

Agenda for Strategic Planning Committee Tuesday, 22nd October, 2019, 10.00 am

Members of Strategic Planning Committee

Councillors: S Bond (Chairman), N Hookway (Vice-Chairman), M Allen, F Caygill, O Davey, S Hawkins, P Hayward, M Howe, F King, D Ledger, T McCollum, A Moulding, G Pratt, E Rylance and P Skinner

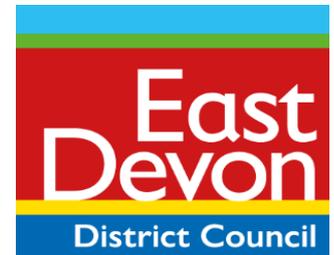
Venue: Council Chamber Blackdown House

Contact: Wendy Harris;

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(or group number 01395 517546)

Friday, 11 October 2019



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1 Public speaking

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

2 Minutes of the previous meeting (Pages 3 - 8)

3 Apologies

4 Declarations of interest

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

5 Matters of urgency

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 Minutes of the Community Infrastructure Levy Working Party of 17 September 2019 (Pages 9 - 11)

8 Greater Exeter Strategic Plan - updated scope and timetable (Pages 12 - 22)

9 Garden communities and delivery vehicles (Pages 23 - 31)

10 Climate Change Emergency - A planning response (Pages 32 - 41)

11 Glover Review of Protected Landscapes in England (Pages 42 - 47)

- 12 Draft Affordable Housing Supplementary Planning document (Pages 48 - 118)
- 13 Custom and self-build housing (Pages 119 - 126)
- 14 Housing Monitoring update to year ending 31 March 2019 (Pages 127 - 131)

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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 on 20 August 2019****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.45 am

9 Public speaking

There were no members of the public present.

10 Minutes of the previous meeting

The minutes of the Strategic Planning Committee held on 10 June 2019 were confirmed as a true record.

Cllr Ranger sought clarification if the Strategic Planning Committee would be undertaking a review of the Local Plan. In response the Service Lead Planning Strategy and Development Management confirmed work had commenced on evidence gathering and project planning but could not progress further until clarity was obtained on the Greater Exeter Strategic Plan Strategy which the Local Plan would sit under.

In relation to Minute 2 Cllr Moulding sought clarification when the Housing Needs Study would be undertaken. The Service Lead Planning Strategy and Development Management apologised for the delay in setting up the Panel and said it was due to the evidence gathering and co-ordinating with consultants. The Service Lead for Planning Strategy and Development Management would look to set up the Panel in October.

11 Declarations of interest

7. Community Infrastructure Levy: Draft Charging Schedule consultation document and revised instalment policy.

Councillor Eleanor Rylance, Personal, Broadclyst Parish Councillor.

7. Community Infrastructure Levy: Draft Charging Schedule consultation document and revised instalment policy.

Councillor Mike Howe, Personal, Bishops Clyst Parish Councillor.

7. Community Infrastructure Levy: Draft Charging Schedule consultation document and revised instalment policy.

Councillor Paul Hayward, Personal, Parish Clerk to Chardstock and Newton Poppleford and Hapford Parish Councils. Both Councils are recipients of CIL and S106.

12 Matters of urgency

There were no matters of urgency discussed.

13 Confidential/exempt item(s)

There were no items that officers recommended should be dealt with requiring exclusion of the public or press.

14 **Community Infrastructure Levy: Draft Charging Schedule consultation document and revised instalment policy**

The Committee considered the report which sought to update Members on Government changes to the CIL system and to provide Members an understanding of issues that had arisen from the public consultation on the Preliminary Draft Charging Schedule, how the Council had taken into account the responses and subsequent changes proposed. The Service Lead Planning Strategy and Development Management advised Members one key reason for revising the Charging Schedule was to ensure infrastructure delivery at Cranbrook with a revised CIL charging zone.

It was highlighted only 15 responses had been received to the consultation which raised a number of issues, many of which had been addressed in the viability assessment.

As a result of the responses received the proposed changes were:

- Changing the boundaries of the Cranbrook charging zone to reflect the Cranbrook Plan area; and
- Axminster Urban Extension – amending the boundary to reflect the new endorsed Masterplan advocating a larger area for development.

The Committee also considered the revised Instalment Policy which proposed to reduce the number of instalments when small amounts are due to help reduce administration for the council and applicants and for the council to receive CIL from smaller schemes more quickly. Attention was drawn to how this would be implemented and members noted the proposal was to retain the existing instalment policy for developments that had already been issued a liability notice and implement the new instalment policy on new cases.

Discussions on the report included:

- Concerns raised on CIL being a failing system of drawing funding and it was questioned whether it was fit for purpose.
- Disappointment was expressed about the lack of comments received from developers during the consultation.
- Clarification sought on the outcome of CIL with other authorities. In response the Service Lead Planning Strategy and Development Management said the main issue was CIL was never intended to be the one source of funding for infrastructure.
- Concerns raised on paragraph 4.8 and the rebase of Habitat Mitigation. In response the Service Lead Planning Strategy and Development Management advised rebasing of CIL and Habitat Regulations were separate. Rebasing CIL focused on reassessing the viability of development whereas the Habitat Mitigation rebasing was about ensuring the necessary funds were collected to deliver the strategy.
- Concerns raised on paragraph 4.7 whether £147.23 per sq m reduction would be adequate for Winslade Park to achieve the required affordable housing commitments. In response the Service Lead Planning Strategy and Development Management advised that negotiations were on-going on this site but that the proposed reduced rate would certainly help to address previous liability concerns.
- It was queried why Pinhoe was included in East of Exeter and why Broadclyst had not been mentioned in Figure 2. The Service Lead Planning Strategy and Development Management advised he would remove Pinhoe and explained that Broadclyst was a parish in West Clyst.

- Assurance was sought that the affordable homes target would be met with the proposed changes to the CIL rate. The Service Lead Planning Strategy and Development Management gave a detailed explanation why the council was not able to give such an assurance.
- Concerns raised about Section 106 being quashed because it was not legally binding. It was advised at Development Management Committee very viable contributions had been waived on grounds of viability which had led to developers not paying CIL. In response the Service Lead Planning Strategy and Development Management explained that as non-policy compliant applications were required to be brought before Development Management Committee this may be obscuring perception of levels of applications claiming viability issues. It was further advised many applications that were policy compliant do pay CIL.
- It was claimed in 2010 Mid Devon's gross profit for each house built was £20k and in 2018 it was £71k. This was claimed to show developers were making more and more profit at the expense of the residents of East Devon.
- The retail sector is suffering under the current climate.
- The need to protect affordable housing.

RESOLVED:

1. That the consultation responses received on the Preliminary Draft Charging Schedule be noted and the council response be endorsed;
2. That the Community Infrastructure Levy Draft Charging Schedule consultation document for public consultation over a period of six weeks be approved;
3. That the revised Instalment Policy be approved.

RECOMMENDED TO COUNCIL:

that the Community Infrastructure Levy Draft Charging Schedule for submission to the Planning Inspectorate for Examination together with any consultation responses received during the consultation recommended at 2 above.

15 **S106/Community Infrastructure Levy Developer Contributions
Annual Report 2018/19**

Members welcomed the Section 106 Infrastructure Levy Developer Contributions Annual Report 2018/19 outlining the financial contributions received by the Council, where these had been spent and the balance of unspent monies at the end of the last financial year. The report also detailed a summary of the way the Council collect financial contributions through Community Infrastructure Levy.

Comments made during discussions included:

- Exeter and Teignbridge District Council were progressing ahead of this council with their Habitat Regulations Assessment Mitigation. In response the Service Lead Planning Strategy and Development Management advised the council was working closely with Devon Clinton Estates on heath initiatives. Members were also advised that the strategy is being delivered in partnership and that mitigation measures delivered in partner authority areas are beneficial to East Devon
- It was advised Broadclyst had not been included on Table 3.
- Concerns raised about the 2018 Section 106 cash flow figures detailed in Graph 1.

RESOLVED:

1. That the contents of this report be noted;

2. That the sums secured for Habitat Mitigation non-infrastructure be increased to those detailed in table 4 in the report to reflect the rebasing of the Habitat Mitigation Strategy be agreed;
3. That the amount top-sliced from CIL receipts for Habitat Mitigation be 8.6% on net CIL receipts (11.7% of total CIL receipts) to reflect the rebasing report be agreed.

16 **Membership of Greater Exeter Strategic Plan Members Joint Advisory Reference Forum**

Members welcomed the report presented to them outlining the need to increase membership of the Greater Exeter Strategic Plan Members Joint Advisory Reference Forum to 10 members per partner authority with an additional 5 members to enable wider engagement with the membership of the Councils on the emerging proposals coming out of the work on GESP.

Discussion covered:

- Clarification sought about whether the partner authorities were doing the same. It was advised the partner authorities were putting in place the same arrangements.
- Clarification sought that all 4 authorities were moving forward with GESP. In response the Chief Executive advised the current understanding is that the 4 leaders were meeting regularly with a view to agreement to take forward GESP.

RECOMMENDED:

that Council agrees to increasing the membership of the Greater Exeter Strategic Plan Members Joint Reference Forum to 10 Members from each authority on the basis of each authority's political balance and appoints an additional 5 Members to sit on the Forum

17 **Validation of planning and related applications - adoption of revised information required to be submitted with planning and associated applications (Local List)**

The Committee was asked to consider the recommendations of the Validation of planning and related applications – adoption of revised information required to be submitted with planning and associated applications (Local Requirements List). The Service Lead Planning Strategy and Development Management advised as there had not been any substantial changes since it was last modified in 2017 it only required a light touch limited review and drew Members' attention to the minor changes and comments listed in paragraph 2.5 including Flood Risk Assessments and Design Access Statements.

The Service Lead Planning Strategy and Development Management provided Members with an update from the Economic Development Manager providing additional guidance under the Economic Impact Assessment that was not currently in the document.

Issues were highlighted as:

- Concerns raised about the quality of the presentation of plans and drawings especially when downloading from the council's website.
- Make it mandatory for Architects to not use the dark blue paper.

- The need for correctly titled planning drawings to easily identify revisions.
- The need to include additional information regarding a carbon impact statement.
- Would like to see heavy nudges through the planning process for developers to produce low carbon buildings.
- Clarification sought on the main changes proposed under delegated authority. The Service Lead Planning Strategy and Development Management advised the main changes included all major planning applications involving the loss of land or buildings last used for employment, retail and/or community purposes has to submit an Economic Impact Assessment as opposed to major developments, more detailed guidance and details on the marketing strategy.

RESOLVED:

that the revised information and requirements together with amendments to the Economic Impact Assessment requirement (as appended) in the document 'Information Required with Planning and Associated Applications' be adopted and published immediately for Development Management purposes.

Attendance List

Councillors present:

S Bond (Chairman)
N Hookway (Vice-Chairman)
O Davey
S Hawkins
P Hayward
M Howe
F King
D Ledger
A Moulding
G Pratt
E Rylance
P Skinner

Councillors also present (for some or all the meeting)

K Bloxham
A Dent
P Faithfull
S Jackson
G Jung
K McLauchlan
V Ranger
J Rowland

Officers in attendance:

Ed Freeman, Service Lead Strategic Planning and Development Management
Mark Williams, Chief Executive
Shirley Shaw, Planning Barrister
Keith Lane, Planning Officer (Planning Policy)
Wendy Harris, Democratic Services Officer

Councillor apologies:

M Allen

F Caygill
T McCollum

Chairman

Date:

EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Community Infrastructure Levy Working Party held at Tale Room, Blackdown House, Heathpark, Honiton EX14 1EJ on 17 September 2019****Attendance list at end of document**

The meeting started at 11.00 am and ended at 12.15 pm

9 Minutes of the Community Infrastructure Levy Working Party held on 18 July 2019

The minutes of the Community Infrastructure Levy Working Party held on 18 July 2019 were confirmed and signed as a true record.

10 Declarations of Interest

There was no declarations of interest.

11 Exmouth Community College - additional Information from DCC

The Service Lead for Planning Strategy and Development Management advised the Working Party that Devon County Council had re-submitted their application for funding form detailing information that was missing from their previous application submitted in 2017. The application form presented to Members provided a more detailed background to the project related to the expansion proposal for the delivery of a 16-class teaching block. The Working Party noted Devon County Council had requested a £1.5m contribution.

The Service Lead for Planning Strategy and Development Management put to the Working Party two questions. The first question being whether Members were satisfied with the level of information provided and the second question about whether Members were still in agreement to recommend to Strategic Planning Committee the project be supported and to increase the funding commitment to £1.5m.

Discussion included:

- Clarification sought on the current position. In response, the Working Party were advised £1.9m was available.
- The need to bear in mind the need for a second school.
- Clarification sought on the information provided on the application form. In response it was advised the application form was not 100% complete but did consist of a better level of information explaining the need for the project.
- There is an urgent need for the school to expand because the additional numbers anticipated from the new housing developments would not be sustainable.
- Concerns raised that the delivery of the extension may make it more unlikely that a second school would be delivered.

RECOMMENDED to the Strategic Planning Committee: that a contribution of 44% of the total estimated cost of the project, up to a maximum of £1.5m be contributed to the expansion proposal at Exmouth Community College.

12 Exmouth Dinan Way Extension - Additional Bid from DCC

The Service Lead for Planning Strategy informed the Working Party about a new pinch point funding pot made available by government for dealing with highways pinch point issues. The Service Lead for Planning Strategy advised that Devon County Council were intending to submit an application for funding for an extension at Dinan Way that would ease congestion by providing an alternative route to the unsuitable local roads currently used and provide a connection to the A376. The Working Party noted the designed scheme had secured planning permission in 2017.

The Service Lead for Planning Strategy drew attention to the application Devon County Council had submitted and outlined the main criteria for funding was that local authorities had to provide match funding to help support the bid. The Working Party noted the total cost of the project was £11.16m. Devon County Council in discussions with officers had initially sought a commitment of a future spend of £400,000 towards the project but were now seeking £1,116,000 (10%). When combined with a contribution from Devon County Council this would amount to 15% of the total project cost against which government money through pinch point fund would be sought as match funding. The Service Lead Planning Strategy said that the increase in the request had been questioned with Devon County Council and they had explained that they had increased the request on the basis that the greater the local contribution to the project the greater chance the bid would be successful.

The Service Lead for Planning Strategy drew the Working Party's attention to concerns raised by Devon County Council that if the project was not secured through funding they were concerned about whether the Dinan Way extension would be delivered at all.

It was highlighted that Exmouth Town Council may want to contribute towards the scheme. The Working Party noted Exmouth Town Council had received £300,000 for their proportion of the Exmouth Neighbourhood CIL and was also due a further £92,000.

Discussions covered:

- Concerns raised about allocating all monies to Exmouth.
- Concerns raised about whether the road was the appropriate development to prioritise as it would not enable any further development.
- Concerns raised that the existing road structure would not support the new housing development at Goodmores Farm.
- Clarification sought on DCC's contribution. In response it was advised Devon County Council were proposing to make a maximum contribution of £558k (5%).
- Concerns raised about transparency.
- Clarification sought on the timeline for delivering the extension. In response it was advised it would need to be delivered between 2021 – 2023 as these were the timescales for spend of the pinch point funding.
- It was suggested this council contribute £400k and Exmouth Town Council contribute the remaining £158k.
- It was suggested to approach Devon County Council to ask Exmouth Town Council for a significant contribution as their support was paramount.
- Concerns raised about what was classed as a significant contribution.

RECOMMENDED to the Strategic Planning Committee: that a contribution of £400k to made to Devon County Council subject to a significant contribution from Exmouth Town Council.

No other business was raised.

Attendance List

Councillors present:

M Howe (Chairman)
M Armstrong
K Blakey
K McLauchlan

Officers in attendance:

Ed Freeman, Service Lead Strategic Planning and Development Management
Sulina Tallack, Planning Obligation Officer
Keith Lane, Planning Officer (Planning Policy)
Wendy Harris, Democratic Services Officer

Councillor apologies:

S Bond
I Hall
G Jung
F King

Chairman

Date:



Report to: **Strategic Planning Committee**

Date of Meeting: 22nd October 2019

Public Document: Yes

Exemption: None

Review date for release: None

Subject: **Greater Exeter Strategic Plan – Updated Scope and Timetable**

Purpose of report: This report is intended to update Members on discussions that have taken place between the leaders of the partner authorities involved in the Greater Exeter Strategic Plan (GESP) regarding the future scope and timetable for production of the GESP. The report seeks Members agreement to a draft scope and timetable which if agreed by all partner authorities will form the basis for progressing work on the GESP.

Recommendation: **That Members agree the proposed scope and timetable for the Greater Exeter Strategic Plan as detailed in this report and summarised in Appendix 1.**

Reason for recommendation: The proposed scope and timetable are considered to be the best approach to deliver the Greater Exeter Strategic Plan and Members endorsement of this approach is needed to ensure that work on the GESP can move forward.

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

Financial implications: As a collaboration between the four councils the funding of the Greater Exeter Strategic Plan has in the past and should in the future continue to be shared by the four councils with the shared funding mechanism to be established once the scope and timetable has been agreed.

Legal implications: The Council is legally required to maintain and update a Local Development Scheme(LDS) to reflect the amended timescales proposed within the report, if approved these will come forward at the December 2019 Strategic Planning Committee. There are no legal implications other than as set out within the report.

Equalities impact: Low Impact

The report relates to the form and process for production of a development plan for the area and therefore does not directly address any equalities issues.

Climate change: High Impact

By its nature, climate change is something which cannot be considered in one isolated area, but can only be tackled through work which reflects cross-boundary transport movements and other strategic matters. Involvement in the Greater Exeter Strategic Plan provides this opportunity to consider carbon emission and climate change impacts of development and transport over a wider area. Because of this, involvement in GESP is likely to be beneficial to climate change policy compared with seeking to achieve carbon neutrality in just one district.

The key impacts will arise from the specific policies and strategy chosen, however. These implications will arise as the GESP is prepared.

Risk: Low Risk

Links to background information:

- Initial report to Strategic Planning Committee on GESP: <https://bit.ly/2o9qc0V>
- GESP scoping and Resources Report: <https://bit.ly/2mAqBZM>
- Principles for Accommodating the Future Growth Needs of East Devon report: <https://bit.ly/2p1GbyA>
- GESP website: www.gesp.org.uk

Link to Council Plan: [Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding council.](#)

Introduction

On various dates in mid-2016 the four councils of East Devon, Exeter, Mid Devon and Teignbridge agreed formally to prepare a statutory joint local plan to be known as the Greater Exeter Strategic Plan (GESP). A joint planning team has been set up and work has progressed on various aspects of the plan.

The reasons given for preparing a joint plan between the councils are still highly relevant today and are summarised below:

- The Greater Exeter area geography reflects economic, housing and transport patterns. Coordinated planning and infrastructure provision will be enhanced to the wider benefit of councils taking part.
- Related to this, the legal requirement on local plans to be prepared under the Duty to Cooperate will be significantly easier than through the separate preparation of individual plans by the four councils on differing timetables.
- Strategic decisions taken previously by the Regional Spatial Strategy and Structure Plans have now been effectively completed, so a new vision and strategy for the area is needed.
- Joint working and planning gives the Greater Exeter authorities greater profile and weight when applying for national and regional infrastructure funding and in other relationships with other bodies.

The case for a joint plan was explained in detail in a report to Strategic Planning Committee on 21st July 2016 and is reproduced below for Members ease of reference:

“A joint plan has a number of clear benefits aside from simply meeting the duty to co-operate and the policy vacuum formed by the withdrawal of the RSS and Devon Structure Plan. The cross border co-ordination of issues particularly those associated with the growth of Exeter as the region’s city is going to be key for Exeter and its neighbouring authorities. The impact of Exeter is felt beyond the boundaries of the city on a regional scale in terms of economy, housing need and transportation pattern. This area of influence has expanded to encompass East Devon, Mid Devon and Teignbridge. Together with Exeter City itself, this wider area can now be regarded as ‘Greater Exeter’ and therefore there is a clear benefit of planning across functional geography.

Exeter is running out of space to accommodate the levels of economic growth that is envisaged and the housing needs that are likely to be generated. Significant growth is already being accommodated in East Devon in the form of Cranbrook, Science Park and Sky Park as well as in Teignbridge where large scale housing sites are being developed to the south west of the city. How such growth is accommodated and how this is co-ordinated between the authorities will be key moving forwards while regardless of which authority's area development is accommodated in there is a need to co-ordinate the delivery of infrastructure to support the development that is needed. Infrastructure such as the main road network for example runs between the different authorities and impacts on each area and so how the pressures that are placed on this infrastructure is dealt with is important to each authority and needs to be co-ordinated. Clearly Devon County Council also has a key role in terms of transport infrastructure, education and social care and proposes acting in a partnership role to support the Greater Exeter authorities in strategic plan making. Economic, environmental and other planning pressures and processes do not respect administrative boundaries and joint decision-making on these strategic matters will enable us to better plan for the future of the area.

A co-ordinated approach is also necessary when looking to secure government funding and investment. Individual authorities can no longer access the funding required to deliver the necessary infrastructure for large scale developments such as a new community like Cranbrook on their own. Such funding no longer exists with the government now expecting a co-ordinated approach between authorities and devolution bids to secure large scale funding. A joint plan will give a clear strategy for the area that will assist in accessing funding for infrastructure. In addition it would provide a clear strategy for growth to support the emerging devolution bid should this proceed. The Heart of the South West devolution bid highlights a number of challenges facing the LEP area which planning has a key role in addressing. These are:

- Comparative productivity is 29th out of 39 LEP areas
- An aging workforce and major skills shortages reported
- Our performance remains low on key productivity measures: wages, innovation, inward investment exports and global trade
- Disproportionate growth in our older population is placing unsustainable burdens on our services
- Strategic infrastructure has good coverage, but is incomplete
- Insufficient capacity of the road network and motorway junctions
- Uncompetitive travel times to London and the south east
- Incidents and extreme weather threatens transport resilience
- Housing supply not keeping up with demand
- Threats to National Parks and Areas of Outstanding Natural Beauty

These challenges are common to the Greater Exeter area as they are to the wider LEP area and whether the devolution bid proceeds or not a joint strategic plan is considered to be part of the mechanism to addressing these issues that can only really be resolved by working together. A further major benefit of joint working on plan preparation is the cost savings that this presents. Whilst traditionally some local plan evidence has been jointly commissioned, such as the Strategic Housing Market Assessment (across the housing market area), a joint strategic plan would present an opportunity to take this further through the pooling of resources for the commissioning and preparation of evidence. This could lead to significant savings over individual authorities each making separate commissions or separately producing the work. There is also potential for skills and specialisms within the individual authorities to be shared for the benefit of the partnership.

Other authorities have already undertaken joint plan making and it is understood that many of the plans that are currently in production are being produced in partnership between neighbouring authorities. Examples that are similar to the proposed approach for the Greater Exeter area include a joint plan for the Gloucester, Cheltenham and Tewkesbury area and also a plan for the Broadland, Norwich and South Norfolk Council's areas. More locally, joint plan making is already being pursued by North Devon and Torridge and is also taking place in the wider Plymouth area.

Joint plans are finding favour with local plan inspectors and the government's Local Plan Experts Group (LPEG) has also expressed a preference for this approach. The group was established in September 2015 to consider how local plan making can be made more efficient and effective. When the group reported earlier this year they highlighted the importance of joint working particularly in city regions where the administrative boundaries of the principal urban area mean that it cannot meet its housing needs. The Greater Exeter area is an example where this is increasingly the case and joint working will be necessary to address this issue."

Current Local Development Scheme (LDS)

The description and timetable of GESP is contained within a common section in the four LDS as follows:

"The Greater Exeter Strategic Plan will cover the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge (i.e. those Councils' administrative areas excluding Dartmoor National Park). It will be prepared jointly by those four local planning authorities with the support of Devon County Council under Section 28 of the Planning and Compulsory Purchase Act. It will:

- **set an overall vision and strategy for the development of the area in the context of national and other high level policy;**
- **include overarching, cross-boundary and strategic targets, policies and proposals for development and conservation;**
- **guide the overall level and distribution of development;**
- **make strategic development and infrastructure proposals;**
- **contain other strategic policies necessary to implement the vision and strategy; and**
- **cover the period 2020 to 2040.**

Once adopted it will supersede specified strategic parts of the East Devon Local Plan, Exeter Core Strategy, Exeter Local Plan, Mid Devon Local Plan (once adopted), Teignbridge Local Plan and any other Development Plan Documents as necessary.

The preparation timetable is as follows:

- **February 2017 – Issues consultation**
- **June 2019 – consultation on draft plan**
- **September 2020 – Publication (Proposed Submission)**
- **March 2021 – Submission**
- **May 2021 – Inspector's Hearings**
- **December 2021 – Adoption"**

Revised Timetable

However, with changes in administration arising from the recent elections it has been necessary to ensure that the GESP is proceeding in a way and on a timetable which continues to meet the objectives of the four councils. Discussions between lead officers and members have therefore been taking place and the planned June 2019 consultation was put "on hold". Recently, at the first meeting of the GESP Leadership Group (see below), the councils' leaderships confirmed their commitment to continuing GESP preparation but with a revised timetable. It is necessary that the new timetable is formally inserted into the councils' Local Development Schemes.

