dwelling of planning application 20/0197/OUT		
6	22/0459/FUL	Land At Colwell Farm, Offwell	Permanent agricultural workers' dwelling.	12/04/2022	
7	21/3077/FUL	Higher Stables, Meeting Lane, Lypstone, Exmouth, EX8 5JJ	Demolition of three stable buildings and construction of new dwelling.	19/04/2022	
8	21/2499/RES	Land North Of, Macwood Drive, Seaton	Details of layout, scale, landscaping and appearance of the building and the means of access thereto, pursuant to outline planning permission 18/1196/OUT (Outline application for two bedroom detached bungalow with off street parking space, and demolition of existing building)	20/04/2022	
9	21/1847/FUL	The Bungalow, Berry Hill, Beer, Seaton, EX12 3JP	Erection of replacement dwellinghouse (inc. demolition of existing) and alterations to vehicular access	18/05/2022	01/10/2022
10	22/0796/FUL	Scotts Cottage , Sanctuary Lane, Woodbury, Devon, EX5 1EU	Erection of a two storey 3- bed detached dwelling, detached double garage to side and demolition of existing two storey dwelling.	26/05/2022	16/06/2022
11	22/0125/FUL	Hoppins Field, Southerton, Ottery St	Proposed permanent agricultural workers dwelling	01/06/2022	

No	App. No.	Address	Proposal	Date	Commenced
		Mary, EX11 1SB			
12	21/0875/FUL	Barns North Of Luton Lane Farm, Payhembury	Demolition of the existing and redundant barns and construction of a single dwellinghouse, annexe and garage (alternative to change of use of agricultural building to dwellings under class Q approval reference 19/0285/PDQ)	29/06/2022	
13	22/1011/FUL	Weavers Cottage , Mill Lane, Uplyme, Devon, DT7 3TZ	Erection of a two storey 3-bed detached replacement dwelling and demolition of existing single storey dwelling.	29/06/2022	
14	21/1860/FUL	Barrack Farm, Exeter Road, Ottery St Mary, EX11 1LE	Two storey, 4-bed, detached, principle farm house with associated parking and amenity space.	28/07/2022	18/10/2022
15	22/1275/PDQ	Wrights Farm, Clyst Hydon, Cullompton, EX15 2NB	Prior notification for the conversion of existing agricultural barn to a two storey 4-bed detached dwelling.	01/08/2022	30/09/2022
16	22/1134/FUL	The Meetings , Maer Lane, Exmouth, EX8 5DD	Conversion of disused barn to single storey dwelling, permission already granted for residential use.	09/09/2022	20/09/2022

Appendix 2 Additional information from register

All figures relate to entries on the self-build register between 31/10/2021 and 30/10/2022 only