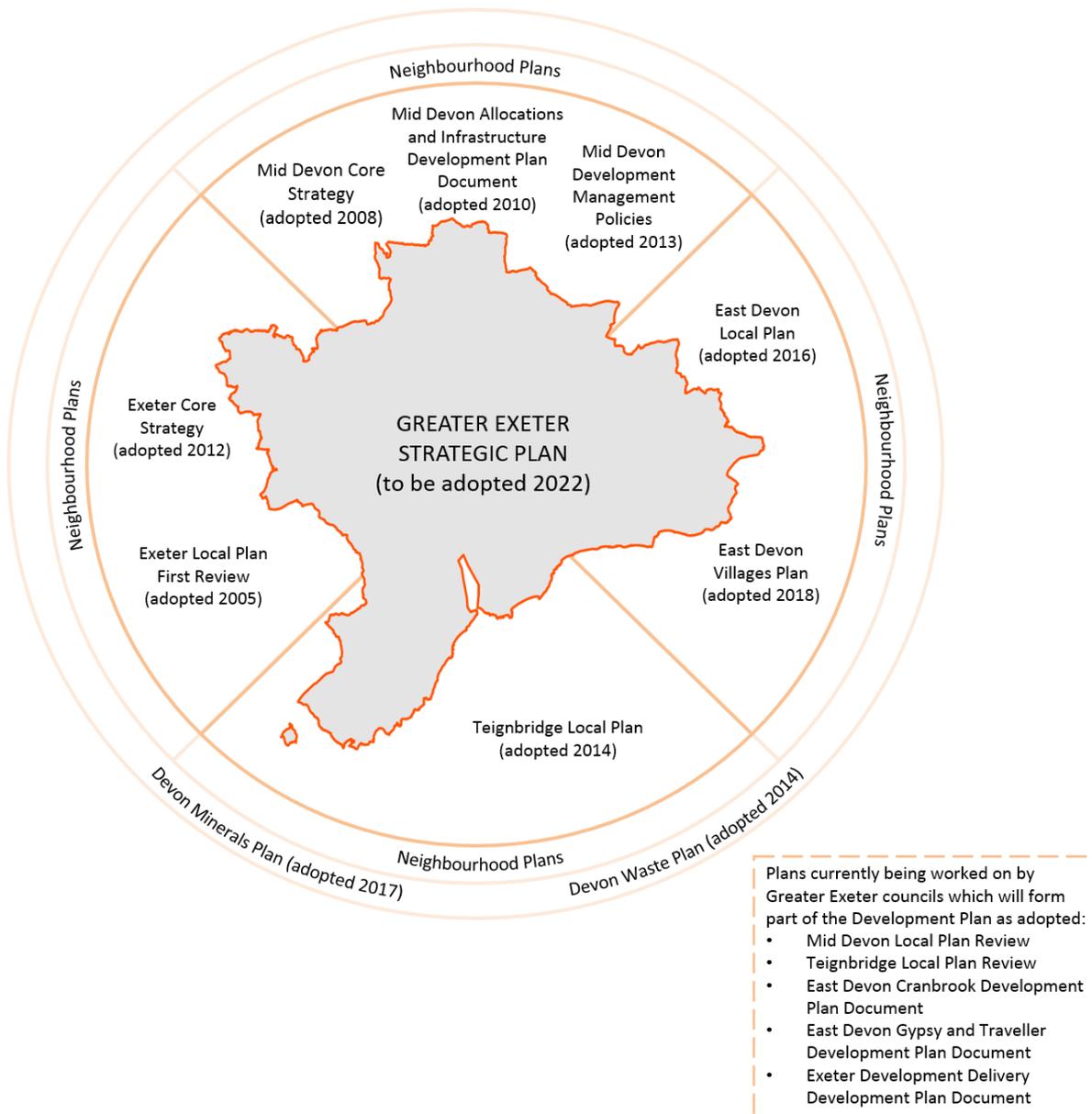
The following milestones are now proposed to replace those set out above, including an explanation of their role in the plan preparation process:

Stage	Notes	Date
Draft Policies and Site Options	A document containing the proposed strategic policies for comment, together with a number of potential strategic site options. There will be more options than will eventually be contained in the GESP, giving communities and others the opportunity to respond in the light of a wide range of alternative sites.	June 2020
Full Draft Plan	The full draft will contain revised policies, taking account of the consultation and any further work undertaken. More controversially, it will have narrowed down the strategic allocations to the final list, and seek further comments on those. The “rejected” options will no longer be within the plan.	November 2020
Proposed Submission	The form of the plan which the council wishes to submit, based on the full draft, but taking account of any comments received to the draft. This is the last formal consultation on the plan before it is submitted. Also known as the “publication” stage.	February 2022
Submit Plan	The plan and all its evidence is sent to the Planning Inspectorate and the examination process starts.	July 2022
Examine Plan	An Inspector leads an examination into the plan through a series of hearings. The focus is on whether the plan is “sound”. There may be further changes to the plan in the form of “Main Modifications” recommended by the Inspector.	September 2022
Adopt Plan	The Plan can only be adopted with a positive recommendation from the Inspector with any Main Modifications proposed by them.	April 2022

GESP Scope revisited

The Greater Exeter Strategic Plan, as its name indicates, is intended to provide an overarching strategy for the area, but not to include the full suite of policies and proposals. Each council will continue to update their own individual local plan (or plans) covering issues not include in GESP. In addition, Neighbourhood Plans will continue to be prepared by local communities. The various plans, once adopted, will be read together to provide the “Development Plan” against which planning applications are to be assessed.

The diagram at the top of the following page helps to explain the relationship between the various plans:



Issues of interpretation can arise where planning policies overlap with different wording affecting the same application. In order to avoid this it is important that the distinction between what goes in the GESP and what is expected to go into local plans, ie the scope of each plan, is sufficiently clear.

The current LDS, quoted above, describes the GESP scope in quite general terms. The Leadership Group considered the matter afresh with 3 options being presented which are summarised below with a list of their pro's and con's:

Scope 1 Strategic Allocations

- GESP would allocate Strategic sites of 500+ homes plus strategic employment sites, with comprehensive policies setting out infrastructure and planning requirements for the sites.
- Local Plans would not need to contain further policies on the Garden Communities and Strategic sites although there would be the option to do so if needed in a particular case.

Pro's

- Minimises re-working of currently produced documents as based on current scope

- Quickest way to deliver the full suite of policies for the delivery of strategic allocations and enable their delivery
- Gives greatest clarity to communities as early as possible

Con's

- Includes the most detail of the options and therefore has the greatest scope for disagreements and delays
- Could lead to a perception that detailed local level issues are being determined jointly at strategic level
- Leads to a need for early decision making about how sites are to be delivered

Scope 2 Strategic Locations

- GESP would show the location of strategic development proposals and strategic employment sites. Comprehensive infrastructure and other policy requirements for these sites would not be included.
- Therefore, the later Local Plans would include the full planning requirements for the garden communities and strategic sites.

Pro's

- Requires some stripping out of detail from the currently produced work and some reworking to align with new scope
- The lesser detail would lead to fewer areas for potential disagreement and delay
- Provides more scope for delivery options to be considered and mechanisms put in place before setting detailed requirements

Con's

- Splits the policy framework for strategic sites between the GESP and Local Plans making both documents relevant to them and a potentially confusing policy position
- Would take longer than scope 1 to provide the full suite of policies required to deliver strategic sites
- Less clarity for communities as would be consulting on proposed strategic allocations without details of how and what would be delivered.

Scope 3 New Communities only

- GESP would show the location of the largest new settlements (such as Culm Garden Village). However, comprehensive infrastructure and other policy requirements for the Garden Communities would not be included.
- Local Plans following on from GESP would therefore include the full planning requirements for the garden communities.

Pro's

- Includes the least detail and therefore the least potential for disagreement and delays
- Potentially quickest as less to consult on and potentially quicker turn around between consultations
- Provides more scope for delivery options to be considered and mechanisms put in place before setting detailed requirements

Con's

- Would require significant stripping out of details and reworking
- Would leave greatest uncertainty for communities
- Risks criticism for deferring the difficult decisions
- Increase to local plan remainder figures
- Splits the policy framework for strategic sites between the GESP and Local Plans making both documents relevant to them and a potentially confusing policy position
- Would take longer than scope 1 to provide the full suite of policies required to deliver strategic sites

The Leadership Group considered the above potential scope options with varying levels of detail and sites. Overall options 2 and 3 provide less certainty for communities and later delivery of the strategic sites. This latter issue would lead to the need to allocate additional development sites either within GESP or within the later local plans.

The Leaders Group supported an updated version, containing a clearer description based on scope 1, as follows:

The Greater Exeter Strategic Plan will cover the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge (i.e. those Councils' administrative areas excluding Dartmoor National Park). It will be prepared jointly by those four local planning authorities with the support of Devon County Council under Section 28 of the Planning and Compulsory Purchase Act. It will:

- **set an overall vision and strategy for the area in the context of national and other high level policy and in particular climate emergency declarations and the NPPF;**
- **contain policies and proposals for strategic and cross boundary issues where these are best dealt with at a larger-than-local scale;**
- **set the overall amount of growth for the period 2020 – 2040;**
- **promote the Liveable Exeter vision by allocating urban regeneration sites in the city;**
- **implement the overall vision and strategy by allocating strategic sites of 500 or more homes which may include urban extensions and new settlements ;**
- **provide districts' local plans with targets for non-strategic development**

This updated scope provides the following key benefits.

- It is legally "sound" because GESP will contain enough detail to be justified by evidence and by comparison with other potential strategy approaches, the proposals will be worked up in enough detail for their effectiveness to be tested and confirmed, and it will deal with the strategic matters facing the area rather than deferring them.
- The policies can be applied as soon as GESP is adopted, rather than waiting for a later plan to add further detail. This is highly beneficial in matters of urgent policy renewal like climate change. At the same time GESP will not be filled with policies which are better dealt with in district local plans.
- It means that communities will be aware of the detail of proposals early in the process, ensuring that they have the opportunity to comment on them with a good understanding of the plan and the potential alternatives. Once the GESP is adopted, communities will have clarity and certainty about the policies and proposals.

- The allocated strategic development sites, including the “Liveable Exeter” brownfield sites and any strategic greenfield sites could start to develop earlier. This reduces the number of other sites needed within GESP or the districts’ own local plans.

It is envisaged that the revised description and timetable detailed in Appendix 1 will be incorporated in a revised Local Development Scheme (LDS) to be reported to Strategic Planning Committee on 17th December 2019.

Governance - how will GESP decisions be made?

There have been suggestions made that the Greater Exeter Strategic Plan removes decision-making authority from the individual councils. However, this is not the case, since despite being a joint plan, the GESP must be approved by all four of the participating councils at each stage. As a result of this it is clearly important that there is a co-ordinated approach to member involvement in plan decisions if decision-making is to be effective. The governance of the plan is set out below, for information:

- **GESP Officer Team**
Working on evidence development and plan preparation and making recommendations as necessary to the other bodies and to individual councils on GESP matters. The team consists of informally seconded officers from the partner authorities, with a Team Manager. The team works out of Exeter Civic Centre and manages the joint GESP budget which has been agreed by the partner authorities.
- **Project Assurance Group:**
Provides a regular steer and decision making on detailed matters to the GESP team, including considering reports, evidence and plan drafts. Gives advice to the Principals Group. It generally meets monthly and consists of the Head of Planning or equivalent from each of the partner authorities.
- **Principals Group:**
Acts as the main officer board for the project, providing high level corporate input and direction. Considers reports, evidence and plan drafts including recommendations from the Project Assurance Group. It generally meets monthly and consists of the Chief Executives or equivalent from each of the partner authorities.
- **GESP Leadership Group:**
Primary Member Group which provides political advice and steer to the work of the GESP, oversees progress on the plan and secures political agreement and support for GESP proposals. Considers advice and recommendations from the GESP Team, Project Assurance Group, Principals Group including reports and draft plans. It will meet approximately six times per year, but this will be varied to reflect GESP workload. Consists of the Leader and Planning Portfolio Holder (or equivalent) of each of the Partner Councils. The first meeting has been held, and supported the timetable and scope as recommended by this report.
- **Member Reference Forum:**
Provides wider, informal councillor input to plan preparation through workshops, discussion and other appropriate methods. Will support the preparation of plan policies and proposals including discussion of draft plan proposals before they are formally considered by each council. It will meet as and when it is needed. Consists of 10 councillors, politically balanced, from each of the four local planning authorities (total 40 councillors). Meetings are usually also attended by members of the Principals Group, Project Assurance Group and Leadership Group. Meetings have been arranged starting in November through to March with invitations going out shortly.

- **Local Planning Authorities:**
The formal decisions on plan contents up to and including its adoption are made by the four local planning authorities through their own decision making structures. The governance bodies referred to above are intended to ensure GESP progress through these formal processes without undue delay. The councils will be considering the Draft Policies and Site Options consultation document in or around May 2020 in time for June consultation. In the case of EDDC it would be considered by Strategic Planning Committee and would need to be agreed by all partner authorities before consultation could commence. The same process would apply to further consultations and then any decision to submit the GESP for examination would need to be made by full council and then adoption would also have to be agreed by the council.

Conclusion

The preparation of the Greater Exeter Strategic Plan has been somewhat on hold while the implications of new administrations in three of the councils have been absorbed. The council leaders have now met and discussed a preferred way forward for the plan, including an updated description of the plan and a new timetable. Members are now asked to agree the scope and timetable for GESP.

Appendix A

Draft Local Development Scheme – GESP Section

The Greater Exeter Strategic Plan will cover the local planning authority areas of East Devon, Exeter, Mid Devon and Teignbridge (i.e. those Councils' administrative areas excluding Dartmoor National Park). It will be prepared jointly by those four local planning authorities with the support of Devon County Council under Section 28 of the Planning and Compulsory Purchase Act. It will:

- set an overall vision and strategy for the area in the context of national and other high level policy and in particular climate emergency declarations and the NPPF;
- contain policies and proposals for strategic and cross boundary issues where these are best dealt with at a larger-than-local scale;
- set the overall amount of growth for the period 2020 – 2040;
- promote the Liveable Exeter vision by allocating urban regeneration sites in the city;
- implement the overall vision and strategy by allocating strategic sites of 500 or more homes which may include urban extensions and new settlements ;
- provide districts' local plans with targets for non-strategic development

Once adopted it will supersede specified strategic parts of the East Devon Local Plan, Exeter Core Strategy, Exeter Local Plan, Mid Devon Local Plan (once adopted), Teignbridge Local Plan Parts 1 and 2 and any other Development Plan Documents as necessary. The preparation timetable is as follows:

- Site Options and Draft Policies – June 2020
- Draft Plan – November 2020
- Publication (Proposed Submission) – February 2022
- Submission – July 2022
- Examination – September 2022
- Adoption – April 2023



Report to:	Strategic Planning Committee
Date of Meeting:	22 nd October 2019
Public Document:	Yes
Exemption:	None
Review date for release	None

Subject: **Garden Communities and Delivery Vehicles**

Purpose of report: This report considers what is needed to ensure the delivery of great places within the District alongside the local planning process. There is considerable learning from the current generation of strategic development sites. The report reflects on this learning, considers the current direction of government policy and contemplates the potential for the Council to adopt a more proactive approach going forward.

The report assesses the different delivery options available to the Council and the type of delivery vehicle that could be established. Specifically the report seeks support for Garden Community status and for the principle of submitting a bid to the forthcoming Delivery and Innovation Fund.

Recommendation: **That Members;**

- 1) Acknowledge the importance of having effective delivery vehicles/mechanisms in place at the earliest stage possible in order to support the development of high quality places**
- 2) Recommends to Cabinet that support for the Exeter and East Devon garden communities status be confirmed**
- 3) Endorse the principle of submitting a bid to the forthcoming MHCLG Delivery and Innovation Fund and for details of this to be reported to Members as it is developed.**

Reason for recommendation: To ensure that the Council has the necessary tools and resources in place to support the delivery of well designed, high quality and sustainable places.

Officer: Andy Wood, Projects Director, email adwood@eastdevon.gov.uk, Tel 01395 571743

Financial implications: There are no direct financial implications from the recommendations in this report, however there are many implications including financial that could flow but these will require specific reports and approvals through Council.

Legal implications: Allocation and Development Strategies must go through the statutory Local Plan process for each Local Planning Authority, this will be for consideration through the GESP and/or East Devon District Council's Local Plan. At this stage there are no other legal implications than those set out in the report

Equalities impact: Low Impact

Climate change: High Impact
The form and location of development has a direct impact on its carbon footprint. There is a long standing ambition to achieve the delivery of zero carbon development in the West End of the District. It is reasonable to expect that future major development proposals should at least meet this standard. The ability to achieve sustainability objectives is also relevant to the consideration of different delivery options/vehicles.

Risk: Low Risk

Links to background information:

- [Principles For Accommodating The Future Growth Needs Of East Devon](#)
- [Future Housing Needs and Requirements in East Devon](#)
- [Guidance on the New Towns Act 1981 \(Local Authority Oversight\) Regulations 2018](#)
- [Garden Communities Prospectus](#)
- [Independent Review of Build Out: Final Report](#)

Link to Council Plan: Encouraging communities to be outstanding; Developing an outstanding economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding Council

1 Introduction

- 1.1 The District Council has a track record of bringing forward and delivering large scale development proposals. In particular the West End of the District is due to accommodate over 10,000 homes in the period 2011 to 2031 alongside strategic employment sites. Cranbrook alone will provide over 60% of the District's strategic housing requirement. This is part of a deliberate spatial strategy enshrined within the Local Plan which in turn is a product of the distinctive characteristics and qualities of the District, not least the fact that two thirds is within designated Areas of Outstanding Natural Beauty.
- 1.2 This paper makes no comment on the future level of housing to be accommodated in the District. Rather it considers the scenario that, if there is to be further large scale development, how this can best be delivered. There is considerable learning from the current generation of strategic sites in this respect. The paper outlines current Government policy and support and assesses how best the Council can move forward in terms of adopting a more proactive stance and, in turn, how this can ensure that key ambitions and policy objectives are realised on the ground.

2 Background

- 2.1 The Government has a target of delivering 300,000 homes per year. The title of the 2017 Housing White Paper '*Fixing our broken housing market*' is instructive of the challenges that are faced in meeting this objective. Homes England's Strategic Plan includes an ambition to disrupt the housing market and to play a far more active role moving forward.
- 2.2 The Independent Review of Build Out led by Sir Oliver Letwin MP reported in October 2018. This advocated significant additional powers for local planning authorities in relation to large sites of over 1,500 units. This included giving local authorities clear statutory powers to purchase the land for such large sites compulsorily at prices which reflect the value of the those sites once they have planning permission and a masterplan that reflect new diversity requirements (in terms of the range of house types and tenures). Further powers to control the development of large sites through the involvement of Local Development or Infrastructure Development Companies were also advocated.

- 2.3 National planning policy and guidance makes it clear that the delivery of new homes is not just a quantitative exercise. Ministers have emphasised that good design and place making have a vital role to play in the delivery of the UK's housing. The Building Better, Building Beautiful Commission is advising government on how to promote and increase the use of high-quality design for new build homes and neighbourhoods. The Letwin Review also advocates the use of masterplans and design codes to achieve good design alongside rapid build out rates.

3 Garden Communities

- 3.1 There are a range of Government initiatives to support the delivery of new housing. Of particular note is the Garden Communities programme. A prospectus was launched in August 2018 which included the following text;

This prospectus sets out our vision and expectations for high-quality place-making across this country. It's a fresh opportunity to stimulate economic growth in new places, and a chance to aspire beyond identikit housing and town centres that look like anywhere and nowhere. It's a call to developers, investors, local authorities and local enterprise partnerships to build communities with local character, good employment opportunities, strong services, integrated and accessible transport, innovative uses of technology – and beautiful green spaces

- 3.2 The prospectus invited bids for ambitious, locally supported, proposals for new garden communities at scale. Proposals for new Garden Towns (more than 10,000 homes) would be prioritised but proposals for Garden Villages (1,500-10,000 homes) would also be considered. In return for tailored assistance to help design and deliver the vision for these places, the expectation of Government was for local areas to deliver significant housing and economic growth in locations where there is sufficient demand for housing.
- 3.3 The prospectus made it clear that government expected proposals to demonstrate how they will meet and embed the key qualities below;
- a. **Clear identity** – a distinctive local identity as a new garden community, including at its heart an attractive and functioning centre and public realm.
 - b. **Sustainable scale** – built at a scale which supports the necessary infrastructure to allow the community to function self-sufficiently on a day to day basis, with the capacity for future growth to meet the evolving housing and economic needs of the local area.
 - c. **Well-designed places** – with vibrant mixed use communities that support a range of local employment types and premises, retail opportunities, recreational and community facilities.
 - d. **Great homes** – offer a wide range of high quality, distinctive homes. This includes affordable housing and a mix of tenures for all stages of life.
 - e. **Strong local vision and engagement** – designed and executed with the engagement and involvement of the existing local community, and future residents and businesses. This should include consideration of how the natural and historic environment of the local area is reflected and respected.
 - f. **Transport** –integrated, forward looking and accessible transport options that support economic prosperity and wellbeing for residents. This should include promotion of public transport, walking, and cycling so that settlements are easy to navigate, and facilitate simple and sustainable access to jobs, education, and services.

- g. **Healthy places** – designed to provide the choices and chances for all to live a healthy life, through taking a whole systems approach to key local health & wellbeing priorities and strategies.
- h. **Green space** – generous, accessible, and good quality green and blue infrastructure that promotes health, wellbeing, and quality of life, and considers opportunities to deliver environmental gains such as biodiversity net gain and enhancements to natural capital.
- i. **Legacy and stewardship arrangements** – should be in place for the care of community assets, infrastructure and public realm, for the benefit of the whole community.
- j. **Future proofed** – designed to be resilient places that allow for changing demographics, future growth, and the impacts of climate change including flood risk and water availability, with durable landscape and building design planned for generations to come. This should include anticipation of the opportunities presented by technological change such as driverless cars and renewable energy measures.

4 Exeter and East Devon Garden Communities

- 4.1 The Strategic Planning Committee received a paper in September 2018 entitled '*Principles for Accommodating the Future Growth Needs of East Devon*'. This considered how future growth could be accommodated sustainably in the District in terms of the following four themes;
- Healthy and Prosperous Communities
 - Environmental Protection and Enhancement
 - Resource Consumption and Climate Change
 - Economic Growth, Education and Employment

This was followed by a paper in November 2018 entitled '*Future housing needs and requirements in East Devon*'.

- 4.2 Together these papers introduced debate around potential thinking and approaches to accommodating future growth in the District. The September 2018 paper identified the north west quadrant of the district to the north of Exmouth and west of Ottery St Mary as the least constrained part of the district for accommodating growth. Three potential approaches for accommodating growth in this location, including the potential to establish a further new town, were outlined.
- 4.3 The opportunity to submit bids in response to the publication of the Garden Communities prospectus was considered in the context of the possibility of further large scale development proposals coming forward in the District. Officers of the Greater Exeter Councils, supported by the then Leaders, developed a number of draft schematic linked bids to the programme to join the existing Culm Garden Village in Mid Devon which was designated in 2017. The deadline for the submission of bids was the end of November 2018.
- 4.4 The largest of the bids was titled 'Exeter and East Devon Garden Communities'. This was a bid with Exeter City Council and Teignbridge District Council. This anticipated the delivery of circa 20,000 homes under garden community principles both within and outside of the City. In terms of development within the City this subsequently developed in to the Liveable Exeter vision which anticipates the delivery of circa 12,000 new homes on key brownfield sites and was launched in to the public domain in February of this year. The potential for strategic scale development in the North West Quadrant area of the District was also identified and the discussion concept of a network of linked villages, referred to as Clyst Villages, was put forward in order to satisfy the requirements of the application process.

- 4.5 Government announced in May of this year that the Exeter and East Devon bid had been successful. This was accompanied by an award of £750k of capacity funding was provided for the first year which currently sits with the City Council as the lead applicant. The City Council's Executive meeting in July endorsed the establishment of a steering board and the recruitment of a project team to lead the delivery of the Liveable Exeter programme. Teignbridge District Council's Executive also confirmed support for the status in September. To be able to access this or potential future rounds of capacity funding requires the Council to confirm its support for this status as it relates to the District. This forms the basis of a specific recommendation of this paper. The allocation of the funding is related to the timing of housing delivery with the emphasis and priority in the first instance being on the brownfield sites within the City.
- 4.6 It is important to emphasise that the designation of a garden community does not in itself make any decisions about development. The legal position in relation to making decisions on development strategy and allocations is clear – this must be carried out through the preparation of local plans.
- 4.7 The specifics of which sites and growth areas are proposed and the overall scale and form of development will need to be considered through the passage of the Greater Exeter Strategic Plan and/or the Local Plan review. Therefore there is no pre-empting of that formal legal process. Rather it is an opportunity to engage with government and its agencies to identify investment priorities and other support needed to ensure that future growth and development is delivered to a set of high standard principles. Garden Communities status will help to support this process both directly through additional revenue funding and indirectly through greater government support referred to as 'brokerage') going forward. It is also an opportunity to engage with other local authorities in the programme to share experience and best practice.

5 Locally Led New Town Development Corporations

- 5.1 The Garden Communities prospectus makes it clear that delivering a new garden community requires long-term strategic thinking and robust delivery arrangements. There are many forms that this could take – from arrangements such as joint venture companies, to Development Corporations.
- 5.2 The prospectus commits government to working with successful proposals to help them work through the detail of the most appropriate delivery arrangements to ensure main partners can take key decisions effectively. Government has recently taken action to enable the creation of new locally accountable New Town Development Corporations. These vehicles can help to provide long-term certainty, resolve complex co-ordination challenges, invest directly in infrastructure that unlocks development, and use compulsory purchase powers to help lay out a new town. The single purpose nature of such development corporations is also a demonstrable and visible public sector commitment to achieving high quality development that can help to attract private investment and also harness expertise and leadership from this sector.
- 5.3 The first generation of New Towns owed much of their success to the ability of Development Corporations to acquire land at, or near to, existing use value and capture uplifts in land value from the infrastructure they developed and subsequent economic activity to reinvest in the local community. The Government accepts that the use of compulsory purchase can play an important role assembling land for new settlements. If land is acquired by a new town development corporation, compensation would be assessed in accordance with the 'no-scheme' principle as defined in the Land Compensation Act 1961. In practice, the value of compensation would depend on the location, character and planning status of the specific land being acquired.
- 5.4 The Guidance on the New Towns Act 1981 (Local Authority Oversight) Regulations were published in June 2018. In order to designate a new town and establish a locally led

development corporation the Secretary of State must be satisfied that it is “expedient in the national interest” that the area of land proposed be developed as a new town. For the Secretary of State to be able to judge this, government will want to test the evidence to ensure that a project of such scale and complexity rests on sound foundations. In doing so, a number of areas will need to be examined;

Evidence of community participation and consultation

The Secretary of State will need to be satisfied that there is a robust evidence base demonstrating the suitability of an area for a new town, and that appropriate local public participation and consultation has taken place.

Deliverability

Whilst recognising that the delivery of a new town is complex, the government will need to be satisfied that deliverability has been robustly assessed against a range of scenarios and assumptions. The government will need to see financial modelling covering the whole delivery lifecycle, including projected returns and debt profile, clearly showing peak debt requirements.

Best route

The Secretary of State will need to be satisfied that the new town designation and the creation of an LLNTDC represent the best route to securing expedited delivery of a high quality, sustainable new development with the necessary supporting physical and social infrastructure and a plan for the long term stewardship of assets.

Governance

The government will expect to see robust governance proposals relating to the LLNTDC.

Place making, community engagement, stewardship and future growth

The government will expect to see robust proposals for high quality place making, by, for example, adopting frameworks such as the Garden City Principles.

Strategic Environmental Assessment and Appropriate Assessment

Before seeking a new town designation, government expect local authority/authorities seeking to become oversight authorities to have considered carefully the environmental impacts of their proposals.

- 5.5 The Ministry of Housing and Local Government (MHCLG) will shortly be launching a £10m Delivery and Innovation Fund to support Local Authorities who want to explore establishing different delivery options up to and including the creation of Locally Led New Town Development Corporations. Whilst full details have yet to be published, it is a recommendation of this paper that the support in principle is given to submitting a bid to this Fund, potentially in conjunction with our partner Greater Exeter authorities.

6 Assessment

- 6.1 There is considerable experience within the District of identifying and bringing forward major development proposals, particularly in the West End of the District. In terms of major housing developments these have exclusively been commercially led. In other words these have been promoted and delivered by commercial companies, such as house builders, with no public control of land. Designations, such as the Growth Point in 2007, alongside other programmes have helped to secure Government funding and enable investment including in terms of infrastructure improvements. But delivery arrangements have been informal and planning led with no additional statutory powers.
- 6.2 It is important to reflect on the experience of delivering the Cranbrook new community which began construction in 2011. The original vision for Cranbrook was as a sustainable, vibrant, attractive town which combines the rich urban fabric of a historic Devon service centre or market town whilst meeting the needs of 21st century lifestyles. Much has been delivered in the past 8 years to work towards the achievement of this vision. But challenges around design, sustainability and stewardship (all areas highlighted as key purposes of

New Town Development Corporations) are recurring themes. In the town centre for example the lack of any publicly controlled land has frustrated the ability to bring forward more agile responses to the challenges facing the high street, such as modular space.

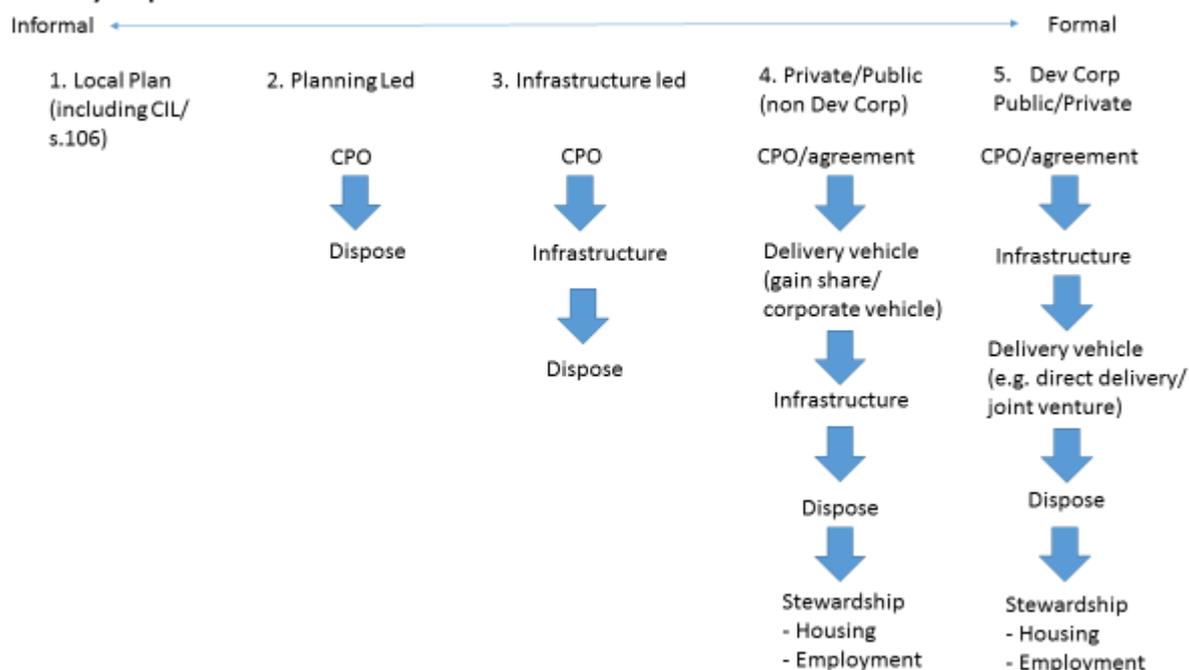
6.3 The issue remains of how we get the right delivery structures and vehicles in situ to ensure that we can create great places for people to live in, work and enjoy of which we can all be proud. It would be far too simplistic to suggest that this should be a purely public sector exercise. Despite the significant public sector investment in infrastructure in the West End, the level of private sector investment has comfortably outstripped this by a ratio of at least 10:1. But a model that is motivated solely by profit alone is not a solid foundation upon which to build a new town – we are working with house builders, not town builders as one colleague neatly summarised it.

7 Place making

7.1 There is significant learning spread throughout the Council on what it takes to deliver great places. It is important that we act on this knowledge in preparing for the next generation of strategic sites that will be identified through the Greater Exeter Strategic Plan and/or Local Plan review. There is also considerable synchronicity with the direction of Government policy including the legislation to enable locally led New Town Corporations to be created and the general tenor of the Letwin Review. Everything points to the Council needing to adopt a more proactive and assertive approach moving forward.

7.2 The full range of delivery options available to the Council will need to be carefully considered. A session was held recently with colleagues from North Essex Garden Communities. They are the most advanced nationally in terms of considering different options up to and including locally led development corporation status. The slide below sets out a spectrum of delivery options with increasing degrees of direct involvement and formality;

Delivery Options



7.3 Garden community status provides a platform to engage with Government and to undertake a full assessment of the options moving forward. Equally MHCLG's forthcoming Delivery and Innovation Fund provides an opportunity to undertake the type of detailed analysis that will be required to support the establishment of a locally led, powerful delivery vehicle going forward.

- 7.4 Critically this analysis needs to consider the existing generation of strategic sites alongside what might come forward in the next chapter. The development of Cranbrook is only around 25% complete in terms of the level of new homes that have been built and occupied. There are considerable challenges, not least in relation to the town centre, that still need to be resolved. Equally we have benefited from the majority of the land that is the subject of the current outline planning permission for 3,500 homes being under the control of a single development consortium. For the expansion areas of Cranbrook, as anticipated in the Cranbrook Development Plan Document, we will move to an un-consortiumised model with up to eight separate landowner/developer parties.
- 7.5 This will make the overall coordination and delivery of development far more complicated. We need to ensure that robust delivery mechanisms are in place that are capable of dealing with this scenario. One concept that has risen to the fore over recent years is that of the master developer. This is akin to the role that is performed by the Duchy at Poundbury in Dorchester. This provides an extra level of coordination, regulation and licensing over and above what the planning system in isolation is capable of achieving. This helps to realise the types of qualitative outcomes that we all seek and demand.

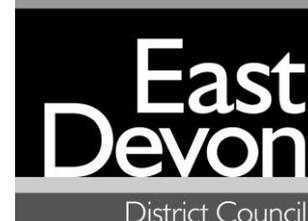
8 Alternative options

- 8.1 An alternative option would be not to support the Garden Community status and not to be part of this programme. It is perfectly possible for the Council to continue to plan for future development within the area without being part of this programme. However this would represent a 'no change' scenario despite the learning detailed above. The downside from this would also be that the platform from which to engage with Government would be removed. Whilst no definitive position can currently be established in relation to the ability to secure future government investment, for example for essential infrastructure improvements, it is likely that the lack of this status would also mean that the District is viewed as a lower priority. Homes England's Strategic Plan has a priority to support the delivery of garden communities for example.

9 Conclusion

- 9.1 We have significant experience of delivering major proposals in the District up to and including a new town. It is important to reflect on what we have learnt during this process and to ensure that robust delivery vehicles are in place to give us greater influence and better tools to achieve our quality and sustainability objectives and to support the creation of great places.
- 9.2 Our experience together with the direction of government policy points to the need to adopt a more proactive and assertive approach. Garden Community status will provide a platform from which to engage with government to explore future options in this respect. It is important to emphasise that this is not a planning designation, but the start of a conversation through the local plan process with our communities and with government about the infrastructure and other support available to the Council to ensure that future growth in the area is as high quality as possible.
- 9.3 Neither does Garden Community status commit the Council to pursuing a particularly delivery option or vehicle. Rather it presents the opportunity, alongside a bid to the Delivery and Innovation Fund, to carefully analyse and consider all options available to the Council. In turn this will need to be reported back to Cabinet.
- 9.4 Ultimately garden community status provides an opportunity for the Council to demonstrate real leadership of place and to ensure that we have the necessary tools and resources at our disposal to achieve our ambitions. Considering the options for dedicated delivery vehicles at the earliest opportunity is an essential ingredient of this.

9.5 Finally it is important to emphasise that the delivery of major strategic developments is a long term endeavour. Even when the development of individual homes has finished it is essential that there are robust and cost effective stewardship arrangements in place to ensure the ongoing delivery of assets and services that continue to meet the needs of our new communities over time. Ensuring that such arrangement are in place is again one of the leading objectives for development corporation status.



Report to:	Strategic Planning Committee
Date of Meeting:	22 October 2019
Public Document:	Yes
Exemption:	None
Review date for release	None

Subject: **Climate Change Emergency – A Planning Response**

Purpose of report: The purpose of this report is to consider the impact of the climate change emergency on the proper planning of the district. The report considers how climate change is addressed in planning policy and practice at the present time and how this would need to change in the future to respond to the climate change emergency. The report also considers the influence of government policy in terms of what the Council can and cannot do to address climate change through planning and how the Council may want to canvass government to bring about changes in national policy and guidance. The relationship between Planning and Building Regulations is also considered to provide a full understanding of the building standards that can be applied by the Council.

Recommendation: **That Members:**

- 1. Endorse the approach detailed in this report of addressing climate change through the review of the Local Plan using the standards set in the Cranbrook Plan as a starting point and setting new standards within the framework to be established through the Greater Exeter Strategic Plan (GESP).**
- 2. Support the proposed uplift in energy efficiency standards for new homes in the current government consultation on “The Future Homes Standard”.**
- 3. Consider whether to canvass government to introduce even higher energy efficiency standards for new developments through the building regulations and to provide clearer guidance and reduce the onus on local authorities to evidence a need for climate change policies.**
- 4. Agree that the Council works in partnership with land owners, conservation groups and other public and private sector bodies to deliver more tree planting projects in the district to assist with carbon off-setting and enable bio-diversity enhancements.**

Reason for recommendation: To ensure that the Council is doing all it can to progress planning policies to address climate change as quickly as possible.

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

Financial implications: The centre for sustainable energy categorises the financial impacts of climate change for Local Authorities into four distinct areas, each of which has its own funding implications and needs consideration; Human Resource implications (staffing and engagement), Direct Investment Costs, Costs of influencing the carbon emissions of others and the costs

associated with monitoring the impact of each measure delivered. No specific budget requests have been made or budget implications been assessed at this stage.

Legal implications: Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Other than as set out in the report there are no other legal implications.

Equalities impact: Low Impact

Climate change: High Impact
The report is designed to consider climate change and how it should influence the future planning of the district. It is therefore hoped that this report would have a significant positive impact on climate change.

Risk: Low Risk

Links to background information:

- Rising to the Climate Crisis – A Guide for Local Authorities on Planning for Climate Change : <https://bit.ly/2EGSkQ3>
- EDDC Report - Climate Change Emergency – Our Response: <https://bit.ly/2IAZNRU>
- NPPF Guidance on Climate Change: <https://www.gov.uk/guidance/climate-change>
- GESP Low Carbon Study: <https://www.gesp.org.uk/evidence/>

Link to Council Plan: Delivering and promoting our outstanding environment, Continuously improving to be an outstanding council

Report in full

Introduction

It is now recognised as fact that climate change is happening and that it will have severe impacts on a global scale some of which are already being felt. The evidence behind these conclusions are well documented and have been summarised in the report to Cabinet on the 10th July 2019 entitled “Climate Change Emergency – Our Response”. Following consideration of this report and the recommendations of Cabinet at Council on the 24th July Members resolved to sign up to and endorse the Devon Climate Change Emergency Declaration with a target of carbon neutrality by 2040 with a commitment to bring the target forward whenever new circumstances arise which make this viable and achievable. Members also resolved that tackling the climate change emergency be a key strategic priority of all parts of the Council.

The report to Council drew attention to the top 6 areas of climate change risk identified by the UK’s Committee on Climate Change as:

1. **Flooding and coastal change** risks to communities, business and infrastructure - climate change may lead to increases in heavy rainfall and significantly increased risks from fluvial and surface flooding by mid-century. Rising sea levels may further increase the risk of flooding and erosion along our coastline.

2. **Risks to health, well-being and productivity** from high temperatures - warming UK temperatures, combined with demographic change, may lead to an increased risk of overheating. The number of heat-related deaths in the UK could more than double by the 2050s from a current baseline of around 2,000 per year.

3. **Risk of shortages in the public water supply**, and for agriculture, energy generation and industry - climate change combined with population growth may put greater pressure on water availability. By the 2050s, many catchments across the UK will need to manage water deficits and competing demands for water for public supply.

4. **Risks to natural capital**, including terrestrial, coastal, marine and freshwater ecosystems, soils and biodiversity - there is clear evidence of northwards shifts in species distributions and the timing of seasonal events due to climate change. This poses threats to our natural capital and the goods and services it provides, from timber, food and clean water to pollination, carbon storage and the cultural benefits of landscapes and wildlife.

5. **Risks to domestic and international food production** and trade - extreme weather can affect international food production, trade and supply chains. Longer-term incremental changes in climate will affect agricultural productivity in regions that are important for food production. At the same time, climate change will present risks and opportunities for domestic production.

6. **New and emerging pests and diseases** and invasive non-native species affecting people, plants and animals - there is an urgent need for research in the next five years to improve our understanding of how climate change will affect the threat of pests and diseases and the best approaches to monitor, detect and manage outbreaks and develop resilience to disease.

It is considered that Planning has a key role to play in addressing the first 5 of these risks and so is considered to be a key part of the Council's response to climate change. Planning is also one of the few areas where the Council can set policies that require others to undertake actions to address climate change.

What can Planning do about climate change?

The main ways planning can address climate change can be summarised in the following low carbon hierarchy. The higher the priority the greater impact it is considered that planning can potential have on climate change:

Priority	Measure	Key aspects
1	Development location	Reduces transport need and gives access to sustainable transport
2	Site master planning	Solar master planning optimises use of natural light and heat
3	Building fabric	High performance fabric gives maximum thermal efficiency
4	Building services	Low carbon building services support fabric measures
5	Clean onsite energy	Low carbon / renewable energy reduces unavoidable emissions
6	Offsite measures	Developer contributions finance offsite carbon reduction where onsite measure are not practical/viable

How does national planning policy and guidance respond to climate change?

The 2008 Climate Change Act commits the government to:

- Reduce emissions by at least 80% of 1990 levels by 2050; and
- Contribute to global emissions reductions, to limit global temperature rise to as little as possible above 2 degrees celsius

Further to this Local Planning Authorities have a legal duty under Section 19 of the 2004 Planning and Compulsory Purchase Act to ensure that planning policy contributes to the mitigation of, and adaptation to, climate change.

Other key pieces of legislation include the Planning and Energy Act 2008 which sets out powers for local authorities to require a proportion of the energy need of a new development to be sourced in the locality through renewable or low carbon energy generation. The Flood and Water Management Act 2010 is also important in promoting the use of sustainable drainage systems which help to address flood risk.

Paragraph 48 of the NPPF sets the basis for tackling climate change through the planning system stating: “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

How does local level planning policy and guidance respond to climate change?

The adopted Local Plan was largely prepared in the early 2010’s and had to comply with the governments planning policies at the time. There are however some significant references to and policies relevant to the issues of climate change which are worthy of note. Climate change is identified as one of the key issues and objectives of the plan in section 4:

Subject	Issue	Key Plan Objectives
5. Carbon Emissions & Climate Change	East Devon offers a wide ranging potential, from many sources – including wind, sunlight, ground heat and bio-fuels, for renewable energy generation. There is a flagship combined heat and power plant to serve Cranbrook and other eco-friendly initiatives in the District.	<p>k) Establishment of a specialised heat and power community resource for Cranbrook is one element of the Plan, while housing standards and encouragement of other eco-friendly approaches is more generally applied to both new build and existing homes.</p> <p>l) Rural Policies protect and encourage land use for food, and energy production, which with water management and tourism uses have priority over other forms of development. And - To help reduce carbon emissions and also provide wider benefits encourage sustainable forms of transport and initiatives to reduce the need to travel and reliance on the motor car.</p>

The issue is then taken forward through a number of policies. The following is a list of the main policies that seek to address climate change either directly or indirectly:

- **Strategy 3: Sustainable Development** – seeks the prudent use of natural resources to reduce carbon dioxide emissions, reusing and recycling as well as encouraging renewable energy development
- **Strategy 10: Green Infrastructure in East Devon’s West End** – allocates land for the Clyst Valley Regional Park where new green corridors, recreational and wildlife areas are to be provided
- **Strategy 11: Integrated Transport and Infrastructure Provision at East Devon’s West End** – includes a transport hierarchy which promotes walking, cycling and the use of public transport; co-ordinated delivery of a low carbon heat and power supply
- **Strategy 12: Development at Cranbrook** – includes expansion of the district heat and power network into the expansion areas.
- **Strategy 13: Development North of Blackhorse/Redhayes** – includes requirements for a heat and energy network to achieve low and zero carbon development
- **Strategy 38: Sustainable Design and Construction** – encourages sustainable design and construction methods and requires new developments of 10 or more dwellings to meet at least level 4 of the code for sustainable homes and other uses to achieve at least BREEAM very good.
- **Strategy 39: Renewable and Low Carbon Energy Projects** – lends support to renewable and low carbon energy projects in commercial and domestic developments subject to satisfying a criteria related to environmental and heritage impacts
- **Strategy 40 – Decentralised Energy Networks** – states that new major developments should, where viable, connect to any existing or proposed decentralised energy network to bring forward low and zero carbon energy supply. Where there is no existing network proposals for 200 homes or more should explore the potential for provision.
- **Strategy 41 – Allowable Solutions** – enables developments to make a financial contribution to a community energy fund in-leu of on-site provision

- **Policy D1 – Design and Local Distinctiveness** – Includes requirements to use appropriate materials including those that contribute to low energy useage and CO2 reduction, includes a need to maintain good levels of daylight and sunlight to minimise reliance on powered lighting and the need to incorporate measures to reduce carbon emissions.
- **Policy D2 – Landscape Requirements** – This policy requires retention of existing landscape features and encourages provision of new planting and habitat improvement.
- **Policy D6 – Locations without Access to Natural Gas** – encourages the use of low carbon heat sources where development is not connected to the natural gas network.
- **Policy EN13 – Development on High Quality Agricultural Land** – Seeks to protect high grade agricultural land from development thereby protecting land suitable for local food production.
- **Policy EN21 – River and Coastal Flooding** – This policy seeks discourage development in areas at high risk of flooding and focus development in less vulnerable areas.
- **Policy EN22 – Surface Run-Off Implications of New Development** – Seeks to ensure that developments fully consider the implications of surface water run-off and in the case of major developments that they are managed by sustainable drainage systems wherever possible.
- **Policy EN25 – Development Affected by Coastal Change** – enables the relocation of developments that are in areas affected by coastal erosion.
- **Policy E14 – Change of Use of Village Shops and Services** – This policy seeks to maintain the delivery of basic services in rural areas thereby minimising the need for residents to travel. Other policies also seek to protect sport pitches, community building and allotments from loss.
- **Policy TC1 – Telecommunications** – Enables the delivery of telecommunications systems ensuring that all parts of the district are well connected thereby minimising the need to travel.
- **Policy TC2 – Accessibility of New Development** – Requires new development to be accessible to pedestrians, cyclists and by public transport minimising the need for travel by the private car.
- **Policy TC4 – Footpaths, Bridleways and Cycleways** – Requires developments to makes provision for new and improved pedestrian and cycle routes.
- **Policy TC6 – Park and Ride and Park and Share/Change** – Supports the provision of park and ride/change facilities for a number of reasons including reducing the environmental impact of the private car.
- **Policy TC9 – Parking Provision in New Development** – Requires the provision of cycle parking and establishes the principle of car free development where there is good access to public transport and public car parks.

The above list demonstrates that the adopted Local Plan already does a lot to address climate change but there is more that could be done.

What is wrong with the current policies?

The current policies go a long way to addressing climate change however there are two key problems with the policies in the adopted Local Plan when it comes to addressing climate change. The first is that some of the policies and measures are now out of date. The second is that the wording of some policies is not sufficiently definitive. Strategy 38 – Sustainable Design and Construction is a prime example of both of these issues. It is a key policy within the plan in setting standards for new developments in terms of sustainable design and construction, however the policy uses wording such as “Encouragement is given for.....” and “.....developments should....” As a result there are no absolute requirements in the policy and so when negotiating

with developers it is difficult to insist that they comply with it. It is understood that the wording of this policy was watered down at the request of the Local Plan Inspector partly because it went beyond government policy at the time.

The standards referred to in the policy are a reflection of government policy at the time as it refers to the Code for Sustainable Homes (CSH) and BREEAM (Building Research Establishment Environmental Assessment Method). Both of these are standards against which the environmental performance of developments can be assessed and so they provide a good benchmark level for developments to meet. The code was mandatory if it was a requirement of a local plan until March 2015 when a change in government policy meant that it became voluntary only. This further influenced the local plan inspector's change in wording given that he was considering the plan around the same time that this change happened. As a result there is reference in the policy to potential future nationally prescribed standards which were envisaged to replace the code, however these have never come forward. It is also worth noting that the levels referred to in the policy (CSH Level 4 and BREEAM Very good) are relatively easy to meet due to advances in technology and so what were considered to be ambitious targets at the time are now not that ambitious.

Similar issues exist with some of the other relevant policies in the plan where wording that makes such standards an absolute requirement such as "developments will be required to" or "developments must" would have been more enforceable. Despite these issues a lot has still been achieved most notably in the growth point area where two district heat and power networks have been developed providing low carbon energy solutions to thousands of homes and business spaces and enabling these to become zero carbon in the future. These have been served by sustainable drainage systems that seek to deal with surface water on site and control any release into water courses to avoid flooding. Many new homes in the district are built to much higher standards of insulation than previously and incorporate solar panels and other local energy generation. We should also not underestimate the significance of other aspects of the local plan which have focused developments in sustainable locations and minimised the need to travel. A lot of work has also been done to promote walking and cycling through the design of new developments and the provision of new routes.

Progress has also been made with delivery of the Clyst Valley Regional Park and alongside that the Great Trees in the Clyst Valley project is engaging the community with the trees in the valley and encouraging them to plant thousands of new trees through various events. Initiatives such as this can lead to a substantial increase in the numbers of new trees being planted that in combination can have a significant impact on carbon levels and helping to address climate change. Further projects like this developed in partnership with local community groups, landowners and public sector organisations could further help to increase tree planting in the future. Future planning policies to facilitate carbon off-setting and secure contributions from developers towards such projects could also help to further progress this important work.

What else are we already doing to plan for climate change through planning?

The Cranbrook Plan as a Development Plan Document for the new town presents an opportunity to address some of the issues with the policies in the Local Plan and require higher standards. The Cranbrook Plan includes a vision to "deliver a truly zero carbon new town" and through Policy CB13 – Delivering Zero Carbon includes measures to minimise the need to travel, Minimise energy demand and carbon emissions, Maximise the proportion of energy from renewable or low carbon sources and ensure in-use performance. The plan also includes numerous other measures to promote walking and cycling, require electric car charging points, improved public transport etc. The Cranbrook Plan is currently being examined with hearing sessions expected to take place

later this year. If found sound and adopted the plan would require these higher standards for the expansion areas at Cranbrook which comprise around 4,170 new homes. This makes up a substantial proportion of the remaining homes to be built up to 2030.

Unfortunately the introduction of new standards such as a zero carbon standard for new homes can only be introduced through a development plan document such as the Cranbrook Plan or a new Local Plan. The evidence gathering and production of such documents is expensive and time consuming involving several rounds of consultation and must then be publically examined so there is no quick fix to improve the standards currently being required.

What do we need from government to better respond to climate change through future planning policy and guidance?

Current government planning policy on energy performance standards puts much of the emphasis on local authorities to set appropriate local standards. The coalition government made a commitment in 2011 to introduce a zero carbon homes policy by 2016, however this never materialised and instead it was understood that building regulations standards would be improved with an expectation that it would require a 19% improvement in energy efficiency over current standards. This has also never been introduced but it is widely considered that this is a reasonable standard for planning policies to require and is indeed one of the standards required in the Cranbrook Plan. Measuring performance against a standard such as this is important particularly given the diminished status of the code for sustainable homes. It is however considered that one key area where government could assist is through the introduction of higher standards of energy performance through building regulations. Aside from providing clarity for all it could be an absolute requirement through building regulations. This route also has the benefit of being easier to enforce since these standards would be fully tested and certified for compliance. This approach makes much more sense than local standards where each local authority has to prepare evidence to support the policy through a local plan examination when the need for improved standards is clear and is not locally specific since this is an international issue.

The government has been reviewing building regulations, however following the Grenfell Tower disaster this has understandably focused on fire and safety issues rather than higher performance standards. The government have however just launched a consultation on “The Future Homes Standard”. The consultation proposes changes to Part L (conservation of fuel and power) and Part F (ventilation) of the building regulations for new dwellings. The main recommendation of the consultation relates to an uplift in energy efficiency standards and requirements and proposes two options for doing this.

These are:

- Option 1: 20% reduction in carbon emissions compared to the current standard for an average home. We anticipate this could be delivered by very high fabric standards (typically with triple glazing and minimal heat loss from walls, ceilings and roofs).
- Option 2: 31% reduction in carbon emissions compared to the current standard. We anticipate this could be delivered based on the installation of carbon-saving technology such as photovoltaic (solar) panels and better fabric standards, though not as high as in option 1 (typically double not triple glazing).

The consultation goes on to state that “Option 2 is our preferred option. It would deliver more carbon savings and result in lower bills for the householder but has higher build costs. We also expect that it would help to prepare supply chains for heat pumps and increase the number of trained installers.”

The details of the consultation require further review and consideration and a full response produced but fundamentally it is considered that the Council should be supportive of the proposed uplift in energy efficiency standards. The consultation can be accessed at:
<https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>

How should the climate change emergency impact on future planning policy through the GESP and Local Plan review?

The Cranbrook Plan provides a sound platform for understanding the measures that could be introduced through planning to address climate change in the future albeit standards should be reviewed to ensure that they are up to date. We should clearly be aiming for new developments to be zero carbon as well as making provision for electric car charging points and other infrastructure. This is however a constantly evolving area with technology changing at a rapid rate and so it is important that future policies are not overly prescriptive about how carbon reduction is achieved but focus on setting appropriate standards.

For the Cranbrook Plan lots of evidence has had to be produced to justify these policy requirements as can be seen from the hundreds of pages of evidence available at:
<https://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/cranbrook-plan-evidence-base/#article-content> . This includes evidence to understand the need for the policy requirements and evidence that they are viable and deliverable.

What are the potential implications of setting these policy requirements?

Obviously the intention would be to reduce the carbon footprint of the district in the future, however it is important to put into context what requirements for zero carbon on new developments would actually achieve. In 2018 there were 68,950 dwellings in East Devon. Each year we should be adding around 950 dwellings thereby increasing the housing stock by 1.37% per year. Therefore the impact of building all new homes as zero carbon would be relatively minor and it would be many years before it represented a significant proportion of the housing stock. There is therefore clearly a need to take action to upgrade the existing housing stock and while planning policies can encourage and enable this it cannot require people to improve their homes and so other measures outside of planning will be needed to achieve this both for the existing housing stock and also for business premises.

It is also important to note that additional policy requirements to address climate change have to be affordable and ensure that developments are viable and deliverable. Large scale developments such as Cranbrook can afford to deliver district heat and power networks, however we know that smaller scale developments simply cannot achieve this and would be reliant on fabric first measures such as improved insulation and renewable energy generation to reduce the carbon emissions from new homes. Achieving zero carbon development through these measures alone remains difficult and expensive to achieve and so homes that have been built to these standards attract a premium. Requiring all new homes to be built to such a standard could have significant implications for the affordability of new homes in the district. There is therefore a significant amount of work to be done to understand the viability of building to these standards given the requirement for sites to be viable and deliverable.