Figure 1 – Current place of residence

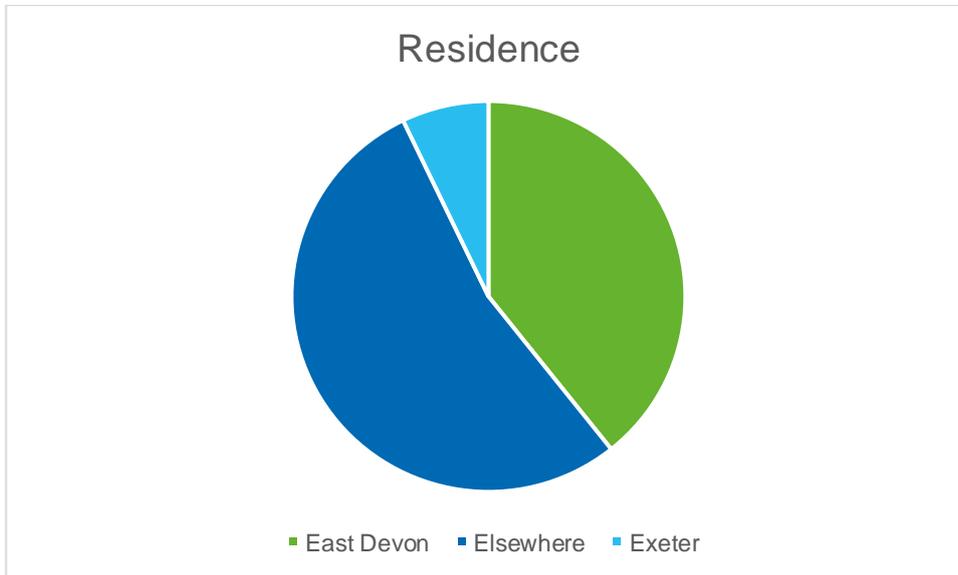


Figure 2 – Age of applicant

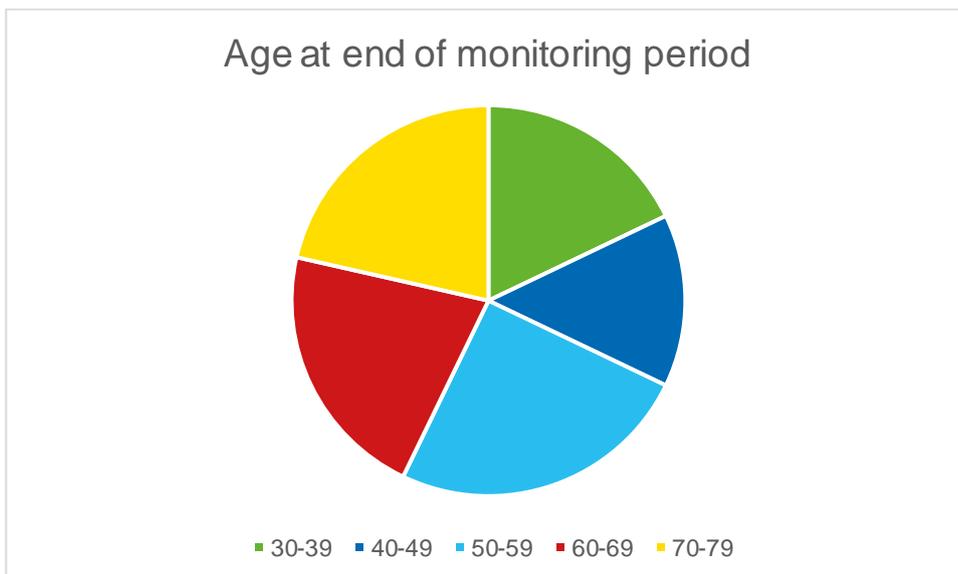


Figure 3 – Where plots are wanted

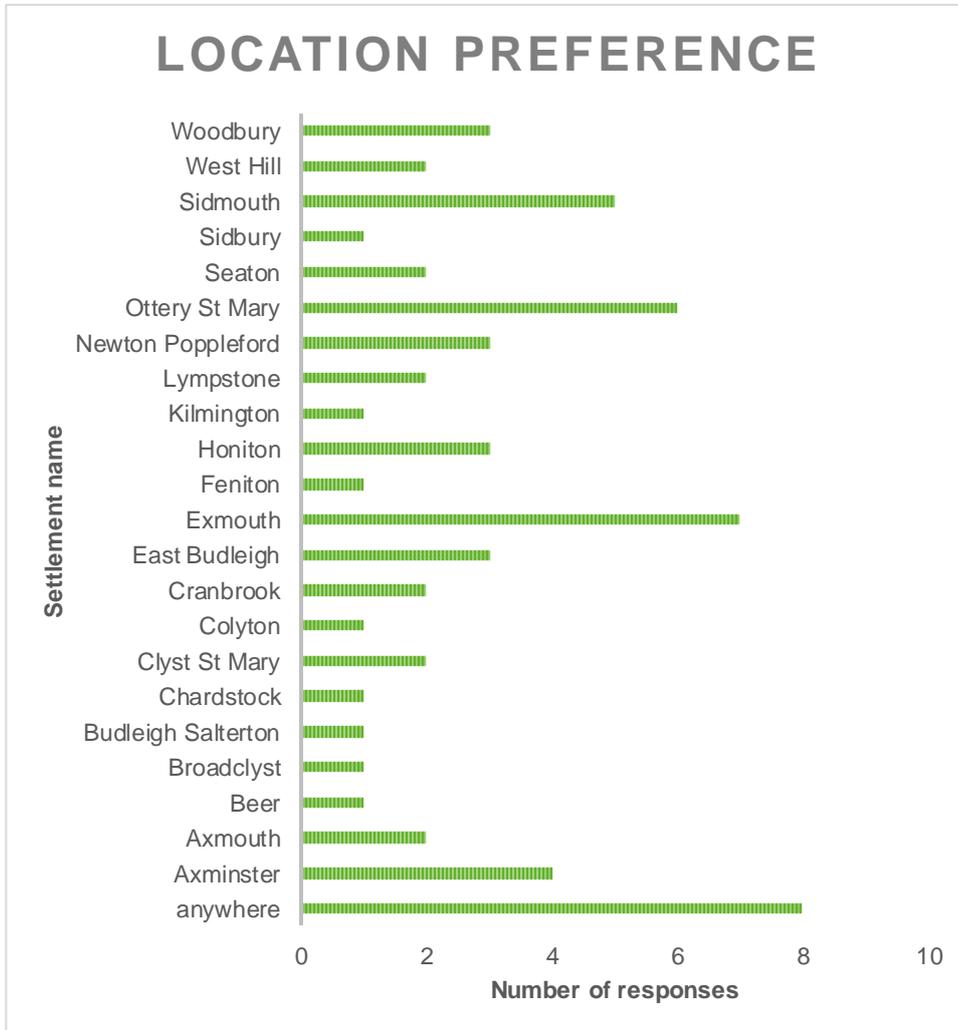


Figure 4 – Number of bedrooms wanted

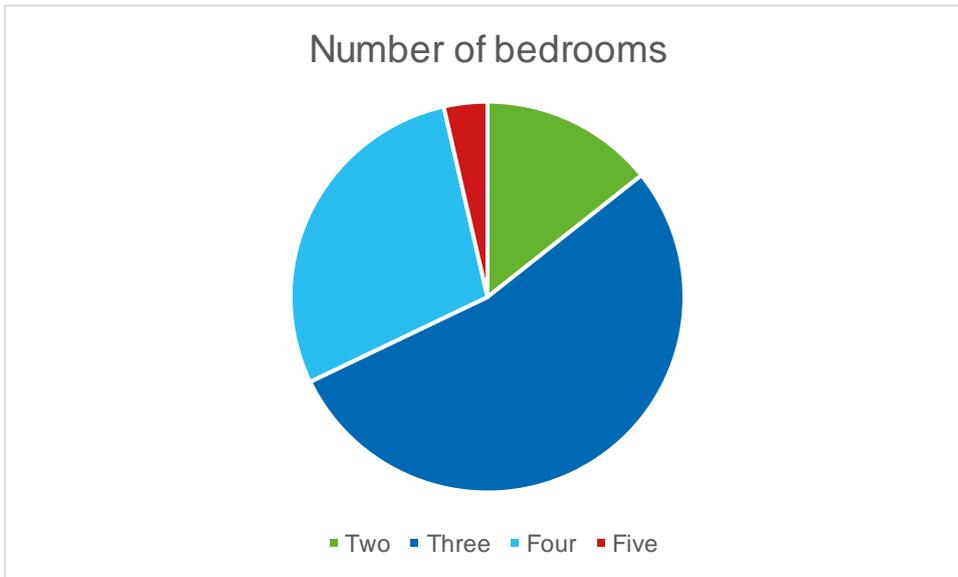


Figure 5 – Type of dwelling wanted

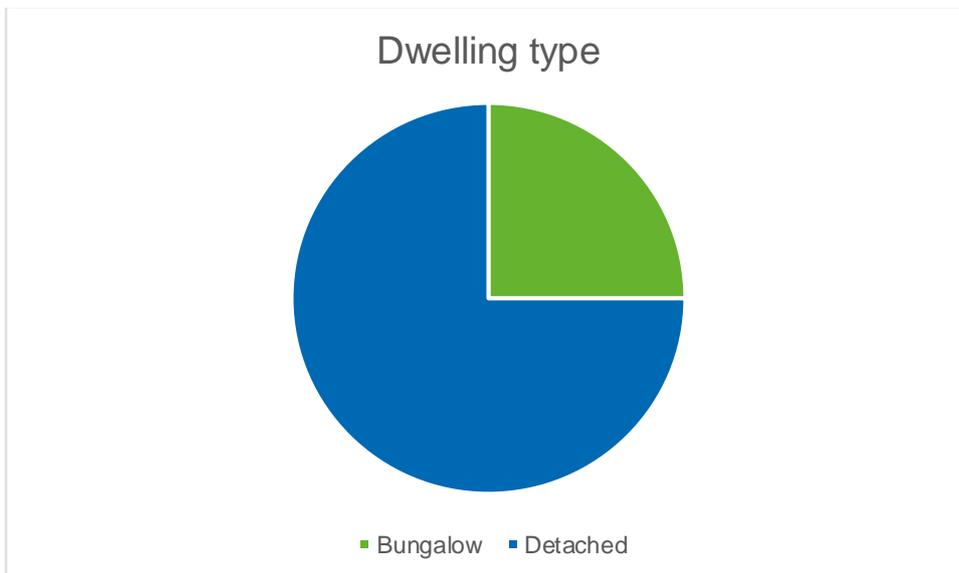
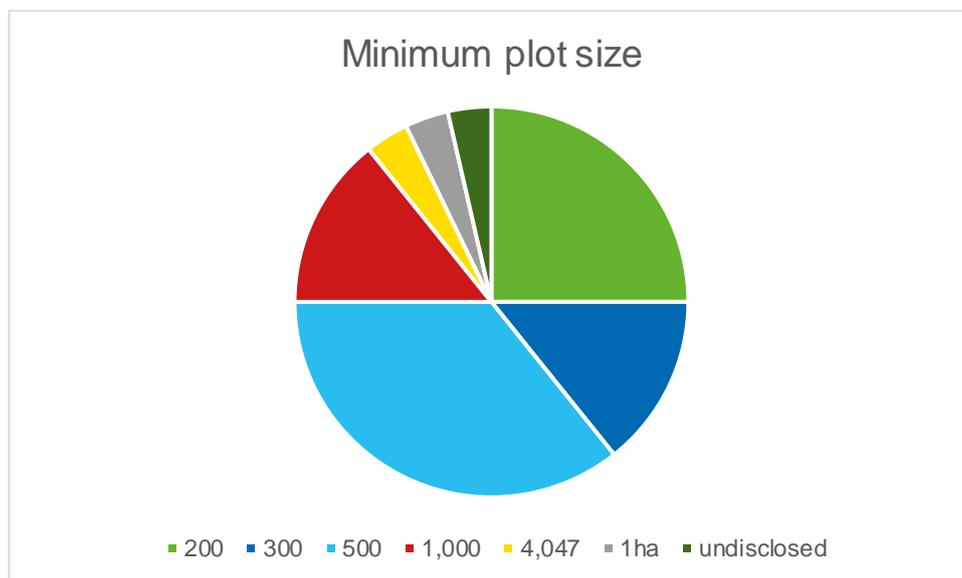


Figure 6 – Minimum plot size wanted



Plot preferences - Please note that, as a rough guide, a plot of 200 m² or less would accommodate a small terraced house; a 200m² to 300m² plot, a 2/3 bed modern estate house ; a 300m² to 500m² plot, a 4 bed detached estate house; a 500m² to 1000m² plot, a suburban semi/detached with modest to large garden; a 1000m² to 4047m² (1 acre) plot, a house with a large/very large garden; and a 4047m² (1 acre) to 1 hectare plot, a house with very large garden/small holding.

Figure 7 - Maximum plot size wanted

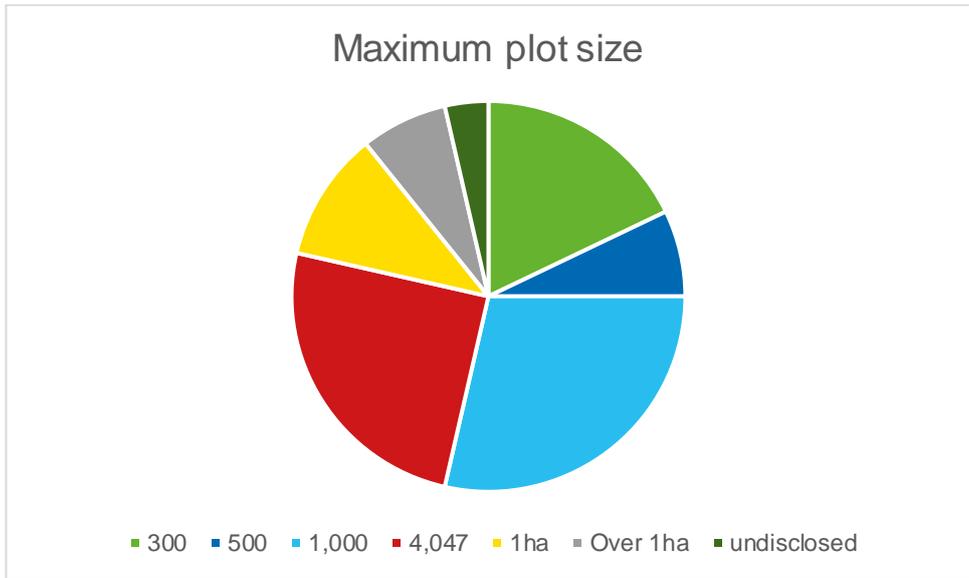


Figure 8 – Budget (plot only)

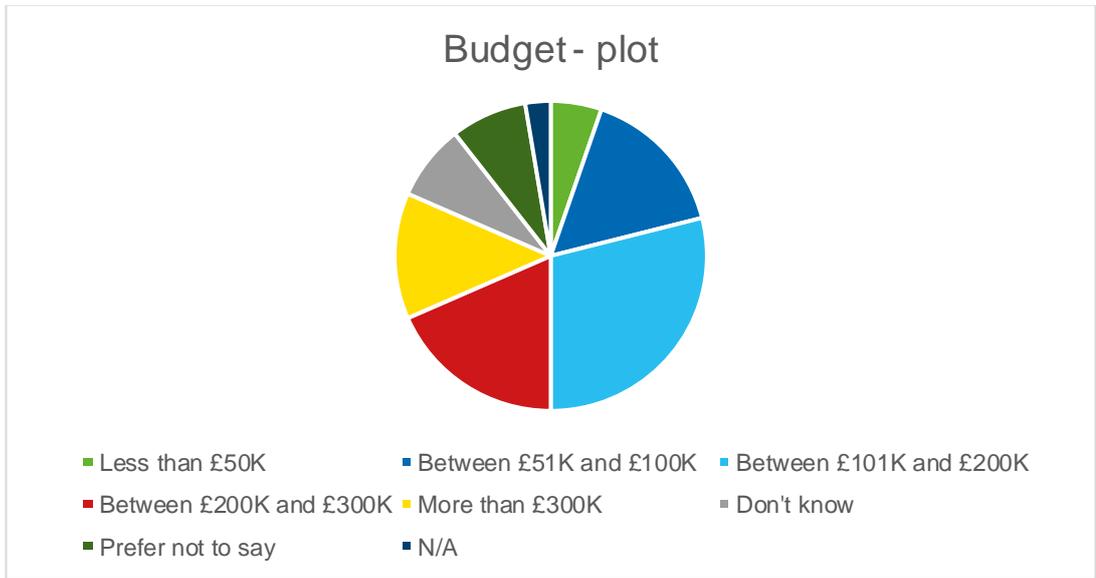
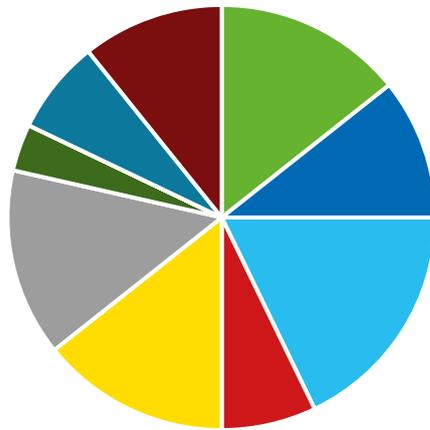
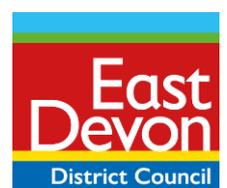


Figure 9 – Overall budget (land and building costs)

Budget - overall



- Between £200K and £299K
- Between £300K and £399K
- Between £400K and £499K
- Between £500K and £599K
- Between £600K and £699K
- Between £700K and £799K
- Between £800K and £899K
- Between £900K and £999K
- £1million and over
- undisclosed



Report to: Strategic Planning Committee



Date of Meeting 14th February 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Infrastructure Funding Statement

Report summary:

The Community Infrastructure Levy (CIL) Regulations 2010 were amended in 2019 and included a requirement for all planning obligation collecting authorities to prepare an 'Annual Infrastructure Funding Statement (IFS) each year to report planning obligation and Community Infrastructure Levy (CIL) income and expenditure from the previous financial year. This is the third year in which the new regulations apply. All authorities should have published their IFS no later than 31 December 2022, however following the departure of our Section 106 Monitoring Officer it has not been possible to complete work on the statement until now. This report summarises the contents of the East Devon District IFS and also highlights some of the key elements of the final IFS.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Strategic Planning Committee note:

1. The contents of this report and the requirement to provide an "Annual Infrastructure Funding Statement".
2. That approval is being sought for the publication and submission to government of the 2021/22 'Annual Infrastructure Funding Statement' based on the information detailed in this report.

Reason for recommendation:

It is a legal requirement, under the CIL Regulations 2010 (as amended) to prepare the Infrastructure Funding Statement.