What is involved in bringing these policies forward and what is already happening?

There is already a huge amount of work being undertaken in preparation for the Greater Exeter Strategic Plan (GESP) to address climate change. The intention is that the plan will set a framework for addressing climate change through planning across the area which will then be carried through in more detailed policies in the next Local Plan. The main evidence document has already been produced and published on the GESP web-site at: <https://www.gesp.org.uk/evidence/> . Work is on-going to develop the relevant policies and to test their viability.

The GESP is expected to progress over the coming months with greater clarity over how the plan will address climate change being available next summer. It is envisaged that over the next few months the Cranbrook Plan will be examined and we will receive an Inspectors report to understand if the carbon reduction policies in the plan are considered to be sound. If so then they can form a sound basis for developing policies for the wider district to address climate change sat beneath an overarching policy within the GESP.

Conclusions

This report has discussed the current policy position with regard to addressing climate change through planning and shown that the current Local Plan includes a lot of measures for addressing climate change which is enabling developments coming forward in the district to be lower carbon than ever before. The Cranbrook Plan which is at examination at the moment will set higher standards for the new town which makes up a significant proportion of new housing coming forward in the district up to 2030. It will also provide a sound baseline for setting standards for the rest of the district in a Local Plan Review set within the framework to be set by GESP.



Report to: **Strategic Planning Committee**

Date of Meeting: 22 October 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Glover review of protected landscapes in England**

Purpose of report: To inform members of the Glover review of protected landscapes in England and the key findings arising from this report.

Recommendation:

- 1. That members endorse all of the recommendations of the Glover report on protected landscapes in England.**
- 2. Resolve to await the Governments response to the recommendations; and note that the Chilterns, the Cotswolds and the Dorset and East Devon AONBs are potential candidates for future designation as National Parks.**

Reason for recommendation: To inform members of the Glover report.

Officer: Ed Freeman, Service Lead – Planning, e-mail - efreeman@eastdevon.gov.uk, Tel: 01395 517519

Financial implications: No specific financial implications at this stage.

Legal implications: There are no legal implications from this information report at this time, pending the Government publishing their response to the Glover Review.

Equalities impact: Low Impact

Climate change: Low Impact

Risk: Low Risk

Links to background information:

- The Glover review and supporting documents can be viewed at: <https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>

Link to Council Plan: Delivering and promoting our outstanding environment

1 Introduction

- 1.1 In May 2018 the government asked Julian Glover to undertake an independent review into whether the protections afforded to National Parks and Areas of Outstanding Natural Beauty (AONBs) in England are still fit for purpose. The Glover report was published on 21 September 2019 and it considers designated landscape areas in England looking at their future role, management and operation.
- 1.2 Members of this Council will be aware that around 2/3rds of East Devon falls in designated AONBs; the Glover report therefore has a specific and direct relevance to our District and its outstanding landscape qualities. This summary report to committee majors on elements of the Glover report that may be specifically relevant to East Devon, though the Glover report does cover a very broad range of landscape considerations. It is a very interesting report and should be read in full to gain a complete picture. It is highlighted that the Glover report notes potential for a new National Park to be formed from the combination of the Dorset AONB and the East Devon AONB (see page 121 of the report).
- 1.3 It is stressed that the Glover report is a report to Government and is not a consultation document. It is expected that the government will formally respond to the Glover report outlining any actions it may wish to take forward.

2 Format of Glover report

- 2.1 The Glover report considers the protected landscapes of England to be of fundamental importance to the country and to its people, noting that enhancement and improvements to current operations and practices are appropriate. The Glover report focusses on five key areas under each of which are a number of proposals, the key area headings in the report are:
 1. Landscapes Alive for Nature and Beauty
 2. Landscapes for Everyone
 3. Living in Landscapes
 4. More Special Places
 5. New Ways of Workingand the Glover report advises: *“They are not separate but part of one ambition: to strengthen the natural beauty of England’s landscapes in order to serve the country better by improving their biodiversity, and the lives of people who work in them, live in them and enjoy them.”*
- 2.2 The Glover report is, therefore, ambitious in its aspirations and recommendations.

3 Overview of key proposals and implications for AONBs

3.1 Drawing from the Glover report there are a number of recommendations, in the form of proposals, that could have specific implications for AONBs (and also for other designated areas). These therefore have a potential direct bearing on East Devon, key numbered proposals in the report, include:

- a) **Proposal 3:** Strengthened Management Plans should set clear priorities and actions for nature recovery including, but not limited to, wilder areas and responses to climate change (notably through tree planting and peatland restoration). Management Plans should set out (a) an overall vision and (b) detailed and specific ambitions.
- b) **Proposal 5:** A central place for national landscapes in new Environmental Land Management Schemes.
 - Individual Management Plans should be the guiding framework for setting landscape-scale priorities for future payments for public goods which support and enhance the value of nature and natural beauty in all its forms.
 - All national landscapes should have dedicated farm advisers that land managers can trust. Where these are in place now, farmers often work well with them.
- c) **Proposal 6:** A strengthened place for national landscapes in the planning system with AONBs given statutory consultee status along with encouragement to develop local plans and changes to the National Planning Policy Framework. This would be a step change in the role of AONB bodies in respect of plan making, with plan making potentially being most relevant to cases where an AONB crosses local planning authority boundaries (such as in the Blackdown Hills AONB), and in so doing avoiding having differing planning policies (from different local planning authority plans) in different parts of a single AONB. By being a statutory consultee on planning applications there would be a legal obligation on consulting the AONB body under specifically defined circumstances with any comments made would have enhanced weight. A strengthened NPPF would elevate the importance of AONB designations in decision making around planning matters.
- d) **Proposal 13:** A 1,000-strong professional nationwide ranger service across the 44 national designated landscapes. Whilst AONBs and National Parks would retain many functions and staffs this would be a national service and provision.
- e) **Proposal 20:** Further new designated landscapes and a new National Forest. The Glover review considers potential for further designations and also extensions to existing designated areas.
- f) **Proposal 23:** Stronger purposes in law for national landscapes, with new purposes to:
 - Recover, conserve and enhance natural beauty, biodiversity and natural capital, and cultural heritage.
 - Actively connect all parts of society with these special places to support understanding, enjoyment and the nation's health and wellbeing.

- Foster the economic and community vitality of their area in support of the first two purposes.
- g) **Proposal 24:** AONBs strengthened with new purposes, powers and resources – with proposals:
- Giving them the same reformed statutory purposes as National Parks (proposal 23). This is highlighted as reflecting the realities that AONBs deliver the same purposes as National Parks.
 - Increasing their funding (proposal 27).
 - Giving them statutory consultee status to strengthen their role in the planning system (proposal 6).
 - Renaming AONBs as ‘National Landscapes’ which is seen as a less wieldy name that elevates them to sit alongside National Parks.
- h) **Proposal 25:** A new National Landscape Service bringing the 44 national landscapes together to achieve more than the sum of their parts. With the service setting out vision and strategy to then be translated into individual management plans for each area and the service driving collaboration across and between designated areas, overseeing a new professional ranger service, representing and promoting the interests of the designated areas and establishing partnerships with other bodies and interests.
- i) **Proposal 26:** Reformed governance to inspire and secure ambition in the national landscapes with the main task of each board being to prepare and drive ambitious delivery of Management Plans, delivering for nature, people and communities.
- j) **Proposal 27:** A new financial model with more money for AONBs - doubling from the current national £6.7 million to £13.4 million, with the uplift in funding from a revised funding formula implemented over a longer period. The local authority funding element for AONBs should continue.

4 Potential for a new National Park covering the Dorset and East Devon AONBs

- 4.1 The Glover report, under Proposal 20, reviews the potential for new National Parks to be designated and advises that “*we think three of the larger AONBs should be considered for National Park status.*” The three AONBs that the report explicitly comments on are:
- a) The Chilterns;
 - b) The Cotswolds; and
 - c) Dorset (though the text advises of ‘Dorset’ being a National Park covering the combined area of Dorset AONB and East Devon AONB).

The Glover report advises of the first of these, the Chilterns, as “*an obvious choice for National Park status*”.

- 4.2 In respect of potential new National Parks the report continues by advising:

“The Cotswolds and Dorset

We received submissions on the case for several other AONBs to become National Parks too.

The two that stand out as leading candidates are the Cotswolds AONB and the combined Dorset and East Devon AONBs.

The Cotswolds suffers the same challenges of the Conservation Board model as the Chilterns, including a lack of a single strategic local plan with statutory status.

The area is world-famous for its natural beauty, hugely popular with visitors from around the world and its landscape and villages are one of the emblems of England. It is a big contributor to the national economy.

These things would be better supported by National Park status.

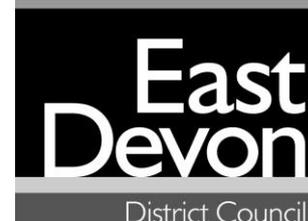
Dorset has some of the greatest concentrations of biodiversity in Britain and opportunities for enjoyment. It includes the Jurassic Coast World Heritage Site as well as farmed areas inland where development pressures are less strong and support for a change in status may be less established. We heard from opponents as well as supporters of a new status.

Both the Cotswolds and the Dorset proposals are strong candidates, alongside the Chilterns, to be considered for National Park status.

We suggest Natural England and ministers consider the case for each.”

- 4.3 National Park authorities attract considerably more funding than AONBs and National Parks and they have far greater public recognition, as important landscape, than AONBs. In governing body operational terms the fundamental difference between National Parks and AONBs is that a National Park Authority is the statutory planning authority for the designated area, this is not the case in AONBs where this role and decision making falls to the relevant local authority or authorities – in the East Devon AONB that is East Devon District Council and Devon County Council, the latter for waste and mineral planning. If a new National Park were created, assuming any relevant legislation and powers follow the pattern elsewhere in the country, a new park authority would be responsible for producing a local plan and planning policy documents and also for determining planning application and allied tasks.
- 4.4 Both AONB bodies and National Park authorities undertake a lot of work around promoting nature conservation interests as well as protecting and enhancing landscape quality and promoting quiet enjoyment of the countryside. National park authorities, however, typically have much more money to do these tasks and they are areas that any new park authority might be expected to be actively involved in. Park authorities also typically promote education opportunities and broader initiatives around supporting community wellbeing. However, in designated National Parks the bulk of local Government services and functions, such as education, transport and highways, housing, environmental health and waste collection are undertaken by the local authority or local authorities that cover the park area.

- 4.5 Whilst there may be seen to be direct and indirect benefits (for example potentially including greater tourism activity) in designation of a new National Park there could be cost implications, which may fall nationally and/or locally, there may also be concerns around loss of power by this authority to another body.
- 4.6 It should be noted that reference is made to the potential for a new National Park to include the East Devon AONB, but not the Blackdown Hills AONB. However, if proposals for a new National Park were progressed it could be expected that there would be a lengthy period of assessment, including in respect of boundaries, along with public consultation before any proposal led to formal designation. If created there could be expected to be transition and longer term arrangements put in place to establish the new park authority, establish decision making and governance arrangements, find premises, appoint staff and undertake a host of allied tasks and activities.



Report to:	Strategic Planning Committee
Date of Meeting:	Tuesday 22 October 2019
Public Document:	Yes
Exemption:	None
Review date for release	None

Subject: **Draft Affordable Housing Supplementary Planning Document**

Purpose of report: To outline the responses received during the first round of public consultation on the Draft Affordable Housing Supplementary Planning Document (SPD) which took place from March to May 2019, and show how these comments have been taken into account in revising the SPD. A revised version of the Draft Affordable Housing SPD is presented for approval by this Committee for a six week period of public consultation.

Recommendation:

- 1. That the comments received during the first round of public consultation on the Draft Affordable Housing Supplementary Planning Document be noted and the council response be endorsed**
- 2. Approve the Draft Affordable Housing Supplementary Planning Document for public consultation over a period of six weeks**

Reason for recommendation: To make Members aware of the responses received during the first round of public consultation on the Draft Affordable Housing SPD, and show how these have been taken into account. Approval is sought for a further round of public consultation to provide another chance to seek feedback in preparing the SPD.

Officer: Keith Lane, Planning Policy Officer
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 01395 571684

Financial implications: There are no specific financial implications at this stage.

Legal implications: There are no legal implications in relation to this second consultation report other than as set out in the report.

Equalities impact: Low Impact
 An Equalities Impact Assessment of the Draft Affordable Housing SPD has been prepared, which will be published alongside the SPD. This identified that there would be no adverse impacts upon those people with “protected characteristics”. There would be positive impacts upon “age” through encouraging affordable housing provision for young people to buy and rent, and “disability” through guidance on enhanced standards for accessible and adaptable homes.

Climate change: Low Impact
 The SPD provides guidance on implementing Local Plan policies on affordable housing matters, and does not set new policies. Therefore, it has a low impact upon climate change.

Risk: Low Risk

The SPD is being prepared in accordance with plan-making regulations, the council agreed protocol for preparing SPDs, and the adopted Statement of Community Involvement.

Links to background information:

- [Affordable Housing SPD – Interim Consultation Statement](#)
- [Draft Affordable Housing SPD Screening report for Strategic Environmental Assessment and Habitats Regulations](#)
- [Draft Affordable Housing SPD Equalities Impact Assessment](#)
- [Strategic Planning Committee, Tuesday, 26 March 2019, Agenda and minutes, item 59](#)
- [East Devon Local Plan 2013-2031](#)
- [East Devon Local Development Scheme \(July 2018\)](#)
- [Supplementary Planning Guidance Protocol](#)
- [National Planning Policy Framework](#)

Link to Council Plan: [Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding council](#)

Report in full

Background

1. Members will be aware that the East Devon Local Plan promotes the delivery of affordable housing in appropriate locations, through policies relating to affordable housing targets and tenures (Strategy 34) and rural exception sites (Strategy 35).
2. The Local Development Scheme – essentially, the planning policy work programme – states that an Affordable Housing supplementary planning document (SPD) will be prepared to elaborate on policy to secure affordable housing provision in East Devon. This will provide greater clarity to developers and communities about our expectations for affordable housing delivery. By giving clear guidance upfront about issues such as tenure mix, how vacant building credit will be operated, the ‘pepper-potting’ of affordable units in a development, and where off-site contributions will be appropriate, it will enable developers and landowners to better understand policy requirements. Therefore, the SPD should assist applicants when making planning applications, and the council in determining them.
3. It is important to note that SPDs can only add further detail to policies in the Local Plan, and cannot set policies themselves.
4. This Committee approved the first round of public consultation on a draft Affordable Housing SPD from March to May 2019. The SPD contains a brief overview of affordable housing and related planning policy, some contextual information on affordable housing in East Devon, and then provides guidance on affordable housing issues relevant to Local Plan policies, across the following chapters:
 - Thresholds and targets
 - Tenure and mix
 - Design and layout
 - Rural exception sites
 - Pre-application, legal agreements and occupancy
5. Appendices include maps showing which affordable housing thresholds apply across the district, Local Plan policies on affordable housing, and the standard section 106 agreement for securing affordable housing.

Responses received in the first round of public consultation and how they have been taken into account

6. A total of 22 responses were received in the first round of public consultation on the Draft Affordable Housing SPD.¹ The accompanying Consultation Statement contains further detail, including a response to each of the comments made. Some of the main issues raised in consultation are set out by chapter below:

General / Context

- The restatement of a significant amount of national policy/guidance should be deleted, as this can be changed by the Government at any time.
- The SPD is either intended to guide the determination of planning applications and should therefore be a Development Plan Document (DPD), or has no purpose and serves no function – therefore, the SPD should either be progressed as a DPD, or abandoned.
- Support reference to the affordability challenge in East Devon.

Thresholds and targets

- There is no justification for using the Homes England methodology to value land by adding 20% uplift to existing use value. This is far too simplistic, not in accordance with national policy, guidance or case law. It will not encourage landowners to sell their land and will therefore inhibit housing delivery.
- Support the thresholds and tenures sought.
- The affordable housing target across the entire Axminster Masterplan area should be 25%, rather than part 25%, part 50%.
- Support the use of vacant building credit, but object to not applying it in specified circumstances.
- Concerns about the viability of providing affordable housing, particularly at strategic sites and for the 50% target.

Tenure and mix

- Not acceptable to dismiss certain types of affordable housing in the NPPF definition due to “lack of evidence”.
- Object to the use of overage clauses and their application across all sites. It causes a considerable burden by adding risk and delay to development.

Design and layout

- Holding up the occupation of market dwellings prior to completion of affordable homes is unduly restrictive.
- Clusters of 10 affordable homes on larger sites is too small, many other south west councils use a figure of 12. It is easier for RPs to manage larger clusters on such sites.

Rural exception sites

- The reference to rural exception sites being close to community services should recognise that these may be located in nearby villages, reflecting the NPPF.

Pre-application, legal agreements, and occupancy

- It is important for the efficient letting of homes if allocations can be considered from all potential sources at the same time, and priority then given in accordance with the specified areas (i.e. parish first, then neighbouring parishes, elsewhere etc).

¹ The comments received can be seen in full on our website: <https://eastdevon.gov.uk/planning/planning-policy/housing-issues/affordable-housing/>

- Welcome reference to allowing occupancy for those with a connection to Exeter, but suggest this could also include Mid Devon.
 - Detailed comments suggesting amendments to the standard affordable housing s.106 agreement.
7. Several changes have been made to the SPD in response to the comments made, as detailed in the Consultation Statement (appended to this report). An overview of key changes follows in the next few paragraphs.
 8. References to national policy/guidance have been simplified to make the document more concise. The SPD has been clarified in several places so that it is clear that the purpose of the document is to provide guidance on implementing Local Plan policies, including examples of good practice that we would expect, rather than setting additional policy requirements.
 9. It is agreed that the Homes England methodology for calculating land values is overly simplistic, lacks justification and is contrary to national policy/guidance. Therefore, reference to this specific approach has been deleted. In terms of applying vacant building credit, reference has been added to national guidance which allows local authorities to consider whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.
 10. The SPD does not “dismiss” certain types of affordable housing as defined in the NPPF, but agree that text requiring applicants to justify the mix within the 30% ‘intermediate or other’ category is too onerous in relation to Local Plan policy, so this has been deleted.
 11. Other changes include: making clear that the Strategic Housing Market Assessment (SHMA) and Devon Home Choice are evidence of need and not policy requirements; clarifying overage requirements; and allowing potential occupants of affordable housing to be sought from a variety of areas simultaneously as a more efficient way of letting/selling these homes. A series of changes have also been made to the standard affordable housing s.106 agreement in light of responses received.

Next steps

12. In light of comments received in the first round of public consultation, and further internal discussions and consideration, a revised version of the Draft Affordable Housing SPD is presented to this Committee. Approval is sought for a second round of public consultation, in line with the agreed protocol for preparing SPDs (see “links to background information”).
13. Following the second round of public consultation, the comments received will be considered and further amendments made to the SPD as appropriate. This version of the SPD will then be brought back to Strategic Planning Committee to consider and recommend its adoption to Cabinet. Given these remaining stages, it is likely that the Affordable Housing SPD will be adopted in March/April 2020.

Planning policy consultation

Draft Affordable Housing Supplementary Planning Document



October 2019

East Devon – an outstanding place

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To request this information in an alternative format or language please phone 01404 515616 or email csc@eastdevon.gov.uk

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1 Introduction

- 1.1 The East Devon Local Plan 2013 to 2031 (adopted January 2016) promotes the delivery of new affordable housing in the district, through policies relating to affordable housing targets and exceptions sites. The purpose of this Affordable Housing supplementary planning document (SPD) is to provide guidance on the implementation of these affordable housing policies,¹ giving greater clarity to developers and communities about the expectations for affordable housing delivery in East Devon.
- 1.2 By giving clear guidance upfront about the councils' expectations on issues such as tenure mix, how vacant building credit will be operated, and where off-site contributions will be appropriate, it will enable developers and landowners to better understand policy requirements. Therefore, this SPD should assist applicants when making planning applications, and the council in determining them.²
- 1.3 The SPD explains when and how affordable housing will be secured in order to deliver sustainable communities in East Devon. It reflects national Government policy on affordable housing in the National Planning Policy Framework, and has been prepared in a manner consistent with the relevant regulations.³
- 1.4 The SPD begins by providing some context with a brief overview of affordable housing and related planning policy, and then provides guidance across a variety of chapters on affordable housing issues relevant to Local Plan policies. The SPD is structured around a series of key questions so that the guidance is provided in a clear format.

Consultation details

- 1.5 This draft Affordable Housing SPD is being published for consultation from **XXXX to XXXX 2019**. The SPD is supported by a screening report for Strategic Environmental Assessment and Habitats Regulations Assessment; along with an Equality Impact Assessment. The screening report concludes that the SPD would not lead to significant effects on the environment or habitats; and no adverse impacts upon people with "protected characteristics" with regards to equalities. The SPD and supporting documents can be seen

¹ The SPD can also be used to guide implementation of policies in the Cranbrook Plan, when this Plan is adopted.

² National Planning Policy Framework, Annex 2, explains that SPDs add further detail to the policies in the development plan; and Planning Practice Guidance Reference ID: 61-008-20190315 states that SPDs should build upon and provide more detailed advice or guidance on the policies in an adopted local plan, and should not add unnecessarily to the financial burdens on development.

³ The Town and Country Planning (Local Planning) (England) Regulations 2012:
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

on our website: <http://eastdevon.gov.uk/planning/planning-policy/housing-issues/affordable-housing/>

- 1.6 Consultation responses on the SPD and screening reports must be submitted in writing by email to planningpolicy@eastdevon.gov.uk or by post to Planning Policy, East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton EX14 1EJ. Consultation responses will be published on the council's website, and will include your name and address but contact details and signatures will be redacted.

Data Protection

- 1.7 Any personal information which you provide will be held and used by East Devon District Council for the purpose of the Affordable Housing supplementary planning document and may inform other planning policy work. Your information may also be shared within East Devon District Council for the purposes of carrying out our lawful functions. Otherwise your personal information will not be disclosed to anybody outside East Devon District Council without your permission, unless there is a lawful reason to do so, for example disclosure is necessary for crime prevention or detection purposes. Your information will be held securely and will not be retained for any longer than is necessary. There are a number of rights available to you in relation to our use of your personal information, depending on the reason for processing. Further detail about our use of your personal information can be found in the relevant Privacy Notice.⁴



Affordable housing in Cranbrook, which has been a significant supply of affordable housing delivery in East Devon over recent years

⁴ The relevant Data Protection Privacy Notice can be seen at: <http://eastdevon.gov.uk/media/2764832/planning-policy-considering-representations-in-respect-of-neighbourhood-plans-and-development-plans.pdf>

2 Context and Overview of Policies and Evidence

What is affordable housing?

- 2.1 Affordable housing is defined as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). There are four broad types of affordable housing:
- a) Affordable housing for rent
 - b) Starter homes
 - c) Discounted market sales housing
 - d) Other affordable routes to home ownership⁵

Who delivers new affordable housing?

- 2.2 Planning policies require a certain proportion of affordable housing, or off-site contribution for their delivery elsewhere, in order for planning permission for new housing to be granted – it is through this process that the vast majority of affordable housing is delivered.
- 2.3 In most cases, new affordable homes to *rent* are constructed by private developers and sold to registered providers⁶ (RPs). The RP then lets out these properties to eligible households – the maximum level of rent that is covered by Universal Credit or housing benefit is set according to the number of bedrooms and the location.⁷ The RP is responsible for their ongoing management (apart from Build to Rent affordable housing, where the landlord need not be a registered provider). RPs currently operating in East Devon can be seen in [chapter seven](#).
- 2.4 New affordable homes to *buy* are also generally constructed by private developers and either sold to RPs, or made available directly by the developers. These homes can then be purchased by eligible households at below market values. Another route to affordable home ownership is in the form of rent to buy, such as homes provided by ‘Rentplus’, who purchase

⁵ National Planning Policy Framework, 2019, Annex 2, contains the full definition of affordable housing: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf Nb. this could be amended in future revisions of national policy.

⁶ Registered Providers are independent companies set up to provide affordable homes for people in need. They are funded and regulated by Homes England.

⁷ Local Housing Allowance rates are used to set the maximum level of rent that can be charged by an RP. The rates in East Devon can be seen here: <http://lha-direct.voa.gov.uk/SearchResults.aspx?LocalAuthorityId=209&LHACategory=999&Month=2&Year=2019&SearchPageParameters=true>

new properties and lease them to RPs to manage and let to eligible households at an affordable rent (set at 80% of market rent).⁸

- 2.5 Other, less common, routes of affordable housing delivery include schemes funded by Government grant, or schemes led by RPs who may obtain planning permission and construct affordable homes to rent or buy themselves.
- 2.6 In some cases, completed affordable homes may be passed to East Devon District Council (EDDC) to add to its own housing stock or to the councils' local housing company East Devon Homes.
- 2.7 Community land trusts (CLTs) can also deliver affordable housing. These are non-profit organisations for the ownership and/or management of assets (e.g. housing) for the benefit of the local community, and can be set up by communities in towns as well as more rural areas. Once a CLT has been set up, they can own land and commission the construction of homes that are made affordable to rent or buy for local people (for example through leasing the homes to a RP). The CLT then remains a long term steward of homes and assets.⁹ A notable CLT in East Devon is Beer Community Land Trust, which has already delivered affordable housing in the village, and has plans to deliver more.¹⁰



Affordable housing delivered by Beer Community Land Trust

- 2.8 Finally in terms of delivery, EDDC spend receipts from the 'Right to Buy' to purchase dwellings on the open market, which are then managed by the council as affordable housing

⁸ Further information can be seen on the Rentplus website: <http://rentplus-uk.com/>

⁹ Further information on CLTs is available here: <http://www.communitylandtrusts.org.uk/>

¹⁰ Beer Community Land Trust: <http://www.beerclt.org/>

to rent. The council has a target of acquiring 20 dwellings per year via this method.¹¹ Right to Buy receipts have to be spent within three years, otherwise they are returned to Government (with interest).¹²

How much affordable housing is there in East Devon?

- 2.9 There are a total of 69,250 dwellings in East Devon, of which 6,640 are “affordable”. East Devon District Council own 4,200 of these affordable dwellings, and the other 2,440 are owned by RPs.¹³
- 2.10 Around 25 social rented homes are purchased by tenants from the council each year under the ‘Right to Buy’ – where council housing tenants have a right to buy their home at a discount, with the amount of discount dependent upon the length of time as a social tenant.¹⁴

How “affordable” is housing in East Devon?