Officer: Ed Freeman – Assistant Director- Planning Strategy and Development Management;
email: efreemen@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

Climate change Low Impact

Risk: Medium Risk; The risk associated with not meeting the statutory duty to publish the Infrastructure Funding Statement on the EDDC website by 31 December 2021.

Links to background information Previous CIL annual reports - [Community Infrastructure Levy \(CIL\) - CIL Annual Reports - East Devon](#)

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 The Community Infrastructure Levy (CIL) Regulations 2010 as amended in 2019 require local authorities that collect planning obligations ('Section 106, Section 278 and the Community Infrastructure Levy), to prepare and publish an annual Infrastructure Funding Statement.
- 1.2 Regulation 121A states that "no later than 31st December in each calendar year a contribution receiving authority must publish a document which comprises the following:
 - A statement of the infrastructure projects or types of infrastructure which the charging authority will be or may be or partly funded by CIL;
 - A report about CIL in relation to the previous financial year;
 - A report about planning obligations in relation to the reported year.
 - The first annual infrastructure funding statement must be published by 31 December 2020 and it must be published annually on the contribution receiving authority's website.
- 1.3 The main aim of this part of the CIL Regulations is to provide a way to make developer contributions fully transparent in a way which allows anyone to see how much an individual development site has contributed to infrastructure provision.
- 1.4 The Community Infrastructure Levy (CIL) is one of the primary mechanisms for collecting financial contributions from new developments. The Council started charging CIL from 1st September 2016. The extent of applicable charges by use and geography is set out within the Council's adopted Charging Schedule (note that a new Charging Schedule has been approved, and the new charges began on 1 February 2021).

- 1.5 In addition to CIL, the Council continues to secure affordable housing, site specific infrastructure items undertakings which are not financial in nature (for example restrictions on use or management plans) through the use of legal agreements under Section 106 (S106) of the Town and Country Planning Act 1990 (as amended).

2 The Infrastructure Funding Statement

- 2.1 As mentioned above, the Infrastructure Funding Statement (IFS) must report on the Council's infrastructure list (discussed further below) and a report on CIL and S.106 income and expenditure.
- 2.2 It should be noted that the IFS is based on the previous financial year (2021/22).
- 2.3 A further point to note is that East Devon District Council has responsibility for receiving and spending S.106 obligations on matters such as affordable housing, play space, leisure facilities, public open space, public art, sports pitches etc. However, Devon County Council (DCC) is also a contribution receiving authority and collects S.106 for infrastructure such as education and highways. It is also required to prepare an annual IFS. Therefore, it is important to note that when reviewing the East Devon IFS, that it should be read together with the DCC IFS to get a complete picture of infrastructure delivery in the district.

3 Infrastructure list

- 3.1 Members may be aware of the previous requirement for a 'regulation 123' list setting out how we may want to spend our CIL receipts. 'Regulation 123' lists have now been abolished, and replaced by an 'Infrastructure list' – such lists must be included in the infrastructure funding statement. The Infrastructure list is defined as “the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL”.¹ This list will not dictate how funds must be spent, but will set out the local authority's intentions.
- 3.2 The proposed final Infrastructure list is set out below:
- Education, including 420 place primary school at land north of Black Horse/Redhayes (Tithebarn Green/Mosshayne); additional secondary capacity serving the West End; and additional primary capacity serving Axminster (specifically at Axminster Community Primary School and St Mary's, Axminster)
 - Exe Estuary habitat mitigation
 - Pebblebed Heaths habitat mitigation
 - Clyst Valley Regional Park
 - Health care facilities
 - Emergency service facilities
 - Library facilities
 - Community and Youth facilities
 - Sports and leisure provision
 - Open space/recreation provision
 - Transport, including Clyst Valley Way; Cranbrook cycle link; Cranbrook to Exeter city centre bus priority; Axminster relief road; and Dinan Way extension, Exmouth

- 3.3 The inclusion of a project or type of infrastructure in this list does not signify a commitment from the district council to fund it from CIL receipts; and the order of the list does not imply any order of preference for funding.

4 S.106 Income/Expenditure

- 4.1 Overall in the reported year, East Devon District Council received £1,289,087.32 from all planning obligations (signed during and prior to 2021/22). The Council also entered into planning obligations which will provide £1,199,968.45 in the future, if development triggers are reached.
- 4.2 Together the council now holds a total of £6.8M in S.106 money, to be spent on defined projects. Some S.106 income is not spent due to the fact that it is held by the council for long term maintenance on public open space. In other cases monies are earmarked for projects that are taking time to resource and deliver.
- 4.3 Some developer contributions are non-monetary, such as the obligation to provide affordable housing units and public open space on-site. In the reported year, the Council secured a total of 230 affordable housing units.
- 4.4 The IFS also provides details regarding how S.106 was spent last financial year. In total £621,493.48 was spent including on 15 community infrastructure projects across the district.

5 CIL Income/Expenditure

- 5.1 The headline totals in regard to CIL held by the Council are: -

Total CIL held as at the end of the reporting period of 31 March 2021	£7,469,023.72 (less spent amount and amount paid over to PC)
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Total CIL collected within reporting period	£2,826,372.17
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The total value of Liability Notices notices issued in the reported period	£1,397,305.82
--	---------------

- 5.2 The Council has allocated 8.6% of all collected receipts to Habitat Mitigation, the Exmouth Community College expansion has spent £1,312,500.00 during the year. The Neighbourhood Proportion allocations are treated as separate to EDDC held monies and are distributed directly to the parish councils bi-annually.