- 2.11 The average house price in East Devon is £277,000, which is 9.97 times average earnings.¹⁵ This makes East Devon a less affordable place to buy a house than both the England (7.83) and south west region (8.9) average.¹⁶ The following graphs show average house prices in East Devon since 1997, along with the affordability ratio that compares house prices to earnings. These indicate that house prices trebled between 1997 and 2007, but were then broadly stable until a rise in 2017-18. The affordability ratio doubled from 5 to 10 between 1997 and the mid-2000s, and house prices have remained around 10 times earnings ever since. It is worth noting that house prices vary across East Devon – for

¹¹ East Devon District Council Housing Strategy 2017: <http://eastdevon.gov.uk/housing/housing-strategies-and-policies/housing-strategy/>

¹² The Government are considering greater flexibility on this – see consultation on ‘Use of receipts from Right to Buy sales’ August – October 2018: <https://www.gov.uk/government/consultations/use-of-receipts-from-right-to-buy-sales>

¹³ Number of dwellings by tenure and district, England, 2018, Table 100: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

¹⁴ In 2012, the Government significantly raised the maximum cash discount under the Right to Buy. This had the effect of increasing the number of social rented homes purchased under the Right to Buy in East Devon from around 3-4 dwellings per year between 2007 and 2012, to around 25 dwellings per year from 2012 to 2018. Source: Annual Right to Buy Sales: Sales by Local Authority, Table 685: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales#other-schemes>

¹⁵ Ratio of median house price to median gross annual workplace-based earnings by local authority district, 2018, Office for National Statistics: <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingaffordabilityinenglandandwales/2018>

¹⁶ As above.

example, in general, the coastal towns of Sidmouth and Budleigh Salterton are more expensive than elsewhere.

Figure 2.1: Average house price in East Devon 1997 – 2018¹⁷

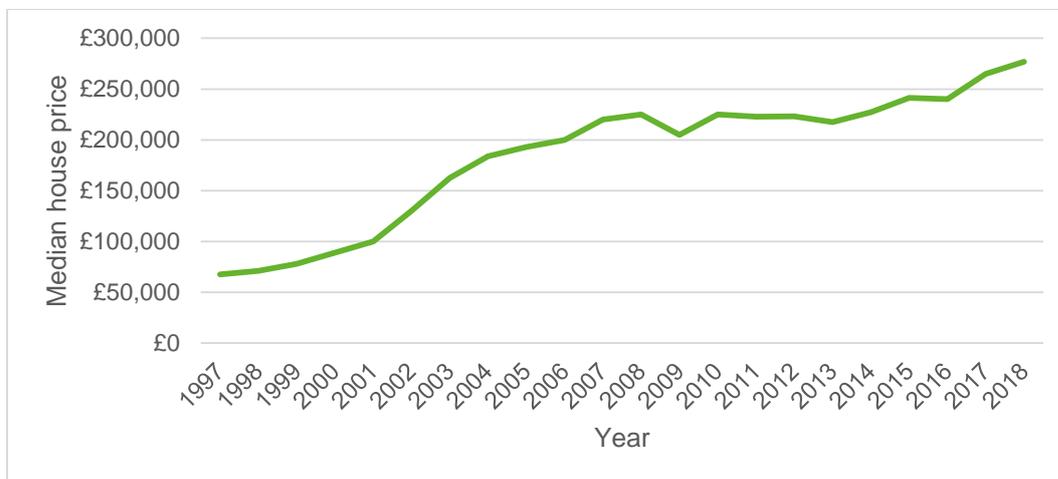
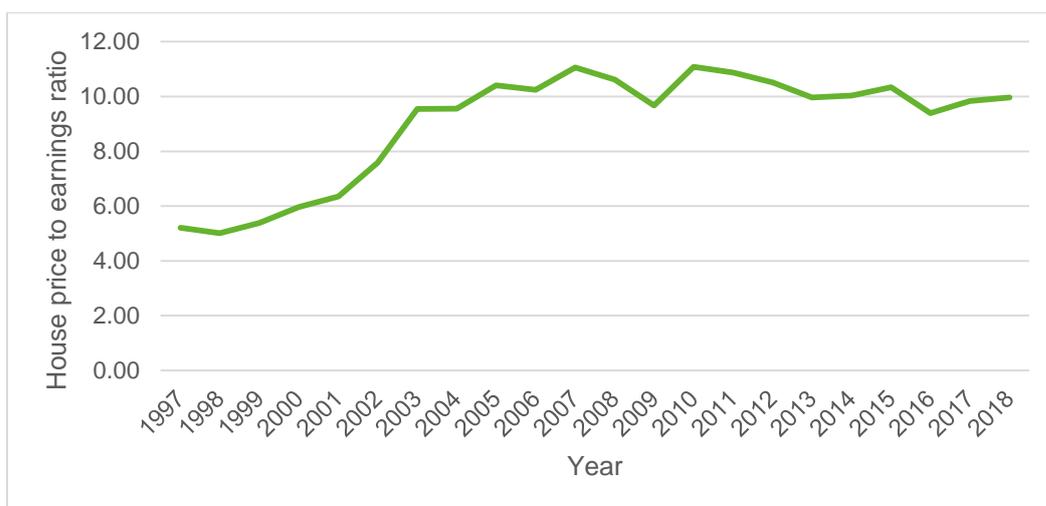


Figure 2.2: Affordability ratio in East Devon 1997 – 2018¹⁸



¹⁷ Median house price by local authority district, 2018, Office for National Statistics: <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingaffordabilityinenglandandwales/2018>

¹⁸ Ratio of median house price to median gross annual workplace-based earnings by local authority district, 2018, Office for National Statistics: <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingaffordabilityinenglandandwales/2018>

What is national Government policy on the delivery of affordable housing?

- 2.12 The National Planning Policy Framework (NPPF) supports the Government’s objective to significantly boost the supply of homes.¹⁹ The type of affordable housing required should be set out in planning policies, and this need should be met on-site unless off-site provision or a financial contribution can be robustly justified and it would contribute to creating mixed and balanced communities.²⁰
- 2.13 In general, affordable housing can only be sought from “major development” i.e. 10 dwellings or more, or a site area of 0.5 ha or more. However, in ‘designated rural areas’,²¹ policies may set out a lower threshold of 5 units or fewer – most of East Devon falls within this area (explained in [figure 3.1](#)). Affordable housing contributions should be reduced where vacant buildings are being reused or redeveloped.²²
- 2.14 As part of the overall affordable housing contribution on major sites, at least 10% of the affordable homes should be available for affordable home ownership, subject to various exemptions (e.g. significantly prejudicing the ability to meet the needs of specific groups).²³
- 2.15 Local authorities should support entry-level exception sites of affordable housing for first time buyers or renters, unless such need is already being met elsewhere in the area. Opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs should also be supported, allowing some market housing where necessary to facilitate this.²⁴ These exception sites are discussed further in [chapter 6](#).

Which Local Plan policies discuss affordable housing?

- 2.16 The East Devon Local Plan 2013 to 2031²⁵ contains two policies that solely related to affordable housing:
- Strategy 34 – ‘District Wide Affordable Housing Provision Targets’ is the overarching policy on affordable housing, setting targets for different parts of East Devon, the tenure mix, and thresholds, amongst other issues.

¹⁹ National Planning Policy Framework, paragraph 59:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

²⁰ National Planning Policy Framework, paragraph 62.

²¹ Defined in the NPPF as “National Parks, Areas of Outstanding Natural Beauty and areas designated as ‘rural’ under section 157 of the Housing Act 1985.”

²² National Planning Policy Framework, paragraph 63.

²³ National Planning Policy Framework, paragraph 64.

²⁴ National Planning Policy Framework, paragraph 77.

²⁵ East Devon Local Plan 2013 to 2031: <http://eastdevon.gov.uk/media/1772841/local-plan-final-adopted-plan-2016.pdf>

- Strategy 35 – ‘Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries’ provides for exceptions housing schemes, subject to robust evidence.

2.17 In addition, Strategy 36 states that, on sites of 10 dwellings or more, all of the affordable housing should meet part M4(2) of the Building Regulations relating to accessible and adaptable dwellings.

What other local guidance is there on affordable housing in East Devon?

2.18 East Devon’s Planning Obligations SPD (June 2017) reflects the affordable housing targets and tenures in the Local Plan, setting out national policy thresholds.²⁶ Affordable housing should be delivered in phase with the market housing, and proposals for non-policy compliant tenure splits must be justified and evidenced by the applicant. Rural exception sites should reflect the need in a Rural Housing Needs Survey. The SPD also contains guidance on overage and viability.

2.19 East Devon District Council’s Housing Strategy²⁷ sets out its responsibilities to:

- Provide a housing options service for all who are homeless or threatened with homelessness
- Provide, maintain, and manage our own council housing stock
- Work with housing developers and housing associations to deliver more affordable housing
- Regulate and improve other social rented, private rented and owner occupier housing

2.20 Guidance on how to find affordable housing, what the council is doing to increase the number of properties, and how affordable housing need is assessed, can be seen on the councils’ website.²⁸

2.21 Viability guidance notes are also available on the councils’ website, several of which are relevant in cases where an applicant is seeking to justify less affordable housing than required in the Local Plan.²⁹

²⁶ East Devon Planning Obligations Supplementary Planning Document, June 2017:

<http://eastdevon.gov.uk/media/2140634/final-version-for-adoption.pdf>

²⁷ EDDC Housing Strategy: <http://eastdevon.gov.uk/housing/housing-strategies-and-policies/housing-strategy/>

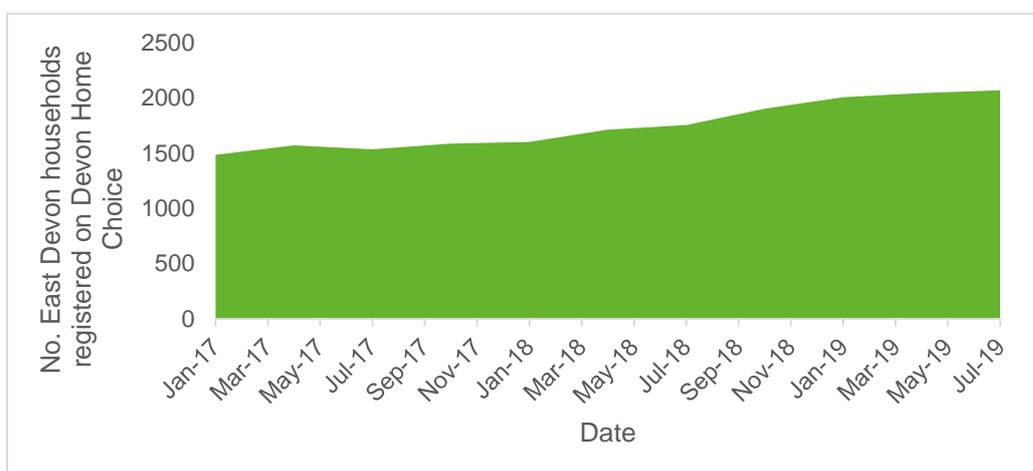
²⁸ This guidance can be seen at: <http://eastdevon.gov.uk/housing/affordable-housing-in-east-devon/>

²⁹ EDDC viability guidance notes can be seen at: <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/>

What are the key sources of evidence regarding affordable housing need in East Devon?

- 2.22 The Strategic Housing Market Assessment (SHMA) 2014/15 identifies an annual affordable housing need of 272 dwellings per year in East Devon.³⁰ It also makes recommendations on the future delivery of affordable housing need on issues such as tenure mix and number of bedrooms required, which informed the Local Plan.
- 2.23 Devon Home Choice (a choice-based letting scheme) produce a quarterly monitoring report with information on the number of households registered for social and affordable rented affordable housing, which gives an indication of housing need.³¹ There are 2,000 households registered in East Devon, which has increased over the period 2017-19 as shown in figure 2.3 below. There were an average of 47 bids per property in East Devon during the first quarter of 2019/20.³²

Figure 2.3: Number of households in East Devon registered on Devon Home Choice, 2017-19



- 2.24 EDDC fund Devon Communities Together (DCT) to undertake housing need surveys for three parish councils each year. DCT will also undertake surveys on behalf of landowners, developers, and planning agents, which can provide evidence to justify development in an area, particularly for affordable housing.

³⁰ Exeter Housing Market Area, Strategic Housing Market Assessment 2014/15: <http://eastdevon.gov.uk/media/996504/exeter-shma-final-report-16-03-15.pdf>

³¹ Devon Home Choice Quarterly Monitoring Reports can be seen at: <https://www.devonhomechoice.com/useful-information-0>

³² Devon Home Choice Quarterly Monitoring Report, July 2019, table 7: https://www.devonhomechoice.com/sites/default/files/DHC/monitoring_report_july_2019.pdf

3 Thresholds and Targets

When should affordable housing be sought in new development?

- 3.1 Local Plan Strategy 34 states that the thresholds as to when affordable housing is required will be the minimum set out in Government policy or guidance, subject to an up to date council viability assessment showing that these thresholds can be justified.
- 3.2 This means that affordable housing will be sought from ‘major’ residential development i.e. where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. In ‘designated rural areas’ affordable housing can be sought from schemes of between 6 and 9 dwellings in the form of an off-site contribution, paid upon completion of the development, to the delivery of affordable housing elsewhere. The vast majority of East Devon is within a designated rural area, with only the parishes of Exmouth, Sidmouth, Seaton and Honiton excluded. These affordable housing thresholds are set out in figure 3.1 below.

Figure 3.1: Affordable housing thresholds³³

Location	Residential development of...		
	1 – 5 dwellings	6 – 9 dwellings	10 dwellings or more, or site area of 0.5 ha or more
The parishes of Exmouth, Sidmouth, Seaton and Honiton	No affordable housing	No affordable housing	On-site affordable housing
Rest of East Devon (including areas within the AONB in the parishes above)	No affordable housing	No affordable housing on-site; financial contribution towards off-site affordable housing	On-site affordable housing

- 3.3 The maps in [Appendix One](#) show how these thresholds apply across East Devon.³⁴
- 3.4 Housing proposals with a low density that is below these affordable housing thresholds will be carefully scrutinised in light of national policy to promote an effective use of land.

³³ These thresholds do not apply to exceptions sites, which are explained further in chapter 6.

³⁴ The boundaries on the maps relate to parishes and Areas of Outstanding Natural Beauty.

National policy makes clear that “local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework”.³⁵

- 3.5 Similarly, proposals that artificially sub-divide sites within the same ownership or allocation will also be closely examined, so that the affordable housing threshold is not circumnavigated. In these circumstances, the council will consider whether the proposal should be treated as a single site for the purposes of the affordable housing threshold.

How much affordable housing should be provided in new development?

- 3.6 When proposals for residential development meet the thresholds for providing affordable housing (set out above), the amount of affordable housing that should be provided depends upon the location. Figure 3.2 sets out the targets in Local Plan Strategy 34.

Figure 3.2: Affordable housing targets

Location	Target
Axminster	25%
Exmouth	25%
Honiton	25%
Ottery St Mary	25%
Seaton	25%
Major strategic ‘West End’ development sites: Cranbrook ³⁶ , adjacent to Pinhoe, north of Blackhorse	25%
Rest of East Devon (apart from exception sites), including the towns of Sidmouth and Budleigh Salterton	50%
Exception sites at villages, small towns and outside built-up area boundaries	At least 66%

³⁵ National Planning Policy Framework, paragraph 123. c):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

³⁶ Nb. Cranbrook Plan Submission Draft proposes 15% affordable housing in the expansion areas, although this is subject to Examination before it can be adopted.

- 3.7 The towns listed in the table above are geographically defined by their Built-up Area Boundary (BUAB). These, and the major strategic 'West End' development sites, are shown on the Local Plan policies map.³⁷ For clarity, within the BUABs the 25% target applies, whilst outside of the BUABs the target is 50% affordable housing (apart from at exception sites).
- 3.8 The application of these targets will not always result in a 'round' number of affordable dwellings being required. For example, a scheme of 10 dwellings in Honiton will require 2.5 affordable dwellings. Clearly, it is not possible to provide half a house. In these circumstances, the remaining proportion should be paid as a commuted sum towards off-site affordable housing – these contributions are [explained below](#).



A terrace of four affordable homes, part of a larger housing development in Ottery St Mary

Under what circumstances might a lower amount of affordable housing be acceptable?

- 3.9 Development proposals which do not meet the affordable housing targets must be supported by evidence that explains why the affordable housing target is "*not viable or otherwise appropriate*" (Local Plan Strategy 34). The applicant should notify EDDC as early as possible through pre-application discussions if lower levels of affordable housing are being proposed.

³⁷ East Devon Local Plan 2013 - 2031 policies maps: <http://eastdevon.gov.uk/planning/planning-policy/local-plan-2013-2031/>

- 3.10 Evidence on viability should be undertaken by a suitably qualified professional, and should explain the viability issue, what has been done to address it, and what level of affordable housing is now being proposed. The viability assessment should follow the approach set out in national guidance³⁸ and the council's published guidance on viability.³⁹ The viability assessment will be reviewed by a suitably qualified (MRICS) officer, or an external consultant commissioned by the council – the cost of this review will be covered by the applicant – and will be made available on our website.
- 3.11 The value paid for the land is often the biggest factor affecting the viability of a development. Viability appraisals will be expected to be based not on the price paid for the site, but the existing use value of the land plus a premium for the landowner. In determining the premium for the landowner regard will be had to up to date evidence of land values, case law, and Government policy and guidance (including the approach taken by Government agencies).
- 3.12 The applicant may also suggest reasons where it might not be “*otherwise appropriate*” to meet the Local Plan affordable housing targets. This would be for the applicant to justify, with regards to the specific circumstances of the proposal and site in question. An example could be that the proposal is a residential institution (use class C2) rather than a dwelling (use class C3) as there is generally not a requirement for affordable housing from C2 uses.

What is an overage clause, and when does it apply?

- 3.13 The Local Plan (Strategy 34) includes an overage clause for situations where levels of affordable housing fall below policy targets. An overage clause is a clause in the section 106 agreement that relates to future profits from a development. Where the viability evidence justifies a lower affordable housing requirement than the policy target, which is then accepted by the council, an overage clause will be inserted into the section 106 agreement. The purpose of this clause is to ensure that the council claws back additional profit above that initially anticipated in the viability appraisal. In other words, where a developer makes more profit than expected, a proportion of this ‘additional’ profit is paid to the council to help fund the provision of affordable housing that should have otherwise been provided by the development.
- 3.14 The level of ‘additional’ profit is established through a re-assessment of viability after completion of the scheme using the actual costs and values in the development, rather than the assumptions used at the planning application stage. It is EDDC practice to recover the amount of affordable housing that would have been required in a scheme by obtaining

³⁸ Planning Practice Guidance: <https://www.gov.uk/guidance/viability>

³⁹ Available at: <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/>

50%⁴⁰ of any additional profit, capped to the amount of affordable housing that would have been required to meet the policy target. Further guidance on overage is available on the council's website.⁴¹

When might it be appropriate to provide affordable housing off-site?

3.15 The clear preference is for affordable housing to be provided on the same site (as the market housing). However, the Local Plan allows affordable housing to be provided off-site in some cases, as explained below:

- *Exempted through Government policy or guidance* – Government policy⁴² enables off-site financial contributions to be sought for sites of 6-9 dwellings in designated rural areas, therefore exempting such sites from providing affordable housing on-site.
- *Not mathematically possible* – where the affordable housing requirement results in a proportion of a dwelling (e.g. 10 dwellings in most towns would require 2.5 affordable homes) then it will clearly not be possible to provide this on-site, so the remaining proportion should be an off-site contribution.
- *No registered provider being willing to manage the new affordable units* – this may occur where a proposal includes a block of flats with mixed market and affordable dwellings that are difficult to manage separately (e.g. if they have the same block entrance), where only a few affordable homes are being proposed on-site and/or the remote location of the site. In these instances, EDDC will require evidence that a registered provider cannot be secured, along with an explanation.
- *Other planning reasons* – these reasons would be for the applicant to justify, but could include situations where off-site contributions would better achieve a mixed and balanced community such as where there is a dominance of affordable housing in the immediate locality, or where an appropriate form of affordable housing cannot be provided within a scheme.

⁴⁰ This is set to incentivise developers to achieve higher profits, and therefore greater sums available under the overage clause for the council to spend on delivering affordable housing.

⁴¹ <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/viability-guidance-note-3-overage/> The East Devon Planning Obligations SPD, paragraph 6.22, also contains guidance on overage: <http://eastdevon.gov.uk/media/2140634/final-version-for-adoption.pdf>

⁴² National Planning Policy Framework, paragraph 63:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

How do we calculate the contribution towards off-site affordable housing?

- 3.16 If the council agrees that it is appropriate for affordable housing to be provided off-site, then a financial contribution, known as a “commuted sum”, will be accepted instead. This payment is due after completion of units within the development, and will be secured through a legal agreement.
- 3.17 A commuted sum calculator works out the off-site financial payment.⁴³ This approach has been adopted by the council,⁴⁴ and applicants should use this calculator to demonstrate compliance with Local Plan Strategy 34.
- 3.18 The commuted sum is the difference in residual value⁴⁵ of a scheme made up entirely of market dwellings, compared to a scheme with a policy compliant level of affordable housing (or lower level where demonstrated by a viability assessment). The contribution varies according to the market area, and whether the affordable housing target is 25% or 50%. The commuted sum is worked out by multiplying the total number of dwellings (market and affordable) in the scheme, by the contribution per dwelling in the calculator.
- 3.19 The commuted sum calculator ensures that a developer will be no better or worse off financially, whether affordable housing is provided on-site or as a commuted sum. The calculator is periodically updated to reflect market changes – for the latest figures see the commuted sum calculator on the council’s website.⁴⁶

Where and when does the money from off-site contributions get spent?

- 3.20 The council will spend the money secured from off-site contributions – the “commuted sum” – on the delivery of affordable housing in East Devon. The legal agreement will impose a time limit of a minimum of 10 years on the council, within which time the contribution must be spent. This time limit will begin from the date of the council receiving the commuted sum.
- 3.21 The council aspires to spend the commuted sum on the provision of affordable housing within the same parish from which the sum was received, in order to create mixed and

⁴³ Further information on the commuted sum calculator can be seen on the council’s website:

<http://eastdevon.gov.uk/planning/planning-services/planning-development-management/unilateral-undertakings-section-106-agreements-habitat-mitigation-and-affordable-housing-contributions/commuted-sum-calculator-stage-1a/>

⁴⁴ Agenda for Development Management Committee, 3 June 2015, minutes of the Committee held on 21 April 2015: <http://eastdevon.gov.uk/media/1140473/030615-combined-dmc-agenda.pdf>

⁴⁵ Residual value is the difference between the total scheme revenue (from residential development) and the cost of delivering the scheme.

⁴⁶ The commuted sum calculator can be seen at: <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/unilateral-undertakings-section-106-agreements-habitat-mitigation-and-affordable-housing-contributions/commuted-sum-calculator-stages-2-and-3/>

balanced communities. However, if this is not possible (e.g. if a suitable site cannot be found within a reasonable period of time), then the contribution will be spent elsewhere in East Devon. Generally, commuted sums are combined with right to buy receipts to purchase property to add to the council's social rented housing stock.

What is “vacant building credit” and how can it affect the affordable housing requirement?

- 3.22 To support the re-use of brownfield land, national policy permits the reduction of affordable housing contributions where vacant buildings are being reused or redeveloped, known as “vacant building credit” (VBC).⁴⁷ In such cases, the affordable housing requirement should be reduced by a proportionate amount, equivalent to the existing gross floor space of existing buildings. If the total floor space of existing buildings to be reused or redeveloped is equal to or exceeds the total floor space created, then no affordable housing would be required.
- 3.23 VBC applies where the building has not been abandoned. The floor space is measured as the gross internal area (GIA) – best practice for measuring GIA is set out by the Royal Institute of Chartered Surveyors.⁴⁸
- 3.24 An applicant should make clear they are seeking to apply vacant building credit as part of their planning application, by following the steps below:
- a) Set out the ‘expected’ number of affordable dwellings for the site, before applying VBC (i.e. 25% or 50% of the total number of dwellings, depending upon the location)
 - b) Divide the existing floor space by proposed floor space, to work out what proportion the existing floor space is of the total combined floor space proposed
 - c) Apply a discount to the ‘expected’ affordable housing requirement, equivalent to the proportion of the scheme that is existing floor space
- 3.25 As an example, under step a) above, a proposal for 120 dwellings in Axminster would be expected to provide 30 affordable homes (25% of total). The existing floor space of a vacant building to be reused or redeveloped is 6,000 square metres, and the proposed floor space is 12,000 square metres. Therefore, step b) is 6,000 divided by 12,000, which equals 0.5 (or

⁴⁷ National Planning Policy Framework, paragraph 63 and footnote 28:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

⁴⁸ Code of Measuring Practice, Royal Institute of Chartered Surveyors: <https://www.rics.org/uk/upholding-professional-standards/sector-standards/real-estate/code-of-measuring-practice/>

50%). This results in the discount to be applied under step c) being 50%, making the affordable housing requirement 15 dwellings (rather than 30).

3.26 The application of these steps can be explained by the following calculation:

$$\mathbf{AH \times (EFS / PFS) = RAH}$$

- AH = expected number of affordable dwellings prior to application of VCB
- EFS = Existing floor space to be demolished in square metres
- PFS = Proposed floor space to be created in square metres
- RAH = Revised number of affordable dwellings

3.27 Effectively, vacant building credit results in an affordable housing requirement that is based on only the net increase in floor space. The revised requirement may result in a 'proportion' of an affordable dwelling being required – in these cases, the commuted sum calculator should be used to identify the financial contribution required from that 'proportion'.

3.28 Bearing in mind its intention to incentivise brownfield development, in applying VBC, national guidance allows authorities to consider whether:

- the building has been made vacant for the sole purposes of re-development
- the building is covered by an extant or recently expired permission for the same or substantially the same development⁴⁹

3.29 If a proposal benefits from vacant building credit, and then provides a policy compliant level of affordable housing for the remainder of the development, an overage clause will not be applied as the proposal is, in effect, consistent with policy targets.



Affordable housing overlooking the country park in Cranbrook

⁴⁹ Planning Practice Guidance, Reference ID: 23b-028-20190315: <https://www.gov.uk/guidance/planning-obligations>

4 Tenure and Mix

What mix of affordable housing tenures should be provided?

- 4.1 Over the period of the Local Plan (2013 to 2031), the following affordable housing tenures are sought:
- 70% social or affordable rent
 - 30% intermediate or other affordable housing⁵⁰
- 4.2 These figures reflect long term affordable housing need in East Devon, as identified in the Strategic Housing Market Assessment,⁵¹ but this tenure mix could vary in periods of depressed markets to reflect viability considerations and aid delivery. What constitutes a “depressed market” will need to be justified by the applicant, but could include a recession or similar significant economic changes, or particular areas where house prices or sales are falling. In these circumstances, the council will consider whether additional costs associated with brownfield sites, mitigation of contamination and the provision of significant community benefits should change the housing mix. The council will require viability evidence from the applicant to justify an alternative tenure mix, along with evidence that there is a need for the proposed affordable housing product.
- 4.3 In terms of the 70% ‘social or affordable rent’, Social Rent is set at a level that takes into account local earnings and property values, typically around 50-60% of market rents; whilst Affordable Rent levels are set at a maximum of 80% of market rent.⁵²
- 4.4 Applicants will be encouraged to provide evidence to justify the mix being proposed within the 30% ‘intermediate or other housing’, given this can comprise of:
- other affordable routes to home ownership (which include shared ownership, relevant equity loans, other low cost homes for sale, and rent to buy e.g. ‘Rentplus’)
 - discounted market sales housing

⁵⁰ This tenure split does not apply to rural exception sites (see [chapter 6](#)), where schemes will be informed by more localised housing needs evidence.