Financial implications:

There are no specific financial implications regarding the council's finances on which to comment

Legal implications:

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

East Devon
Annual Infrastructure
Funding Statement
For
Community Infrastructure Levy and
Section 106

Reporting Period:
From 01 April 2021 to 31 March 2022

Community Infrastructure Levy Matters

Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 1

- a) The total value of demand notices issued in the reported period is £1,429,450.38. This value is of demand notices issued within the reported period that have not been suspended or superseded by new demand notices outside of the reported period.

Of total value the amount from Liability Notices (liable floorspace after any relief that has been granted) is £1,397,305.82. The total value is from surcharges imposed due to breaches of the Community Infrastructure Levy Regulations is £32,144.56 and the total value of the late payment interest accrued is £0.00.

- b) The total amount of CIL collected within the reported period totals £2,826,372.17.
- c) The amount of CIL collected prior to the reported period totals £6,594,785.24. Of this total the following amount was collected in Cash and as Land Transactions (including payments in kind and infrastructure payments) and the following amounts remain unallocated:

Type	Received	Unallocated
Cash	£6,594,785.24	£2,141,854.14
Land Payment	£0.00	£0.00

- d) The total amount of CIL collected prior to the reported period allocated in the reported period in relation to cash received is £3,432,256.62 and in relation to land payments (including payments in kind and infrastructure payments) is £0.00.
- e) The total CIL expenditure recorded for the reported period is as follows:

Type	Expenditure
Admin CIL	£141,318.61
Neighbourhood CIL	£498,315.08
CIL Land Payments	£0.00
Other CIL Cash	£1,312,500.00
Total Value	£1,952,133.69

- f) The total amount of CIL allocated and not spent during the reported period is as follows, this does not include allocations made within the reported year that have been fully spent:

Type	Allocated	Spent	Remaining
Admin CIL	£122,040.22	£141,318.61	£-19,278.39
Neighbourhood CIL	£498,315.08	£498,315.08	£0.00
CIL Land Payments	£0.00	£0.00	£0.00
Other CIL Cash	£522,359.40	£0.00	£522,359.40

- g) i) The items of infrastructure on which CIL (including land payments) has been spent within the reported year, and the amount of CIL spent on each item is as follows:

Infrastructure	Date	Amount	Description
CIL allocated project Exmouth CC	27 April 2021 to 08 December 2021	£1,312,500.00	*Includes Third Party spending

Of this money spent within the reported year, the number of affordable housing units provisioned via the spend of CIL money is 0.

Of this money spent within the reported year, the following number of education places have been provisioned: N/A

Education Type	Number of school places
N/A	N/A

- ii) The amount of CIL spent on repaying money borrowed, including any interest, and details of the items of infrastructure which that money was used to provide (wholly or in part) is as follows:

Date	Amount Used	Loan/Interest	Infrastructure Funded
	0		

- iii) The amount of CIL collected towards administration expenses is £141,318.61. This was 5% of the total CIL receipts collected (£2,826,372.17) in the reported period.

East Devon has set a collection percentage of 5.00%. The percentage taken may differ due to Land payments (including payments in kind and infrastructure payments) not being allocated to administration expenses and Surcharges not being split with Neighbourhood Areas.

The amount of CIL spent on administration expenses during the reported year was £141,318.61. This was 5% of the total CIL collected within the reported year.

- h) Regarding CIL collected and allocated within the reported year that has not been spent, summary details of what has been allocated, is remaining to be spent and what it has been allocated towards is as follows:

Infrastructure	Amount Allocated	Amount Unspent	Allocation Dated
Post CIL Hab Regs 8.6%	£522,359.40	£522,359.40	14 February 2022

- i) i) The total amount of CIL passed to a neighbourhood zone under Regulation 59A (collected on behalf of the neighbourhood zone in cash), cash collected and allocated towards Neighbourhood CIL, and 59B (cash provided by the Charging Authority to Neighbourhood Zones equivalent to what they would have received on a payment in kind), are as follows:

Zone	Date	Amount Passed
All Saints	01 April 2022	£13.90
Axminster	01 April 2022	£3,319.70
Aylesbeare	01 April 2022	£86.10
Beer	01 April 2022	£3,194.26
Bishops Clyst	01 April 2022	£5,035.00
Branscombe	01 April 2022	£563.12
Broadclyst	01 April 2022	£120,114.87
Broadhembury	01 April 2022	£340.08
Budleigh Salterton	01 April 2022	£34,341.11
Colyton	01 April 2022	£7,237.90
Exmouth	01 April 2022	£164,022.13
Gittisham	01 April 2022	£3,829.87
Honiton	01 April 2022	£11,664.33
Lypstone	01 April 2022	£55,126.87
Membury	01 April 2022	£4,716.74
Newton Poppleford	01 April 2022	£1,371.75
Otterton	01 April 2022	£441.67
Ottery St Mary	01 April 2022	£4,082.18
Payhembury	01 April 2022	£3,369.10
Plymtree	01 April 2022	£1,497.94
Rockbeare	01 April 2022	£48,087.81
Seaton	01 April 2022	£1,226.77
Sidmouth	01 April 2022	£8,488.39
Uplyme	01 April 2022	£422.14
Upton	01 April 2022	£3,362.96
West Hill	01 April 2022	£7,988.78
Whimple	01 April 2022	£3,391.48
Yarcombe	01 April 2022	£978.13

The following amounts were allocated towards neighbourhood zones under Regulation 59B, cash provided by the Charging Authority to Neighbourhood Zones equivalent to what they would have received on a payment in kind, during the reported year:

Zone	Amount	Date	Re-allocated from
	0		

ii) The following spends within the reported year have been passed to a third party to spend on the provision, improvement, replacement, operation or maintenance of infrastructure under Regulation 59(4):