⁵¹ Exeter Housing Market Area, Strategic Housing Market Assessment 2014/15, section 13.5:
<http://eastdevon.gov.uk/media/996504/exeter-shma-final-report-16-03-15.pdf>

⁵² National figure, A new deal for social housing, MHCLG, August 2018, paragraph 2:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733605/A_new_deal_for_social_housing_web_accessible.pdf

- starter homes

- 4.5 The inclusion of some of these products within the definition of affordable housing (namely low cost market housing, starter homes, rent to buy) post-dates the Strategic Housing Market Assessment, so there is currently a lack of evidence regarding the need for these types of affordable housing in East Devon. Therefore, the councils' current priority is to deliver shared ownership, relevant equity loans, and other low cost homes for sale.
- 4.6 Discounted market sales housing and other low cost homes for sale should be priced at least 20% below local market values. Starter homes should cost no more than £250,000, with Government guidance stating that they are not expected to be priced significantly more than the average price paid by a first time buyer⁵³ – in East Devon, the average price paid by a first time buyer is currently £215,415.⁵⁴ As part of the overall affordable housing contribution on major development, national policy states that at least 10% of affordable homes should be available for affordable home ownership, subject to certain exemptions.⁵⁵

What size and type of affordable housing is sought in East Devon?

- 4.7 Evidence indicates that social and affordable rented housing need is primarily for properties that are 1-2 bedrooms in size, with 50% of need for 1 bedroom properties, and 40% for 2 bedrooms, and the remaining 10% should be 3-4 bedrooms or more.⁵⁶ These long term forecasts of need are reflected in the latest quarterly Devon Home Choice monitoring report, which identifies just under 80% of need being for 1-2 bedroom properties for social and affordable rented housing – Exmouth has a particularly high need for this type of property.

Figure 4.1: Bedroom need of households registered on Devon Home Choice (Bands A – D) in East Devon, April 2019⁵⁷

⁵³ Planning Practice Guidance, Reference ID: 55-002-20150318: <https://www.gov.uk/guidance/starter-homes>

⁵⁴ UK House Price Index, Land Registry, June 2019: <http://landregistry.data.gov.uk/app/ukhpi/browse?from=2018-07-01&location=http%3A%2F%2Flandregistry.data.gov.uk%2Fid%2Fregion%2F-east-devon&to=2019-07-01>

⁵⁵ National Planning Policy Framework, paragraph 64:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

⁵⁶ Exeter Housing Market Area, Strategic Housing Market Assessment 2014/15, Table 13-1:

<http://eastdevon.gov.uk/media/996504/exeter-shma-final-report-16-03-15.pdf>

⁵⁷ Devon Home Choice Quarterly Monitoring Report, July 2019:

https://www.devonhomechoice.com/sites/default/files/DHC/monitoring_report_july_2019.pdf



- 4.8 The property sizes for intermediate or other affordable housing need is also focused on mainly 1-2 bedroom units, to meet the needs of concealed households forming and unable to access the market sector as a first time buyer. Evidence indicates that the overall property sizes required for intermediate or other affordable housing is the same as for social and rented i.e. 50% one bedroom, 40% two bedroom and 10% for three bedrooms.⁵⁸
- 4.9 On individual sites, the size and type of affordable housing will be a matter for negotiation in light of this evidence, any more up-to-date evidence, and other relevant factors, including deliverability and social/community balance. Specific needs evidence may be available in rural areas where a housing needs study has been produced.

Is it possible to purchase extra shares of a shared ownership affordable dwelling?

- 4.10 Shared ownership offers affordable homes for sale that are partly owned and partly rented by the occupier. Shares of between 25% and 75% of the market value can be purchased, with a subsidised rent to be paid on the remaining share. Additional shares can be bought by occupiers of shared ownership dwellings, in a process known as “staircasing”.⁵⁹
- 4.11 It is important to note that rural parts of East Devon are within a ‘Designated Protected Area’ (DPA) where there are restrictions on the proportion of shares that can be purchased.⁶⁰ In these cases, either staircasing is restricted to no more than an 80% share of the property; or in instances where the occupier can purchase more than an 80% (i.e. up to full ownership)

⁵⁸ Exeter Housing Market Area, Strategic Housing Market Assessment 2014/15, section 13.7: <http://eastdevon.gov.uk/media/996504/exeter-shma-final-report-16-03-15.pdf>

⁵⁹ Social housing benefits from being exempt from paying Community Infrastructure Levy (CIL), as long as it is occupied as such for at least 7 years. If staircasing to 100% is achieved within this time, and then sold on the open market, the owner may be liable to pay CIL.

⁶⁰ The Designated Protected Areas are set out in a Government Order: http://www.legislation.gov.uk/uksi/2009/2098/pdfs/ukxi_20092098_en.pdf Areas outside the towns of Axminster, Budleigh Salterton, Exmouth, Honiton, Ottery St Mary, Sidmouth and a small part of Broadclyst adjacent to Exeter are within the DPA, shown on the maps at: <https://digitalservices.homesengland.org.uk/designated-protected-areas/>

share, there is an obligation on the landlord to repurchase the property when the occupier wishes to sell. These areas are set by the Government with the intention of retaining shared ownership houses in locations where they would be difficult to replace.⁶¹

- 4.12 For grant-funded shared ownership dwellings within a DPA, EDDC can apply to the Government (Homes England) to remove these restrictions on staircasing (known as a “waiver”), under certain conditions. The Government recognise that retaining shared ownership dwellings is not an issue in some parts of DPAs, such as planned urban extensions, new towns, and suburban sites.⁶² For example, the shared ownership dwellings in phase one of Cranbrook have been “waivered” by the Government.



Shared ownership affordable homes in Cranbrook

- 4.13 For non-grant funded shared ownership dwellings in DPAs, Registered Providers are able to apply to EDDC to remove the restrictions on staircasing.⁶³ The council will lift the restrictions where evidence shows there is either a surplus of shared ownership units, that

⁶¹ Designated Protected Areas explanatory note, HCA, December 2016:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/582207/DPA_explanatory_note.pdf

⁶² Designated Protected Area waiver form, HCA:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/530061/2016.06.17_-_DPA_waiver_form.pdf

⁶³ This approach is set out in the EDDC Cabinet report, June 2014 (item 19):

<http://eastdevon.gov.uk/media/131741/cabinet-040614-public-version.pdf> and minutes (item 17):

<http://eastdevon.gov.uk/media/1465787/cabinet-mins-040614.pdf>

they can be easily replaced, or that the restriction is making the shared ownership unit(s) unaffordable to potential occupants due to high interest rates or high deposits required by lenders. Where a waiver is given, the s.106 agreement will be amended so that staircasing receipts are recycled for the provision of affordable housing East Devon.

Can self-build and custom-build housing be considered affordable housing?

- 4.14 Self-build and custom-build housing is built by an individual, a group of individuals or persons working with or for them, to be occupied by that individual.⁶⁴ The Local Plan (policy H2) encourages developers to make at least 10% of plots available for self/custom build.
- 4.15 Although self/custom-build can often be a cheaper way of buying a house, it will typically not be considered as “affordable housing,” unless it meets the [definition in national policy](#) (see paragraph 2.1). It may be possible for self-builders to work with a registered provider or Community Land Trust to deliver affordable self/custom build housing.

How can affordable sheltered housing be delivered?

- 4.16 Sheltered housing usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently.⁶⁵ Most sheltered housing for rent is provided by the council and registered providers, whilst private developers offer the majority of sheltered housing for sale.
- 4.17 If a proposal falls with C3 of the Use Classes Order, proposals for new sheltered housing should provide affordable housing consistent with policies in the Local Plan. This means that affordable sheltered housing should be provided on-site above the set thresholds, meeting the relevant target (25% or 50%) depending upon the location. Off-site contributions may also be acceptable.
- 4.18 The older age profile in East Devon makes it important to deliver affordable sheltered housing, particularly given the ageing population is forecast to grow. The movement of older people who are living in (under-occupied) affordable housing into sheltered housing will also release affordable housing stock for families in need.^{66 67}

⁶⁴ Further information can be seen on council’s website: <http://eastdevon.gov.uk/planning/planning-policy/housing-issues/self-build-and-custom-build/>

⁶⁵ Planning Practice Guidance, Reference ID: 63-010-20190626.

⁶⁶ Exeter Housing Market Area, Strategic Housing Market Assessment 2014/15, para 12.6.8: <http://eastdevon.gov.uk/media/996504/exeter-shma-final-report-16-03-15.pdf>

⁶⁷ The Devon Home Choice quarterly monitoring report includes information on the number of bids for sheltered homes, indicating a continued need for this type of affordable accommodation: https://www.devonhomechoice.com/useful-information-0#Monitoring_reports

5 Design and Layout

How can affordable housing be well-designed?

- 5.1 The NPPF makes clear the importance of achieving well-designed places, stating that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.⁶⁸ Local Plan policy D1 requires high quality, locally distinctive design that respects the key characteristics and special qualities of the area, with buildings that are well-related to their context. This can include crime prevention through environmental design.
- 5.2 The design of affordable housing should therefore be consistent with these national and local planning policies. New homes and streets should be “tenure-blind,” meaning that market and affordable dwellings cannot be distinguished from each other in terms of design, build quality, appearance, materials and site location.



“Tenure blind” market and affordable dwellings in Ottery St Mary

- 5.3 Where it is intended that a registered provider (RP) will take on responsibility for the affordable housing, these bodies should be engaged at an early stage to ensure that their

⁶⁸ National Planning Policy Framework, paragraph 124, 129:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

design and layout requirements can be met. For example, management requirements within flatted development means that social or affordable rented dwellings should have separate floors, entrances or blocks to open market units.

How should affordable housing be ‘pepper-potted’ or dispersed throughout a development?

- 5.4 Local Plan Strategy 34 states that “*on any development site affordable housing should be ‘pepper potted’ or dispersed throughout the scheme*”. The distribution of affordable housing throughout a development promotes social cohesion, creating a mixed and balanced community.
- 5.5 Pepper potting or dispersal of affordable housing will likely mean “clusters” of affordable homes – these are defined as groups of dwellings that share: adjacent side boundaries, share the same road frontage, and/or are located directly opposite each other.
- 5.6 Affordable housing should generally be provided in clusters of no more than 10 dwellings, unless the applicant can justify that greater than 10 dwellings is necessary, and can still be delivered in a manner that promotes social cohesion and creates a mixed and balanced community. On larger sites, the affordable housing within each cluster should include a mix of tenures.

Figure 5.1: Illustrative example of the dispersal of affordable housing throughout a development – good on the left, poor on the right



- 5.7 It is acknowledged that exception sites (which could be entirely affordable housing) can be up to or around 15 dwellings, so may involve a cluster greater than 10 dwellings. Nevertheless, affordable housing on exception sites should still be dispersed if possible.

Are there any design standards that affordable housing should meet?

- 5.8 The Local Plan (Strategy 36) makes clear that on developments of 10 dwellings or more, all of the affordable housing should meet part M4(2) of the Building Regulations relating to accessible and adaptable dwellings, unless viability evidence indicates it is not possible. The Building Regulations contain detail on how to achieve this standard.⁶⁹ There are several, wide ranging benefits to making homes accessible and adaptable, such as:
- Meeting the needs of an ageing population
 - Meeting the housing need of people with disabilities
 - Reduction in care costs by allowing people to remain at home
 - Limited/nil costs necessary to adapt an existing home
 - Providing flexible living arrangements to suit changing needs
 - Providing an option for elderly residents to move out of family homes, freeing up such homes for younger people
- 5.9 National policy allows the use of a minimum internal space standard for new dwellings, where a need can be justified. There are no space standards in the East Devon Local Plan 2013-2031,⁷⁰ but dwelling size is seen as an important issue for design quality, and to avoid overcrowding in affordable homes.⁷¹

⁶⁹ The Building Regulations 2010, Approved Document M, Volume 1: Dwellings:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_wit_h_2016_amendments_V3.pdf

⁷⁰ The Cranbrook Plan Submission Draft includes a policy requiring new dwellings to meet the Nationally Described Space Standards – this is subject to Examination before it can be adopted.

⁷¹ For example, the Government consider house size when assessing bids for affordable housing funding, by benchmarking against the Nationally Described Space Standards, as detailed in Shared Ownership and Affordable Home Ownership supplementary information: <https://www.gov.uk/government/publications/shared-ownership-and-affordable-home-ownership-supplementary-information>



Meadow Haze, Woodbury, a scheme of 20 dwellings (12 market, 8 affordable) which was runner up at the Devon Affordable Housing Awards 2018

At what stage in the development should on-site affordable housing be delivered?

- 5.10 In order to foster social cohesion and a mixed and balanced community from the outset, on-site affordable housing should be delivered alongside market dwellings. The design and layout of the site should ensure that affordable housing can be delivered alongside the market dwellings; and this phasing will be set out in the section 106 agreement. As an example, the council will expect the following phasing for schemes of 20 dwellings or more:
- No more than 50% of open market dwellings should be occupied prior to completion of 50% of the affordable homes
 - No more than 75% of open market dwellings should be occupied prior to completion of 100% of the affordable homes
- 5.11 Examples of where this phasing may not be feasible or viable could include situations where there is a need to focus revenue from the development on infrastructure delivery to initially 'open up' a site.

6 Rural Exception Sites

What are rural exception sites?

- 6.1 The Local Plan (Strategy 35) allows exception sites for mixed affordable and open market housing schemes at villages, small towns and outside Built-up Area Boundaries, where residential development would not normally be acceptable. These are commonly known as “rural exception sites.” Up to or around 15 dwellings will be allowed on such sites, where justified by local housing needs. At least 66% of the housing should be affordable – for example, a scheme of 10 dwellings should provide at least seven affordable homes, as six would be below the policy requirement.

What evidence on housing needs is required to justify a rural exception site?

- 6.2 Local Plan Strategy 35 makes clear that “a proven local need demonstrated through an up to date robust housing needs survey” will be required to justify a rural exception site, along with evidence that affordable housing need in any given locality would not otherwise be met.
- 6.3 A “robust housing needs survey” should have either been produced by rural housing enablers at Devon Communities Together,⁷² or followed their methodology and, if possible, undertaken in partnership with the parish council and/or neighbourhood plan steering group.⁷³ The survey will gather factual information on the scale and nature of housing need at a local level. This will give an indication on the number, type and tenure of affordable homes that are needed by those that have a local connection to the parish or parish grouping.⁷⁴
- 6.4 Housing need surveys represent a snapshot in time, and will become out of date as housing circumstances change. Therefore, an “up to date” housing needs survey is one that has been completed within the last five years; unless there has been significant development of affordable housing subject to a local connection within this period, in which case an update of the survey is likely to be necessary.
- 6.5 Evidence on the tenure of affordable housing in the needs survey at the small town or village may be different to the 70/30 social or affordable rent/intermediate or other affordable

⁷² Devon Communities Together, Rural Housing services: <https://www.devoncommunities.org.uk/services/rural-housing>

⁷³ See further guidance on ‘Producing robust and influential rural housing needs surveys’:

<http://www.acre.org.uk/cms/resources/rhe-surveys-principles-and-guidance.pdf>

⁷⁴ East Devon Local Plan 2013 – 2031, paragraph 16.29, sets out the grouping of parishes for assessing housing need: <http://eastdevon.gov.uk/media/1772841/local-plan-final-adopted-plan-2016.pdf>

housing split in the Local Plan (Strategy 34). In these cases, the findings from the housing needs survey will supersede the tenure requirements in Strategy 34.



Six affordable homes on a rural exception site in Dalwood, delivered by Corry Valley Community Land Trust

What is the process for producing a Rural Housing Needs Survey?

- 6.6 EDDC work in partnership with rural housing enablers at Devon Communities Together (DCT) on rural housing needs. The council fund DCT to carry out three housing needs surveys each year, often as the result of an approach by a town/parish council, Community Land Trust, or through the planning process. Landowners, developers and agents can also commission DCT to undertake such surveys.
- 6.7 When instructed, rural housing enablers at DCT will initiate the survey by attending a town/parish council meeting to explain the survey, which the council should then agree at a subsequent meeting – if the town/parish council is not supportive, DCT will not progress the survey.
- 6.8 The surveys are distributed to households within the parish, and responses are collated and analysed by DCT, who then prepare a report on the number of households in need based on their finances and local connection. This report focusses on affordable housing need, but also covers market need for residents of the parish. DCT will also produce an options appraisal that will set out the next steps for the town/parish council to deliver the identified need; such as through a Community Land Trust, partnering with a Registered Provider, or working with a developer. Altogether, a rural housing needs survey will likely take 3 to 4 months to produce.

Where can rural exception sites be built?

- 6.9 In accordance with Local Plan Strategy 35, rural exception sites will only be considered at small towns or villages that have a population of below 3,000 people. There are eight

settlements in East Devon with more than 3,000 people – Exmouth, Sidmouth, Honiton, Seaton, Axminster, Budleigh Salterton, Ottery St Mary and Cranbrook – so the potential for rural exception sites in these settlements can immediately be ruled out.⁷⁵ There is an expectation that, in proposing a rural exception site, applicants will have worked closely with the parish council prior to submission of a planning application.

- 6.10 At small towns and villages with a Built-up Area Boundary (BUAB), rural exception sites “*must be abutting or physically closely related to that boundary*”.⁷⁶ For villages without a BUAB, the site should be “*physically very well-related to the built form of the village*”.
- 6.11 Whether a site is *physically closely* or *very well-related* to the boundary/built form will be considered on a case-by-case basis, depending upon the characteristics of the village in question. In general terms, the built form will be a group of buildings and associated land (e.g. residential gardens) that together take the physical form of a settlement – outlying land and buildings are not likely to be part of the built form. To be physical closely or very well-related, a site should either be adjacent to the built form or otherwise shown by the applicant to be closely or very well related to the village.
- 6.12 The rural exception site should also be close to a range of community services and facilities, meaning at least four of the following:
- School
 - Pub
 - Village hall
 - Shop/post office
 - Doctors surgery
 - Place of worship
 - Public transport service
- 6.13 “Close” should mean that these services and facilities can be reasonably accessed by future residents, preferably by walking, cycling, or public transport in order to minimise the need to travel by car on a day-to-day basis.

⁷⁵ Unless a made Neighbourhood Plan includes such a policy.

⁷⁶ There are 15 villages with a BUAB in the East Devon Villages Plan:
<http://eastdevon.gov.uk/media/2558248/edvp-adopted-version.pdf> Neighbourhood plans may also identify BUABs.



Rural exception site in Colyton

Who can live in an affordable dwelling at a rural exception site?

6.14 The first and subsequent occupancy of affordable housing on a rural exception site is restricted to those who:

- do not have access to general market housing (i.e. in housing need); and
- is a resident of that parish group⁷⁷ or has a local connection due to family ties or a need to be near their place of work.

6.15 To be considered in *housing need* for affordable housing to rent, an occupant will need to be registered with Devon Home Choice and then placed within bands A – E. For shared ownership or equity loan schemes, an occupant should be registered on Help to Buy South West, the Government appointed local help to buy agency which provides a one stop shop for households seeking all forms of low cost home ownership. Eligibility to purchase starter homes and other discounted market sales housing will be based upon household income, age (under 40 for starter homes), and whether the proposed occupant is a first time buyer (starter homes).

⁷⁷ Parish groups are defined in the Local Plan 2013-2031, paragraph 16.29:
<http://eastdevon.gov.uk/media/1772841/local-plan-final-adopted-plan-2016.pdf>

6.16 The restrictions on residency and local connection, along with the evidence required to demonstrate compliance with these restrictions, are shown in figure 6.1 below. Further detail is given in the standard section 106 agreement for affordable housing in [appendix three](#). For social and affordable rented dwellings, Devon Home Choice undertake these checks on behalf of the council.

Figure 6.1: Local connection requirements to occupy affordable housing on a Rural Exception Site

Local connection to the parish or parish grouping (in order of priority)	Examples of evidence to demonstrate local connection
i) Persons who have been permanently resident therein for a continuous period of three years out of the five years immediately prior to the affordable dwelling being offered to them; or	Proof of address history such as utility bills, mobile phone bills, council tax bills, bank/credit card statements
ii) Being formerly permanently a resident therein for a continuous period of five years at some time in the past	Proof of address history such as utility bills, mobile phone bills, council tax bills, bank/credit card statements
iii) Having his or her place of permanent work (normally regarded as 16 hours or more a week and not including seasonal employment) therein for a continuous period of at least 12 months immediately prior to being offered the affordable dwelling; or	Pay slips and/or written confirmation from employer
iv) Persons who can demonstrate a close family connection to the District in that the person's mother, father, son, daughter or sibling has been permanently resident therein for a continuous period of five years immediately prior to the affordable dwelling being offered to them and where there is independent evidence of a caring dependency relationship	Proof of address history from close family, such as utility bills, mobile phone bills, council tax bills, bank/credit card statements Independent evidence of a caring dependency

6.17 Further detail on who can live in affordable housing on other (non-exception) sites can be seen in [chapter 7](#).

What if the rural exception site is not viable?

6.18 Local Plan policy (Strategy 35) does not allow viability to be considered on rural exception sites. The purpose of allowing up to 34% market housing on rural exception sites is to provide a cross-subsidy that enables such sites to be viable. The cost of land, in particular,

should be low on rural exception sites. Therefore, viability cannot be used to justify the delivery of less than 66% affordable housing on a rural exception site.⁷⁸

Who will manage rural exception site affordable housing?

- 6.19 In the majority of cases, rural exception site affordable housing to rent will be purchased and then leased out and managed by a Registered Provider (RP). However, the small-scale nature and/or remote location of some exception sites mean that it can sometimes be difficult to secure an RP where only a few affordable homes are being delivered, as such sites lack the economies of scale to be managed by the RP in a viable manner.
- 6.20 Community land trusts (CLTs) can also deliver rural exception site affordable housing, and then lease the homes to an RP to manage.
- 6.21 Alternatively, it may be possible to pass properties on to the district council to manage alongside its existing rented stock.
- 6.22 Affordable housing to buy on rural exception sites may also be subject to management conditions; for example, shared ownership homes will involve the purchaser buying shares worth between 25% and 75% of the property's value, with a subsidised rent to an RP or sometimes private developer being paid on the remaining element.

How do rural exception sites differ from entry-level exception sites?

- 6.23 As described in [paragraph 2.15](#), entry-level exception sites provide homes suitable for first time buyers or those looking to rent their first home, on land not already allocated for housing. They were introduced by the revised National Planning Policy Framework (NPPF)⁷⁹ – as the Local Plan was adopted prior to this revision, it does not mention such sites. Therefore, proposals for entry-level exception sites will be judged against existing policies in the Local Plan, with the NPPF being a material consideration.⁸⁰
- 6.24 There are several key differences between rural exception sites and entry-level exception sites, illustrated in the table below (figure 6.2).

⁷⁸ Further guidance on viability and exception sites has been published by the council: <http://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/viability-guidance-note-5-viability-and-exception-sites/>

⁷⁹ National Planning Policy Framework, paragraph 71:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

⁸⁰ Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Figure 6.2: Key differences between rural exception sites and entry-level exception sites

Issue	Rural exception site	Entry-level exception site
<i>Affordable housing proportion</i>	At least 66%	100%
<i>Type of affordable housing</i>	Justified by up to date robust housing needs survey	Suitable for first time buyers or those looking to rent their first home
<i>Site size</i>	Up to or around 15 dwellings	No larger than one hectare in size or exceed 5% of the size of the existing settlement
<i>Location</i>	In settlements with a population of 3,000 people or less, close to a range of community services and facilities. Sites must abut or be physically closely related to a Built-up Area Boundary, or physically very well related to built form of village (where no BUAB exists)	Adjacent to existing settlements, but not within an Area of Outstanding Natural Beauty



Affordable housing on a rural exception site in Kilmington

7 Pre-application, Legal agreements, and Occupancy

What should an applicant discuss with the council at pre-application stage?

- 7.1 As advised in the Planning Obligations SPD, it is extremely important that developers enter into pre-application discussion with the councils' Development Management team at an early stage.⁸¹
- 7.2 As a minimum, pre-application discussions should cover the following affordable housing issues, to ensure consistency with the Local Plan and this SPD:
- Proposed number of affordable dwellings
 - Legal agreement to secure the affordable dwellings
 - Viability issues if proposing less affordable housing than the policy requirement
 - Tenure
 - Type
 - Design
 - Layout
 - Phasing of affordable housing delivery
 - Engagement with potential Registered Providers (including EDDC)

How is the delivery of affordable housing legally secured?

- 7.3 A planning obligation, entered into as part of the planning application, will ensure that the delivery of affordable housing is legally secured. Planning obligations can be secured through either a section 106 agreement, or a unilateral undertaking.
- 7.4 A section 106 agreement should be used to secure the provision of on-site affordable housing. This will set out how much affordable housing will be provided, the tenure, type, and who can be considered as occupants of the housing. Planning applications should be accompanied by Heads of Terms for the section 106 agreement, which outline details of the proposed affordable housing being delivered in the scheme. The council has prepared a standard section 106 agreement for securing affordable housing (see [appendix three](#)) – this may be negotiable and can be adapted to suit site-specific circumstances.

⁸¹ East Devon Planning Obligations Supplementary Planning Document, paragraph 5.1:
<http://eastdevon.gov.uk/media/2140634/final-version-for-adoption.pdf>

- 7.5 A unilateral undertaking is used for proposals for affordable housing where only a financial contribution is being provided. In these cases, a draft heads of terms must be provided with the planning application at the point of submission. The financial contribution itself should be paid after completion of units within the development and prior to first occupation.
- 7.6 For both section 106 agreements and unilateral undertakings, a fee is payable to the council to cover the costs in registering and assessing the agreement, and for ongoing monitoring.

Who can live in an affordable dwelling?

- 7.7 Affordable homes for social and affordable rent from the council or a registered provider are allocated to occupants through Devon Home Choice, a choice based lettings scheme.⁸² Potential occupants are assessed and placed into one of five priority bands, ranging from band A (emergency housing need) to band E (no housing need). An applicant can then 'bid' to live in properties that match their household needs. An occupant is chosen according to the band they have been placed in, and how long they have been waiting for a property.
- 7.8 For shared ownership, equity loans, discounted market sales housing, and rent to buy, potential occupants must apply to Help to Buy South West, who will check their eligibility to be registered.⁸³ A series of criteria are considered on whether to accept potential occupants on to the register, principally being those who are unable to afford to purchase a home suitable for their needs on the open market. Starter homes are available to first time buyers who are under the age of 40 at the time of purchase.⁸⁴
- 7.9 Due to the high demand for affordable housing and limited supply to meet local housing needs, current practice is that local connection criteria to the parish in which the affordable housing is located will be applied, in the following priority order:
- i. Being permanently resident therein for a continuous period of at least six months out of the last 12 months or for a continuous period of three years out of the last five years immediately prior to being offered the Affordable Housing unit; or
 - ii. Being formerly permanently resident therein for a continuous period of five years at some point in the past; or
 - iii. Having his or her place of permanent work (normally regarded as 16 hours or more a week and not including seasonal employment) therein immediately prior to being offered the Affordable Housing unit; or

⁸² Further information can be seen on the Devon Home Choice website: <https://www.devonhomechoice.com/>

⁸³ Further information can be seen on the Help to Buy South West website: <https://www.helptobuysw.org.uk/>

⁸⁴ Full requirements relating to starter homes will be set out in legislation to be published later in 2019.