Infrastructure	Amount	Date	Spend Description
CIL allocated project Exmouth CC	£187,500.00	27 April 2021	Payment 2 of 8
CIL allocated project Exmouth CC	£187,500.00	21 May 2021	Payment 3 of 8
CIL allocated project Exmouth CC	£187,500.00	24 June 2021	Payment 4 of 8

Infrastructure	Amount	Date	Spend Description
CIL allocated project Exmouth CC	£187,500.00	09 August 2021	Payment 5 of 8
CIL allocated project Exmouth CC	£187,500.00	24 August 2021	Payment 6 of 8
CIL allocated project Exmouth CC	£187,500.00	20 October 2021	Payment 7 of 8

j) i) The total collected by East Devon for the reported year under Regulation 59E (CIL returned to the Charging Authority after 5 years if not spent) was £0.00 and under Regulation 59F, CIL collected and retained by the Charging Authority for areas that are not designated Neighbourhood Zones, was £0.00.

ii) The amount of CIL allocated during the reported year under Regulation 59E, CIL returned to the Charging Authority that had been passed to a Neighbourhood Zone and had not been applied to infrastructure after a 5 year period, during the reported year is as follows:

Infrastructure	Neighbourhood Zone	Amount	Date
		0	

The amount of CIL spent under Regulation 59E during the reported year is as follows:

Infrastructure	Amount	Date	Spend Description
	0		

The amount of CIL allocated during the reported year under Regulation 59F during the reported year is as follows:

Infrastructure	Neighbourhood Zone	Amount	Date
		0	

The amount of CIL spent under Regulation 59F during the reported year is as follows:

Infrastructure	Amount	Date	Spend Description
	0		

k) i) The amount of CIL requested under Regulation 59E for the reported year is as follows per neighbourhood zone: 0

Neighbourhood Zone	Amount Requested

ii) The amount of CIL still outstanding for recovery under Regulation 59E at the end of the reported year for all years is as follows for each neighbourhood zone: 0

Neighbourhood Zone	Amount Outstanding

- l) i) The amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, for the reported year and that had not been spent is £852,490.39.
- ii) The amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, from 01 September 2016 to the end of the reported year that has not been spent is £5,690,668.04.
- iii) The amount CIL collected and that had not been spent under Regulations 59E and 59F during the reported year are as follows:

Type	Retained
Regulation 59E	£0.00
Regulation 59F	£0.00

- iv) The amount of CIL collected from 01 September 2016 to the end of the reported year under Regulations 59E and 59F that has not been spent is as follows:

Type	Retained
Regulation 59E	£0.00
Regulation 59F	£0.00

Section 106 Matters

Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A Schedule 2 Section 3

- a) The total amount of money to be provided under any planning obligations which were entered during the reported year is £1,199,968.45. This figure does not consider indexation (inflation/deflation) that may be applied when the money becomes due.
- b) The total amount of money received from planning obligations during the reported year was £1,289,087.32.
- c) The total amount of money received prior to the reported year that has not been allocated is £0.
- d) During the reported year the following non-monetary contributions have been agreed under planning obligations:
- i) The total number of affordable housing units to be provided as on-site provision agreed under planning obligations is 230.

The total number of affordable housing units to be provided by S106 off site funding allocations made within the reported period is 0.

- ii) The following education provisions have been agreed under S106 agreements:

Education Type	Number of school places
N/A	N/A

The following education provisions have been funded by offsite S106 and other funding sources allocated during the reported year: N/A

Education Type	Number of school places
N/A	N/A

Summary details of all non-monetary obligations agreed within the reported year are as follows:

Covenant Type/Service	MHCLG Type	Deed Signed	Planning Application
Posts - Cranbrook - Community Development Worker/S106 Monitoring	No Mapping Set	25/06/2021	03/P1900
Posts - Cranbrook - Country Park Ranger/S106 Monitoring	No Mapping Set	25/06/2021	03/P1900
Play Area - Cranbrook/S106 Monitoring	No Mapping Set	25/06/2021	03/P1900
Open Space Generic post Apr 15/Streetscene	No Mapping Set	12/07/2021	20/1001/MOUT
Affordable Housing/Affordable Housing	No Mapping Set	12/07/2021	20/1001/MOUT

Viability Appraisal/Affordable Housing	No Mapping Set	12/07/2021	20/1001/MOUT
Open Space Landscaping/Streetscene	No Mapping Set	12/07/2021	20/1001/MOUT
Cricket Pavilion/Streetscene	Open Space and Leisure	12/07/2021	20/1001/MOUT
Management Company/S106 Monitoring	No Mapping Set	12/07/2021	20/1001/MOUT
Affordable Housing/Affordable Housing	No Mapping Set	28/07/2021	13/0001/MOUT
Transfers/S106 Monitoring	No Mapping Set	28/07/2021	13/0001/MOUT
Restriction of Land Use/	No Mapping Set	06/08/2021	20/2518/FUL
Affordable Housing/Affordable Housing	No Mapping Set	03/09/2021	09/2292/MFUL
Affordable Housing/Affordable Housing	No Mapping Set	28/07/2021	20/2410/MFUL
Viability Appraisal/Affordable Housing	No Mapping Set	28/07/2021	20/2410/MFUL
Affordable Housing/Affordable Housing	No Mapping Set	01/10/2021	19/2773/FUL
Release/Legal	No Mapping Set	01/12/2021	20/1599/FUL
Reinstatement Works Scheme/Notices	Other	01/12/2021	20/1599/FUL
Care Agency/S106 Monitoring	No Mapping Set	19/01/2022	19/2710/MFUL
Care Agency/S106 Monitoring	No Mapping Set	19/01/2022	19/2710/MFUL
Affordable Housing/Affordable Housing	No Mapping Set	19/01/2022	19/0101/FUL
Overage/	No Mapping Set	21/12/2021	19/2829/MFUL
Affordable Housing/Affordable Housing	No Mapping Set	10/02/2022	90/P1327

e) The total amount of money from planning obligations allocated towards infrastructure during the reported year was £847,747.92. Of this amount £777,966.46 was not spent during the reported year.

f) The total amount of money from planning obligations spent during the reported year was £621,493.48. Of this amount £0.00 was spent by a third party on behalf of East Devon.

g) The following items have had money allocated towards them during the reported year with unspent allocations:

Infrastructure	Allocated	Date Allocated	Unspent
Exmouth 20/21 Ashfield Play Area	£9,555.93	01 August 2021	£9,555.93
East Budleigh Village Green Play/Sport Project	£2,348.76	01 June 2021	£446.19

Infrastructure	Allocated	Date Allocated	Unspent
Exmouth 20/21 Carter Avenue Play Area	£50,143.73	01 August 2021	£50,143.73
Exmouth G Open Space Project	£74,748.89	01 June 2021	£74,748.89
Exmouth G Play Area Project	£17,136.55	01 June 2021	£17,136.55
Exmouth G Sport Project	£167,898.67	01 June 2021	£167,898.67
Colyton Trim Trail & Climbing Wall	£9,395.04	15 December 2021 to 22 December 2021	£9,395.04
Exmouth 20/21 Redgates Play Area	£26,054.98	01 August 2021	£26,054.98
Exmouth 20/21 Brixington Play Area	£11,098.44	01 August 2021	£11,098.44
Exmouth Beach Gardens	£2,219.55	01 June 2021	£2,219.55
Exmouth Brixington Lane Youth Play	£2,257.89	01 June 2021	£2,257.89
Exmouth Durham Close Youth Play	£2,099.53	01 June 2021	£2,099.53
Exmouth Warren View Pitch	£23,079.37	01 June 2021	£23,079.37
Phear Park	£2,168.53	01 June 2021	£2,168.53
Exmouth York Close Play Area	£17,086.80	01 June 2021	£17,086.80
Exmouth Ashfield Play Area	£23,186.30	01 June 2021	£23,186.30
Exmouth Phear Park Sport/Cycle Routes	£89,734.89	01 June 2021	£89,734.89
Exmouth 20/21 Thomas Close Play Area	£29,253.03	01 August 2021	£29,253.03
Exmouth 20/21 Littleham Crescent Play Area	£63,355.01	01 August 2021	£63,355.01
Exmouth 20/21 Maer/Seafront Play Area	£93,503.52	01 August 2021	£93,503.52

h) In relation to money which was spent by East Devon during the reported year:

i) The items of infrastructure that planning obligation money has been spent on and the amount spent are as follows:

Infrastructure	Spent	Date Spent	Spend Description
Brampford Speke Circular Walk	£2,006.76	29 March 2022	
East Budleigh Nature Trail	£340.71	16 March 2021 to 08 June 2021	Final invoice re nature trail

Infrastructure	Spent	Date Spent	Spend Description
East Budleigh Village Green Play/Sport Project	£6,910.18	08 December 2021 to 29 March 2022	2nd invoice 2nd invoice 2nd invoice
Beer G Play and Sport Project	£25,802.00	26 January 2022	
Colaton Raleigh Swings and Seesaw	£133.75	14 December 2020 to 24 June 2021	
Whimple Pump Track	£39,654.41	26 August 2021	
Ottery Winters Lane Play Area	£48,359.50	03 January 2022 to 07 March 2022	
Honiton Allotment Project	£52,789.55	08 December 2021 to 26 January 2022	
Seaton FC Changing Rooms	£174,420.40	27 April 2021 to 22 March 2022	20% payment Total including VAT EDDC to claim back VAT 690 Input as advised by RW see spreadsheet
Clyst St Mary PC play area and football goals	£27,179.10	08 February 2021 to 24 August 2021	Second invoice Football Goals
Exmouth - Wild Exmouth	£66,152.28	31 July 2021	
Clyst St Mary Pitch enhancement 21	£6,609.84	08 June 2021 to 24 August 2021	Payment 1 Payment 2 (July invoice)
Cranbrook Sports Pavilion	£171,135.00	01 March 2022 to 07 March 2022	

ii) The amount of planning obligation money spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide are as follows:

Date	Amount Used	Loan/Interest	Infrastructure Funded
	0		

iii) The amount of planning obligation money spent in respect of administration of planning obligations and monitoring in relation to the delivery of planning obligations during the reported year was £0.00.

i) The total amount of money retained at the end of the reported year is £6,820,658.08. Of this amount retained an amount of £302,950.05 has been retained for long term maintenance. Please see the below table for a breakdown of the retained maintenance amount.

Description	Amount
Total collected for long term maintenance	£335,104.86
Total allocated towards maintenance	£335,104.86
Total spent on maintenance	£32,154.81

Section 278 Matters
Community Infrastructure Levy Regulations (2019 Amendment) Regulation 121A
Schedule 2 Section 4

The following matters are agreements entered into during the reported year in respect to Highways Agreements under Section 278 of the Highways Act 1980. The financial values of these are not included in the matters under **Schedule 2 Section 3** of this report.

Date	Application/Deed/Clause/Covenant	Amount
N/A	N/A	N/A