- iv. Having a connection through a close family member (normally mother, father, brother, sister, son or daughter) where the family member is currently resident therein and has been so for a continuous period of at least five years immediately prior to being offered the Affordable Housing unit
- 7.10 In the event that no-one satisfying the above criteria can be found within the parish where the affordable housing is being provided, the above process will be repeated considering persons from the following areas, in the following priority order:
- i. Neighbouring parishes
 - ii. Elsewhere in East Devon
 - iii. At strategic sites in the “West End”: those with a connection to Exeter⁸⁵
 - iv. For sites elsewhere in East Devon: those with a connection to the county of Devon
- 7.11 Potential occupants can be sought from these areas simultaneously, with priority given according to the hierarchy set out above. The council will work with Registered Providers to ensure that new affordable homes are occupied by people that meet this local connection test.
- 7.12 As [previously explained](#) in chapter 6, Local Plan policy requires a “local connection” to a parish or parish grouping to occupy affordable homes at exception sites.

How long will an affordable dwelling remain “affordable”?

- 7.13 The length of time that a home will remain “affordable” will depend upon the type of affordable dwelling. Any restrictions required to ensure the dwelling remains affordable into the future will be specified in a section 106 agreement.
- 7.14 For affordable housing to rent and discounted market sales housing, provisions should be in place to ensure housing remains at a discount for future eligible households. Where public grant funding has been provided to deliver other affordable routes to home ownership (including shared ownership, equity loans, rent to buy), homes should remain affordable for future eligible households, or receipts recycled for alternative affordable housing provision, or refunded to the Government or council.

⁸⁵ Defined as the administrative area covered by Exeter City Council.

- 7.15 Where possible (i.e. allowed in the NPPF definition of affordable housing, as explained above), the homes will be subject to a perpetuity restriction in the section 106 meaning the homes will remain affordable for a period of at least 80 years.
- 7.16 The Government propose that starter homes are only sold as such the first time they are bought by a qualifying first time buyer – subsequent sales will be made at full market value (although the seller will need to pay some money back, depending on how long they have lived there).⁸⁶

Which Registered Providers are currently operating in East Devon?

- 7.17 There are 14 Registered Providers that are currently operating in East Devon, listed in the bullet points below.⁸⁷ The council is open to new providers working in the district, and would be happy to hold discussions with any prospective registered providers.
- Aster
 - Cornerstone
 - East Devon District Council
 - Guinness Trust Housing Association
 - Hastoe Housing Association
 - Heylo Housing
 - LiveWest
 - Rural Homes Ltd
 - Sage Housing
 - South Devon Rural Housing Association Limited
 - South Western Housing Society
 - Sovereign
 - Teign Housing
 - Yarlinton Housing Group

⁸⁶ The Government intend to publish legislation on starter homes later in 2019 – ‘Government response to reforming contributions’, June 2019:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806284/Developer_contributions_government_response.pdf

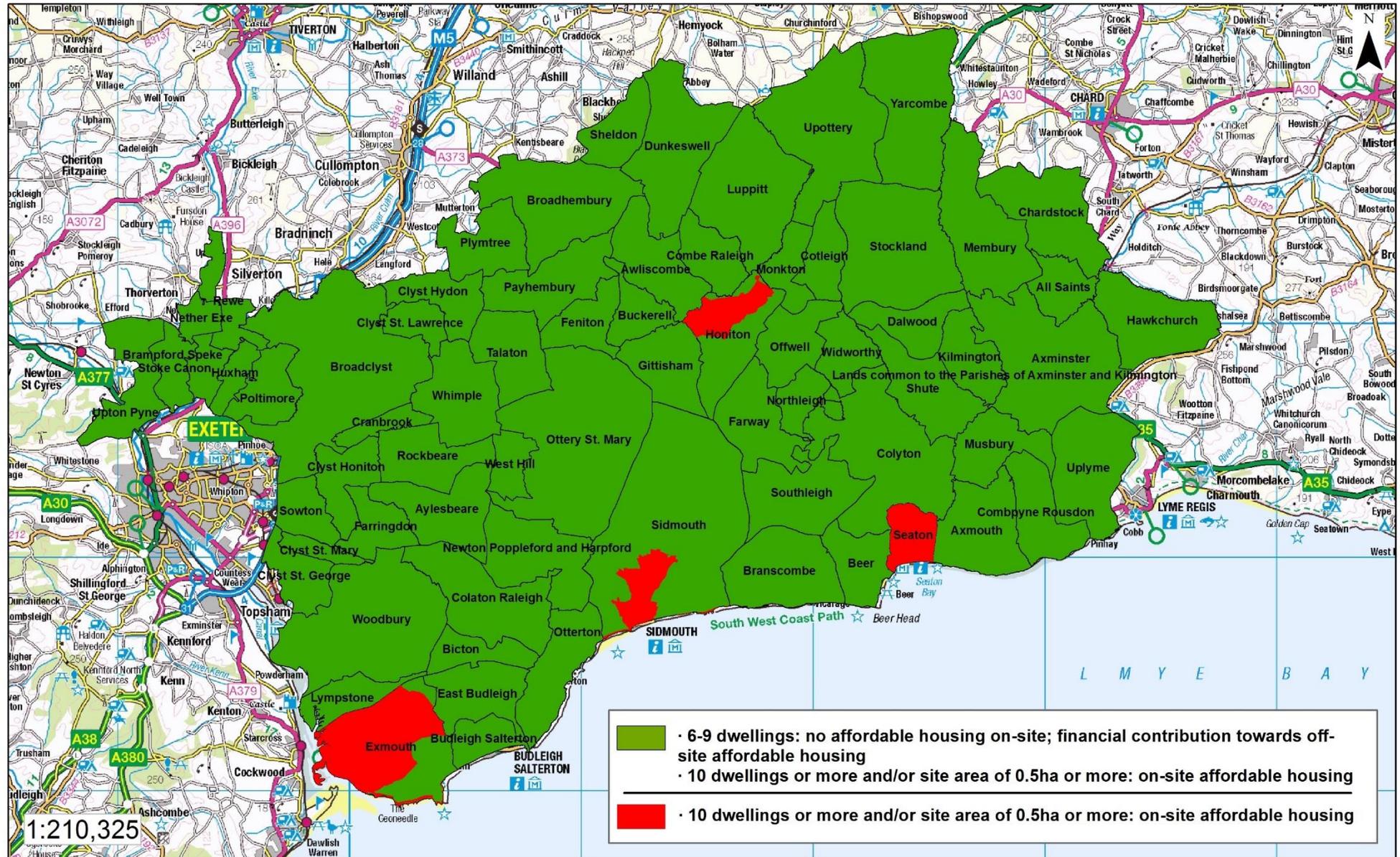
⁸⁷ Rural specialists who have worked with community land trusts and in rural areas include: Hastoe Housing Association, South Devon Rural Housing Association Ltd, South Western Housing Society and Rural Homes Ltd.

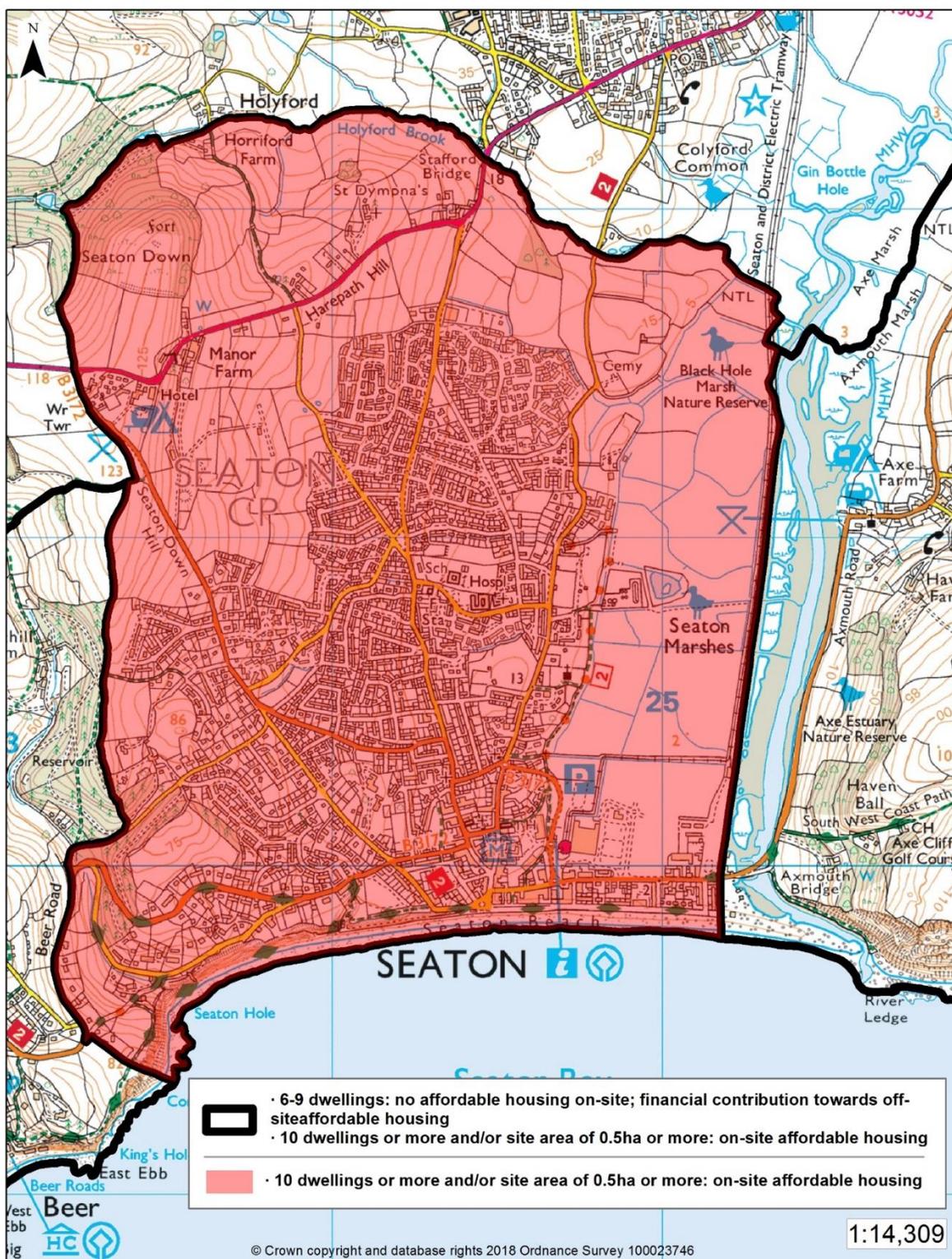
Appendices

Appendix One – Maps showing affordable housing thresholds⁸⁸

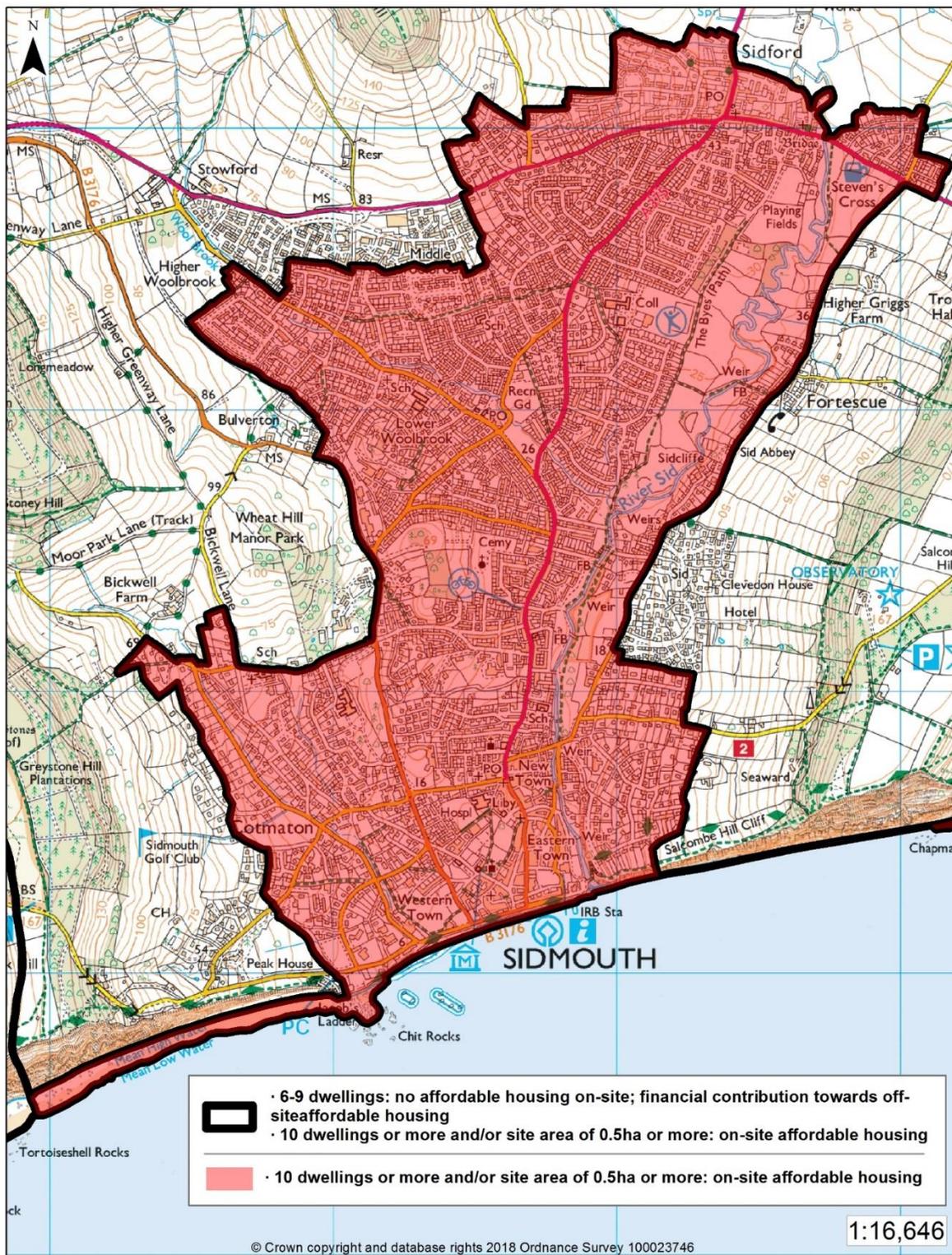
⁸⁸ The maps of Exmouth and Sidmouth show the area up to the mean low water mark (the jurisdiction covered by East Devon District Council), which includes areas out at sea.

Affordable Housing Thresholds





Affordable Housing Thresholds - Seaton



Affordable Housing Thresholds - Sidmouth

Appendix Two – Affordable housing policies in the East Devon Local Plan 2013-2031

Strategy 34 - District Wide Affordable Housing Provision Targets

Affordable housing will be required on residential developments in East Devon as follows.

Within the areas defined below a target of 25% of the dwellings shall be affordable :

- a) Axminster;
- b) Exmouth;
- c) Honiton;
- d) Ottery St Mary;
- e) Seaton; and
- f) Major strategic 'West End' development sites.

Under this policy:

- 1 the towns listed above are defined by the area within the Built-up Area Boundary
- 2 the major strategic West End development sites to which policy will apply are
 - a) Cranbrook,
 - b) adjacent to Pinhoe and
 - c) North of Blackhorseas shown on the West End inset map (to the Proposals Plan)

Areas to which higher (50%) affordable housing targets apply: Outside of the areas listed above (i.e. all other parts of East Devon including all settlements not listed, coastal and rural areas and Budleigh Salterton and Sidmouth) 50% of the dwellings shall be affordable subject to viability considerations. The 50% figure applies to all areas that do not come under the 25% classification and which are permitted under Strategy 35 'Exceptions' policy.

Where a proposal does not meet the above targets it will be necessary to submit evidence to demonstrate why provision is not viable or otherwise appropriate. An overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

Looking across the lifespan of the plan an affordable housing policy provision target of 70% social or affordable rent accommodation and 30% intermediate or other affordable housing is sought. However in periods of depressed markets an alternative negotiated mix to reflect viability considerations and help deliver schemes will be acceptable. The District Council will consider issues of development viability and housing mix including additional costs associated with the development of brownfield sites, mitigation of contamination and the provision of significant community benefits provided the assessment process is completely transparent and there is full financial disclosure by stakeholders.

The thresholds at which this policy shall apply will be the minimum set out in Government policy or guidance (including any lower thresholds which Local Planning Authorities have the discretion to establish) subject to an up to date Council viability assessment showing that these thresholds

can be justified. Where there is no applicable Government Policy or Guidance there will be no minimum size threshold at which affordable housing will be sought, subject to there being up to date strategic evidence that the general delivery of housing would not be significantly undermined.

Affordable housing shall be provided on site unless it is exempted through Government Policy or Guidance, is not mathematically possible or where off site provision of equivalent value is justified by circumstances such as no registered provider being willing to manage the new affordable units or other planning reasons. In such cases a payment towards an off site contribution will be required in lieu of on site provision. On any development site affordable housing should be 'pepper-potted' or dispersed throughout the scheme.

Strategy 35 – Exception Mixed Market and Affordable Housing At Villages, Small Towns and Outside Built-up Area Boundaries

Exception site mixed affordable and open market housing schemes, at villages and outside of Built-up Area Boundaries, for up to or around 15 dwellings will be allowed where there is a proven local need demonstrated through an up to date robust housing needs survey. Affordable housing must account for at least 66% of the houses built.

For:

- a) Villages WITH a Built-up Area Boundary the scheme must be abutting or physically closely related to that boundary; or
- b) Villages WITHOUT a Built-up Area Boundary the scheme should be physically very well related to the built form of the village.

To be permitted evidence will need to show

1. The affordable housing need in any given locality would not otherwise be met, and
2. The village or small town has a population that falls below 3,000 persons, the scheme is well designed using local materials, close to a range of community services and facilities (including four or more of a school, pub, village hall, shop/post office, doctors surgery, place of worship or public transport service) and sympathetic to the character of the settlement and has a satisfactory highway access.
3. Initial and subsequent occupancy of the affordable housing is restricted to a person(s) who:
 - a) Does not have access to general market housing and is in housing need; and
 - b) Is a resident of that Parish group, or has a local connection with that parish group because of family ties or a need to be near their workplace.

In the event that an occupier who fulfils both criterion (a) or (b) cannot be found within a reasonable period of time, then the criterion will be widened firstly to a person(s) with a local connection to the parish group because of family ties or a need to be near their workplace, and subsequently to a person(s) with an East Devon connection.

In this policy, local connection means one or more of the following connections in priority order in respect of parishes or the parish grouping:

- i) persons who have been permanently resident therein for a continuous period of three years out of the five years immediately prior to the Affordable Dwelling being offered to them; or
- ii) being formerly permanently resident therein for a continuous period of five years at some time in the past;
- iii) having his or her place of permanent work (normally regarded as 16 hours or more a week and not including seasonal employment) therein for a continuous period of at least twelve (12) months immediately prior to being offered the Affordable Dwelling; or
- iv) persons who can demonstrate a close family connection to the District in that the person's mother, father, son, daughter or sibling has been permanently resident therein for a continuous period of five years immediately prior to the Affordable Dwelling being offered to them and where there is independent evidence of a caring dependency relationship.

Strategy 36 - Accessible and Adaptable Homes and Care/Extra Care Homes

Accessible and Adaptable Homes

On residential development schemes for 10 dwellings or more developers should demonstrate that all of the affordable housing and around 20% of market units will meet part M4(2) of the Building Regulations, Category 2: accessible and adaptable dwellings (or any comparable updated nationally set standards) unless viability evidence indicates it is not possible.

Where there are elderly population levels in a settlement that substantially exceed East Devon average levels, for any housing planning application in that settlement the council will seek to negotiate a greater proportion and/or a lower threshold for accessible and adaptable dwellings (or any comparable updated nationally set standards) unless viability evidence indicates it is not possible. The expectation is that the majority of units would be of two bedrooms or more.

Care/Extra Care Homes and Other Forms of Specialist Older Person's Housing

We will aim to secure Care and Extra Care homes in all of our Towns and Larger Villages in line with provision of:

- a) 150 Care/Extra Care Home Spaces at Exmouth;
- b) 50 Care/Extra Care Home Spaces at Axminster, Honiton, Sidmouth, Seaton and Ottery St Mary; and
- c) 10 (or more) at larger settlements with a range of facilities that have easy accessibility to a GP surgery.

Care/Extra Care home proposals will be acceptable on sites allocated for residential development (or which include residential uses as part of an allocation, though in such cases provision should be 'off-set' against the residential element/land). Proposals for specialist housing should be accompanied by a Care Needs Assessment which justifies the proposal's scale, tenure and accommodation type. Where such provision is proposed on an allocated housing site the actual need for provision should also be established. The Council will take account of financial viability considerations, and overall contributions for affordable housing, where older person housing is proposed on or as part of a site for residential development and such provision impacts on site viability.

Appendix Three – Standard section 106 agreement for affordable housing

SCHEDULE 1

COVENANTS WITH THE DISTRICT COUNCIL

Part A: Affordable Housing Provisions

The Owner hereby covenants with the Council as follows:-

1. Definitions

For the purposes of this Schedule the following words will have the following meanings:

“Affordable Housing”	Means (subject to the provisions of this Agreement units of subsidised housing within the meaning of National Planning Policy Framework or any Government Policy Statement or Circular that replaces it
Affordable Rent	means a rent of up to 80% of local market rent to include the service charge (where applicable) and in any event should not exceed the published Local Housing Allowance for the relevant property type and in the relevant market area
“Affordable Rented Dwelling”	means a Dwelling available to those whose needs are not adequately served by the commercial housing market let at an Affordable Rent and which complies with the definition of affordable rented housing in Annex 2 of the National Planning Policy Framework
“Affordable Shared Ownership Dwelling”	means a Dwelling for sale on a shared ownership basis solely by way of a Shared Ownership Lease
“Affordable Housing Units”	means the XX Dwellings to be provided as Affordable Housing comprising X Affordable Shared Ownership Dwellings and XX Affordable Rented Dwellings

	to be provided in accordance with the provisions of this Schedule on the Affordable Housing Site
“Affordable Housing Scheme”	means the scheme for securing the provision of the Affordable Housing Units on the Affordable Housing Site as hereinafter defined more particularly; <ul style="list-style-type: none"> - the location of, and proposed address for each Affordable Housing Unit -mix of unit types - name of proposed AHP - details of the proposed unit size and applicable Design Standard - proposed tenure for those units; and - the proposed timetable for such provision
“Affordable Housing Site”	means the land to accommodate the Affordable Housing Units including curtilage as shown within the land shown edged [yellow] on the Plan annexed hereto
“Affordable Home Ownership”	Means (subject to the provisions of this Agreement units of subsidised housing for sale within the meaning of Other Affordable Routes to Home Ownership within the National Planning Policy Framework or any Government Policy Statement or Circular that replaces it
“Affordable Housing Provider” or “AHP”	means a housing association or similar organisation or a social landlord in each such case registered with the Housing Corporation under Section 1 of the Housing Act 1996 or such other body or organisation whose main object is the provision of Affordable Housing as agreed in writing by the Council
“Design Standards”	Means that the Affordable Housing Units shall be constructed; <ul style="list-style-type: none"> (i) to meet part M4(2) of the Building Regulations Category 2: accessible and adaptable dwellings (or any comparable updated nationally set standards)

	<p>(ii) (in so far as the Affordable Housing Units will be funded through grant or public subsidy) in accordance with Homes England’s design and quality standards applicable at the time of the grant of Planning Permission</p> <p>(iii) Tenure blind so as to be materially indistinguishable from Private Dwellings in respect of their external appearance</p>
“Designated Person”	Means a person or household who is registered with Devon Home Choice or Help to Buy South West and is in Housing Need
“District”	means the administrative area of the East Devon District Council
“Devon Home Choice”	means a choice based lettings scheme developed and operated in partnership between the Council and the AHP or any successor scheme or arrangement agreed between the Council and the AHP as a replacement for Devon Home Choice
“Help to Buy South West”	Means the Government appointed local help to buy agency which provides a one stop shop for households seeking all forms of low cost home ownership
“Housing Need”	Means being homeless or threatened with homelessness or living in accommodation which in the opinion of the Council is Insecure or unsuitable and being unable to purchase or rent reasonably suitable accommodation in the open market for property in the locality where the Affordable Housing Unit is situated taking into account the person’s income and capital and other financial circumstances. Accommodation may be unsuitable on the grounds of cost, overcrowding, unfitness or lack of basic amenities or because of a person’s infirmity, physical disability, mental disability or specific social or care needs
“Insecure”	means accommodation which the Designated Person does not have a legal right to occupy in the long term

<p>“Lettings Notice”</p>	<p>Means a notice (the content of which is to be agreed with the Council) which contains details of the property to be let and which shall include unless otherwise agreed with the Council</p> <ul style="list-style-type: none"> a) The name and address of the landlord and the Owner b) The postal address of the property c) The amount of the weekly or monthly rent (not to exceed the Affordable Rent) d) Amount and breakdown of any service charge per week/month/annum e) Details of any additional charges f) Any age or other occupancy restrictions g) Property type h) Property size i) Heating type j) Details of mains services in the property k) Availability of parking space/garage l) Any disabled adaptations m) Provision of any support services <p>And which is delivered to the Council clearly addressed and marked for the attention of Housing Enabling and Allocations Manager PROVIDED THAT for the avoidance of doubt an advertisement for the Affordable Rented dwelling placed on Devon Home Choice and approved by the Council shall be considered a Letting Notice for the purpose of paragraph ##### of schedule 1</p>
<p>“Local Connection”</p>	<p>means a connection to the Parish of ##### demonstrated by one or more of the following in priority order:</p> <ul style="list-style-type: none"> (1) being permanently resident therein for a continuous period of at least six (6) months out of the last twelve (12) months or for a continuous period of three (3) years out of the last five (5) years immediately prior to being offered the Affordable Housing Unit; or

	<p>(2) being formerly permanently resident therein for a continuous period of five (5) years; or</p> <p>(3) having his or her place of permanent work (normally regarded as 16 hours or more a week [and not including seasonal employment] therein and in the case of where the Affordable Housing Unit is within a village, small town and outside a built up area boundary as set out in the East Devon Local Plan, has also been in permanent employment for a continuous period of at least twelve (12) months immediately prior to being offered the Affordable Housing Unit][where strategy 36 applies only]; or</p> <p>(4) having a connection through a close family member (normally mother, father, brother, sister, son or daughter) where the family member is currently resident therein and has been so for a continuous period of at least five (5) years immediately prior to being offered the Affordable Housing Unit [and in the case where the Affordable Housing Unit is within a village, small town and outside a built up area boundary as set out in the East Devon Local Plan, there is independent evidence that the family member is in need of support or can give support][where strategy 36 applies only]; or</p> <p>(5) such person as is prescribed by the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015</p> <p>and in the event that no-one satisfying the above requirements can be found within the Parish of XXXXXXXX then the process shall be repeated considering persons from the following areas in the following priority order;</p> <p>(1) the Neighbouring Parishes,</p> <p>(2) persons from the District</p> <p>(3) [persons from the administrative area of the city of Exeter with the prior written approval of the Council][Site specific extension only]</p> <p>(4) [persons from the county of Devon with prior written approval of the Council][site specific extension only]</p>
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<p>Local Housing Allowance</p>	<p>means the flat rate rental allowance providing financial assistance towards the housing costs of low income households for different rental market areas and property types set out and reviewed by the valuation office agency under a framework introduced by the Department of Works and Pensions or such similar framework that may replace it.</p>
<p>“Neighbouring Parishes”</p>	<p>means the parishes of XXXXXX,</p>
<p>“Scheme of Advertising”</p>	<p>means the advertising for sale or letting of any interest in the relevant Affordable Housing Units in accordance with a scheme to be approved in writing by the Council (such approval not to be unreasonably withheld or delayed) which scheme shall include unless otherwise agreed with the Council</p> <ul style="list-style-type: none"> a) in the case of Affordable Rented Dwellings an advertisement on the website of Devon Home Choice or such other similar website for advertising of Affordable Housing Units as agreed by the Council; or b) in the case of the Shared Ownership Dwellings and Affordable Home Ownership Units an advertisement on the website of Help to Buy South West being the Government appointed help to buy agent for Devon or other successor organisation c) in the case of Affordable Home Ownership Units an advertisement on a relevant website as agreed by the Council
<p>“Shared Ownership Lease”</p>	<p>means a long shared ownership lease (as defined in section 622 of the Housing Act 1985 or successor provision) with a Affordable Housing Provider substantially in accordance with Homes England (or successor body) Model as at the date of any such lease where the purchaser purchases an initial share of the equity between 25 – 80% and pays rent on the remaining unsold equity provided that such rent per annum shall initially be at a level not exceeding 2.75% of the Open Market Value of the affordable housing providers retained share of the relevant affordable housing unit: and not be at a level which is in conflict with any applicable Homes England restrictions relating to charges payable by the tenant [and where additional share of the equity can be</p>

	purchased provided that no more than 80% of the equity can be purchased] [DPA areas only]
“Staircasing Receipts”	Means any monies received by the approved Affordable Housing Provider of an Affordable Shared Ownership Dwelling as a result of the leaseholder exercising a right to increase their share of the equity less the amount of any outstanding loan amount secured on the Affordable Shared Ownership Dwelling and the reasonable costs of administration or legal or other expenses (and any part of such monies)

2. Affordable Housing Provision

- 2.1 Not to carry out or otherwise cause or permit the [Commencement of Development][construction of any Development] unless and until the Affordable Housing Scheme has been submitted to and approved in writing by the Council
- 2.2 To construct and provide the Affordable Housing Units in accordance with the approved Affordable Housing Scheme and in accordance with the Design Standards
- 2.3 Notwithstanding the requirements of paragraphs 2.1 and 2.2 above not to cause or permit the Occupation of more than [#### (#th)] Private Dwellings until the Owner has transferred the freehold interest or leasehold (of a minimum period of 80 years) interest in the Affordable Housing Site to the Affordable Housing Provider and to have completed all of the Affordable Housing Units and all of the Affordable Housing Units have been completed and are available for Occupation
- 2.4 The Affordable Housing Units shall only be used for the purpose of providing Affordable Housing and shall be so used in perpetuity (here meaning for a minimum period of 80 years)
- 2.5 The transfer of the Affordable Housing Site and / or the Affordable Housing Units to the Affordable Housing Provider shall be in such form as the Owners shall reasonably require to ensure that the Affordable Housing Site and / or the Affordable Housing Units are subject to substantially the same rights and easements and covenants (both restrictive and positive) as are to be granted and reserved in sales of the Private Dwellings
- 2.6 To ensure that the Affordable Housing Site and / or Affordable Housing Units together with their respective curtilages will abut a publicly adopted highway or roads and footways the subject of a bonded road making agreement under section 38 of the Highways Act 1980 (or enjoy ready and free access thereto via an intervening private drive) and have ready and free access to all usual domestic services needed for residential occupation of such Affordable Housing Units 2.7
At least 10 Working Days prior to Occupation of the [##### (#th)] Private Dwelling to serve

on the Council a Trigger Point Notice to notify date of Occupation of the [#####(##)] Private Dwelling

- 2.8 The Owner shall provide the Council with at least one month's prior written notice of the address/addresses and UPRN and anticipated date on which the Affordable Housing Units shall be available for Occupation.

3. Restrictions on Occupation of Affordable Housing Units

- 3.1 Subject to the provisions of this Deed the Owners as appropriate shall not at any time permit the Affordable Housing Units to be occupied other than as Affordable Housing by a Designated Person (and their dependents) who has a Local Connection

Affordable Rented dwellings

- 4.1 Not to permit or otherwise allow any of the Affordable Rented Dwellings to be let other than:
- 4.1.1 At a sum not exceeding the Affordable Rent; and
- 4.1.2 To persons selected in accordance with the principles of the Devon Home Choice policy whether or not the Affordable Housing Provider is a member of the Devon Home Choice scheme
- 4.2 Not to permit or otherwise allow any of the Affordable Rented Dwellings to be let on initial or subsequent letting prior to the submission to and approval by the Council of a Scheme of Advertising for the Affordable Rented Dwellings
- 4.3 To serve upon the Council a Letting Notice each time an Affordable Rented Dwelling becomes available for letting
- 4.4 To advertise the relevant Affordable Rented Dwelling in accordance with the Scheme of Advertising approved in accordance with paragraph 4.2 of this First Schedule immediately following the service of a Letting Notice in accordance with paragraph 4.3 of this First Schedule
- 4.5 Not to grant a tenancy of the relevant Affordable Rented Dwelling until the Owner has submitted written verification to the Council that the prospective tenant satisfies the obligations contained in this Deed and the Council has given its approval that the prospective tenant would satisfy the obligations contained in the Deed (such approval not to be unreasonably withheld) and if no response is given by the Council within 10 Working Days of receipt of written verification from the Affordable Housing Provider then approval will be deemed to have been given PROVIDED THAT such written verification is served upon the Council clearly addressed and marked for the urgent attention of the Housing Enabling and Allocations Manager
- 4.6 The Affordable Housing Provider shall if so required by the Council provide to the Council (together with the written verification detailed in paragraph 4.2 above) all necessary

documentation as stipulated in Annex 2 as evidence that the prospective tenant satisfies the obligations contained in this Deed.

Affordable Home Ownership

5.1 Not to cause or permit any of the Affordable Home Ownership Units to be sold or let other than:

5.1.1 by way of a Shared Ownership Lease; or

5.1.2 by way of another Affordable Home Ownership product which shall be agreed in writing with the Council and

5.1.3 to a Designated Person who is either releasing an Affordable Housing Unit elsewhere in the District or is in Housing Need

5.2 Unless otherwise agreed in writing by the Council not to cause or permit any of the Affordable Home Ownership Units to be sold or let on initial or subsequent sale or letting prior to:

5.2.1 the submission to and subsequent approval by the Council of a Scheme of Advertising for the Affordable Home Ownership Units; and

5.2.2 advertising the relevant Affordable Home Ownership Units in accordance with the approved Scheme of Advertising at 5.2.1 above

5.3 In the event that the Owner is unable to sell an Affordable Home Ownership Unit in accordance with paragraph 5.1.3 above within a period of 60 Working Days of advertising, the relevant Affordable Home Ownership Unit may be:

5.3.1 let to any person at 80% of the Open Market Rent; or

5.3.2 sold or let to any willing purchaser by way of an Alternative Affordable Housing product that shall have first been approved in writing by the Council (such approval not to be unreasonably withheld or delayed)

5.4 Not to exchange or complete contracts for the sale of any interest in the relevant Affordable Home Ownership Units until the Owner has submitted written verification to the Council that the prospective purchaser satisfies the criteria contained in this Deed and the Council has given its approval that the prospective purchaser satisfies the obligations (such approval not to be unreasonably withheld) and if no response is given by the Council within 10 Working Days of receipt of written verification from the Affordable Housing Provider then approval will be deemed to have been given PROVIDED THAT such written verification is served upon the Council clearly addressed and marked for the urgent attention of the Housing Enabling and Allocations Manager

5.5 The Affordable Housing Provider or Owner of the Affordable Home Ownership Units shall if so required by the Council provide to the Council (together with the written verification detailed in

paragraph 5.4 above) all necessary documentation as stipulated in Annex 2 as evidence that the prospective purchaser satisfies the obligations contained in this Deed.

6 Release

- 6.1 None of the obligations and restrictions referred to in Part A of this Schedule will be enforceable in respect of any Chargee PROVIDED ALWAYS that the Chargee has complied with its obligations contained in paragraphs 6.2 below
- 6.2 The Chargee shall prior to seeking to dispose of the Affordable Housing Site or any Affordable Housing Unit(s) pursuant to any default under the terms of its mortgage or charge shall give prior notice in writing to the Council of its intention to dispose and;
- (i) In the event that the Council responds within three months from receipt of the written notice indicating that arrangements for the transfer of the Affordable Housing Site or Affordable Housing Unit(s) can be made in such a way as to safeguard them as Affordable Housing for a consideration not less than the amount due and outstanding under the terms of the relevant security document including all accrued principal monies interest and costs and expenses then the Chargee shall cooperate with such arrangements and use its reasonable endeavours to complete such a transfer
- (ii) If the Council or any other person cannot within three months of the date of service of its response under paragraph 6.2 (i) complete such transfer then provided that the Chargee shall have complied with its obligations under paragraph 6.2 the mortgagee or chargee or Receiver shall be entitled to dispose of the Affordable Housing Site or Affordable Housing Unit(s) free of the restriction set out in this First Schedule which provisions shall (in relation to the relevant Affordable Housing Unit(s) cease and determine absolutely
- PROVIDED THAT at all times the rights and obligations in paragraph 6.2 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the Council must give full consideration to protecting the interests of the Chargee in respect of monies outstanding under the charge or mortgage
- 6.3 In relation to any Affordable Housing Units the Affordable Housing obligations in this Deed shall not apply to;
- 6.3.1 any sale to a tenant in exercising their right to acquire or purchase under a statutory power or a tenant who acquires the said rented dwelling pursuant to any voluntary policy of its landlord or to the successors in title to any such persons to the intent that such provisions shall determine absolutely in respect of that unit
- 6.3.2 in relation to any Affordable Shared Ownership Dwelling where if required the owner of the said unit has been granted a waiver to the requirements of the Designated Protected Area Order (SI 2009/2098) (or such other regulations restricting the ability to achieve

100% staircasing) the owner subsequently acquires such percentage that will take their ownership to 100% of the said unit or to the successors in title to any such persons to the intent that such provisions shall determine absolutely in respect of that unit

- 6.4 In the event of any Affordable Shared Ownership Dwelling being released from the Affordable Housing restrictions herein contained by virtue of the operation of paragraph 4.3.2 above the Owner shall provide the Council with details of Staircasing Receipts from the Affordable Shared Ownership Dwellings and in co-operation with the Council to invest 100% of the Staircasing Receipts, if any, arising from the Affordable Shared Ownership Dwellings in the provision of new build Affordable Housing or to invest in measures to enhance the provision of Affordable Housing within the administrative area of the Council including facilitating the acquisition of market housing or the conversion or refurbishment of existing housing to bring such housing back into beneficial use to enable it to be occupied provided that the use of the Staircasing Receipts is limited to the provision within District

7. Provision of Information

- 7.1 The Affordable Housing Provider will on request from the Council allow the Council to inspect or provide to the Council such information as is necessary in order to enable the Council to verify that the AHP has sold or let the Affordable Housing in accordance with the terms of this Schedule

Part B Overage [if required]

“Development Account”

means the return to be provided by the Owner to the Council such return to detail;

(1) the independently audited account for the Development setting out the actual costs, expenditure and income from the Development

(2) the Owner’s profit at [20%] of gross development value

“Development Costs”

means all actual costs incurred by the Owner in constructing the Development and which shall include:

- a. land acquisition costs and any SDLT
- b. legal fees and other professional fees in connection with land acquisition and plot sales
- c. costs of obtaining planning permission (including all legal and professional fees)
- d. construction and labour costs
- e. marketing costs
- f. interest payments on borrowing

g. any costs associated with complying with the requirements of this Agreement and/or the conditions imposed on the Planning Permission

“Disposal”

means the disposal of the Owner’s interest by way of the sale of the freehold interest or the granting of a long leasehold interest and ‘Disposed of’ shall be construed accordingly

“Overage Cap”

means the sum equal to £[##### (##### pounds)]

“Overage Payment”

Means 50% of the amount of the Overage Value which shall be paid to Council

“Overage Payment Date”

means the first Working Day falling 20 Working Days after the date upon which Council confirm in writing that the Development Account is agreed and the amount of Overage Payment due.

“Overage Trigger”

Means any surplus amount in the Development Account when compared with the Viability Appraisal

“Overage Value”

Means the potential additional profit made by the Owner calculated in accordance with the following formula, namely;

$$P = A - B - C$$

Where;

P = Overage Value (profit element)

A = actual gross development value (i.e. receipts from actual sales)

B = Development Costs

C = Owner’s profit element in accordance with the [20%] of the gross development value set out in the Viability Appraisal [and in the alternative should the Owner provide the Discount Market Housing Units the Owner’s profit] at [20%]

Viability Appraisal

means the [Plymouth City Council report named ##### PCC Review Version Development Appraisal dated #####] which reviewed the Applicant’s viability report [dated August 2017]

- Viability Fee** Means the amount payable by the Owner towards the costs of obtaining the external review of the Development Account as advised by the Council
- Working Day”** Means a weekday which is neither a statutory bank holiday, nor Good Friday, nor any day falling between 22 December in any year and 2 January in the following year (both dates inclusive)

“Part B: Overage

1. The Owner hereby covenants with the Council as follows:-
 - a. To provide the Development Account to the Council within twenty five (25) Working Days of the Disposal of the last Dwelling
 - b. Following submission of the Development Account the Owner shall pay to the Council the Viability Fee within 5 Working Days of written notification of the amount due
2. In the event of the Council providing written confirmation that the Development Account is agreed and where the Development Account demonstrates that there is a positive Overage Value the Owner shall pay to the Council the Overage Payment by the Overage Payment Date PROVIDED ALWAYS THAT any Overage Payment shall not exceed the Overage Cap

ANNEX 2

to the

FIRST SCHEDULE

(Evidence of eligibility of Qualifying Persons)

Pursuant to paragraphs 4.5 and 4.6 of Part A and paragraphs 5.5 and 5.6 of Part A of the First Schedule the Owner shall verify to the Council or its agent that the prospective purchaser or tenant meets the terms of this Deed by obtaining appropriate documentation from section A and B and C below or such other evidence or confirmation as the Council or its agent shall deem necessary or sufficient and if required by the Council or its agent provide copies of such evidence to the Council or its agent

SECTION A:

Proof of identity (of prospective purchaser or tenant and where applicable close family member)

A current and valid passport

UK residence permit

A valid UK driving licence National Insurance number card

Marriage certificate

Medical card

Letters about asylum from the Home Office

Section B:

Local connection

Residency – sufficient evidence to cover the relevant local connection period for prospective purchaser/tenant/close family member as appropriate

Utility bills (gas electric phone etc)

Council tax bills

Bank/Building Society account/credit card statements

State benefit books or receipts showing rent paid

Payslips showing home address

Written certification from either a Solicitor / Social Worker / Probation Officer / Inland

Revenue Officer / Police Officer / Teacher or Doctor

Employment – sufficient evidence to cover the relevant local connection period

Payslips showing employer's address

Employer's letter confirming length and terms of employment (including hours worked if applicable)

Section C:

Housing Need

Tenancy or licence agreement

Rent book showing name and address of applicant

Where applicable letter from friend or family member confirming residence at their address

P60 annual statement of earnings for the most recent complete tax year

Payslips covering last 3 months

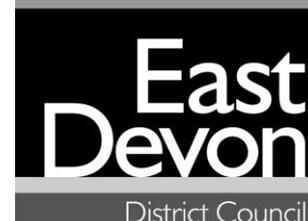
For self- employed persons a set of accounts no older than 12 months

Bank/Building Society account or other statements showing savings/capital

Evidence of any other income including state benefits

SCHEDULE





Report to: **Strategic Planning Committee**

Date of Meeting: Tuesday 22 October 2019

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Custom and self-build housing**

Purpose of report: To report on previous work undertaken by the Housing delivery task and finish forum and to consider ways to encourage more custom and self-build in East Devon in accordance with the resolution of this Committee from March 2019.

Recommendation:

- 1. That consideration is given to the various options highlighted in sections 6 and 7 of the report for exploring how the Council can support people wishing to build their own home in East Devon.**
- 2. Members agree that a bid is made to the Capital Strategy and Allocation Group for £500,000 to be committed to the purchase of land and the delivery of serviced self-build plots for sale.**

Reason for recommendation: 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. However, the Council also has a duty to take account of the register when exercising its planning, regeneration, housing and estate management functions. National Planning Practice Guidance requires local planning authorities to consider how they can support self and custom building in their areas. This report sets out for Members consideration a set of options that could achieve this.

Officer: Linda Renshaw, Senior Planning Policy Officer

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01395 571683

Financial implications: The specific financial implications with regards to self builds, their fees and the impact of the collection of CIL etc are considered and discussed within the body of the report. The £500k will be presented to the capital allocations group as part of the capital bid process within the 2020/21 budget round and will be assessed based upon the current matrix and considered along with the other capital bids based upon its merits

Legal implications: If direct provision of self-build plots is approved assets (such as land) must be identified and acquired in accordance with Council procedures with the involvement of the Estates and Legal teams. This is necessary to ensure proper due diligence is undertaken. There are no other legal implications other than as set out in the report.

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:

- [Report to Strategic Planning Committee 26/03/19](#) (second monitoring report and discussion of ways to promote self-build)
- [Minutes of Strategic Planning Committee 26/03/19](#)
- [Report to Strategic Planning Committee 20/03/18](#) (first monitoring report and discussion of ways to promote self-build)
- [Minutes of Strategic Planning Committee 20/03/18](#)
- [Report to Strategic Planning Committee 29/03/17](#) (initial self-build monitoring, imposition of local connection test, decision not to impose financial test or fee for self-build register)
- [Minutes of Strategic Planning Committee 29/03/18](#)
- [Self Build Portal](#) of the National Custom and Self Build Association (NaCSBA)
- [National Self-build and Renovation Centre](#)
- [Right to Build Task Force](#)
- [Self-build and custom build - East Devon](#)
- Greater Exeter Strategic Plan Custom and Self-build [Demand Assessment Framework](#)
- [Cranbrook Demand Assessment](#)
- [Cranbrook Plan - Cranbrook Plan Submission Draft - East Devon](#)
- [Teignbridge Custom and Self Build SPD](#)
- [Housing and Planning Act 2016](#)
- [Self-build and Custom Housebuilding Act 2015](#)
- [Fixing our broken housing market - GOV.UK](#)
- [Self-build and custom housebuilding - GOV.UK](#) (National Planning Practice Guidance)
- [Document pack from SPC meeting 26/03/2019](#)
- [Minutes of SPC from 26/03/2019](#)
- Housing Delivery: Overview Committee Task and Finish Forum March [2017 report](#)
- Self-build monitoring report [March 2018](#)
- Self-build monitoring report [March 2019](#)
- [The UK's largest self and custom build community | Graven Hill](#)

Link to Council Plan: Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding council

Report in full

1. Background

1.1 As part of its drive to increase levels of housebuilding, the Government is encouraging Councils to diversify the range of opportunities by increasing the supply of self-build and custom build plots. Self-build is a term that is used to refer to a wide range of activities from individuals or groups physically building their own homes, through to 'custom' build, where specialist developers are contracted. The key element in any self-build is that the buyer occupies the house for themselves and has had principle control over the plans and

specifications of the house that gets built. In this report the term 'self-build' is used to include the full range of self and custom build options.

- 1.2 Since April 2016 there has been a legal duty to keep a register of people wishing to self-build their home. Since October 2017 there has been a legal requirement for Local Planning Authorities to 'permission' enough 'serviced plots' to meet the demand shown on the register. Monitoring reports published in March [2018](#) and March [2019](#) indicate that the number of permissions suitable for self-build exceed the numbers shown on our register for the required periods (there is no requirement to match those on the register to specific permissions – the register is intended to give a general indication of the levels of interest only).
- 1.3 Earlier this year this Committee considered a report that noted the levels of supply and demand for self-build and considered ways to encourage more custom and self-build. The following recommendation of that report was not accepted: "That a Member task and finish forum consisting of the relevant planning and housing portfolio holders and member leads, vice-chair of Strategic Planning Committee and chair and vice-chair of Development Management Committee be established with appropriate officer support. The group to consider how the Council could take a more pro-active approach to the delivery of custom and self-build housing plots considering experience from elsewhere and potential actions such as those listed in paragraph 4.4. The group to then make recommendations to a future meeting of Strategic Planning Committee for them to agree/recommend actions as appropriate". The lack of agreement on this recommendation stemmed from the views of some members that the report had not taken into account previous work undertaken, particularly the Housing Delivery report of the Overview Committee Task and Finish Forum in March 2017. It was resolved that 'a new comprehensive report on self-build be brought to the next appropriate Strategic Planning Committee taking into account what is happening in the district, what the council can do to assist and taking the outcome of the Housing task and finish forum and Housing Review Board Workshop into account'. This report has been prepared in accordance with that resolution.

2 **Summary of Previous Report (March 2019)**

- 2.1 Part of the previous report related to the supply and demand figures for self-build, which were noted by the Committee and are not repeated here. The most relevant parts of the report that relate to the recommendation that was not agreed are summarised here, but for a more comprehensive picture the [original](#) report should be consulted.
- 2.2 There is a growing recognition of the benefits that both individuals and the wider community can gain from increased self-building. Self-build can lead to savings relative to buying a 'ready-made' product because there is no developer profit (often at least 20% of the cost of a new home). Self-build is also good for local businesses and can provide additional employment opportunities. It is an attractive market to small and medium house builders because there is less risk as contracts are settled earlier in the development process. This enables construction to be financed through the customer's mortgage stage payments, which reduces business finance and improves profitability. Supporting smaller builders can help local economies by using more local supply chains than volume house builders and creating opportunities for local tradespeople.
- 2.3 One of the wider benefits of self-build is its potential to speed up the supply of housing and thereby help to maintain a five year supply of housing (particularly where custom build developers offer 'shell homes' on larger sites). It can also help to diversify the land supply and widen choice including different levels of affordability. Additional community benefits

can include homes with a better design, build quality and environmental footprint and a more diverse and resilient housing supply. The White Paper '[fixing our broken housing market](#)' quotes research that self-builders use modern methods of construction and build to high specifications thereby improving the sustainability of the housing stock.

- 2.4 Whilst monitoring shows that we are complying with the legal requirements for enabling self-build, feedback from people on our register suggests that there is a lack of sites available that people on the register can afford to buy. More could be done if the Council wishes to ensure that the spirit of the legislation (to improve the supply of land for self-build) is being met as well as the basic legislative requirements.
- 2.5 The [National Planning Practice Guidance](#) recommends that “Relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include:
- developing policies in their Local Plan for self-build and custom housebuilding;
 - using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the register;
 - engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding and facilitating access to those on the register where the landowner is interested; and
 - working with custom build developers to maximise opportunities for self-build and custom housebuilding.”
- 2.6 In July 2018 the Right to Build Task Force was engaged to provide support to EDDC on custom and self-build housing delivery with an emphasis on potential delivery routes at Cranbrook. This work has helped to inform a self-build policy in the Cranbrook Plan, which is currently under examination.
- 2.7 The Right to Build Task Force is funded by the Nationwide Foundation and supported by central government. Its aim is to support local authorities, community groups and other organisations to deliver large, affordable custom and self-build housing projects. As part of their remit the Task Force facilitated workshops with EDDC officers and members in December 2018 to raise awareness of the potential for self-build and suggest options for increasing opportunities to self-build. This led to the recommendation of the previous (March 2019) report that was not accepted (that a Member task and finish forum be established to consider how the Council could take a more pro-active approach and make recommendations to a future meeting of this Committee).

3 The Housing Task and Finish Forum (TAFF)

- 3.1 During discussions on the report to the March 2019 Committee, Members expressed concerns that the proposed task and finish forum would duplicate work already completed by the Overview Committee and Housing Review Board. It was also commented that the detailed work already undertaken had not been included in the report. This section of the report summarises the report produced by the Housing TAFF and sets out progress made since its conclusion.
- 3.2 The Housing TAFF was essentially tasked with identifying what level of housing delivery is required and to consider what the Council could do to deliver it, including a goal of delivering 300 units of social housing a year. A housing delivery [report](#) was produced by the TAFF and presented to the Overview Committee on 28th March 2017. In terms of self-build, the report noted the relevant Local Plan policy (H2 – which encourages 10% of plots on

large sites to be made available for self-build) and the legal requirements to maintain and have regard to the self-build register. The report questioned whether the self-build register accurately reflected the demand for self-build and asked whether it would be worth the Council buying suitable land and packaging it for the self-build market.

- 3.3 Nine recommendations were made in the report, the only one of which related to self-build was 'that consideration is given to encouraging the use of off-site manufacture for both developers in the area and for those interested in self-build'. A workshop for the Housing Review Board was held earlier this year to explore alternative construction methods with 'Constructing Excellence South West'. This was primarily a scoping and fact finding exercise but a key message from the presentation was that the Council needs to set out its aspirations and priorities before making a commitment to developing (firstly) and only then how we should develop (traditional methods or off-site).

4 What has happened since the Housing Task and Finish Forum Report

- 4.1 Since the publication of the housing delivery report by the TAFF in March 2017 there have been significant changes related to planning for self-build in East Devon:
- The requirement to permission enough serviced plots to meet the demand shown on the self-build register was introduced in October 2017;
 - In November 2017 everyone on the self-build register was contacted to ask for their responses to a number of questions aimed at improving the Council's approach to self-build (responses included in report to SPC in [March](#) 2018);
 - In July 2018 research undertaken by Three Dragons (supported by the Right to Build Task Force) was [published](#) that considered the underlying demand for self-build in each of the greater Exeter authorities. This modelled a projected need for 61 plots in East Devon for the first five years and 67 plots in the years thereafter.
 - The Cranbrook self-build demand assessment was [published](#) in July 2018. This uses a demand assessment model to predict demand levels for self-build at Cranbrook and recommends provision for 170 plots to 2031, 15 of which should be for affordable (intermediate) housing;
 - The Government's Right to Build Task Force facilitated workshops with EDDC officers and members in December 2018 to raise awareness of the potential for self-build and suggest options for increasing opportunities to self-build. The outcome of the workshops was generally positive with support for promoting self-build to meet housing demands, including for affordable housing, and a suggestion that a Member officer task group should be formed to devise a delivery plan for self-build;
 - The Cranbrook [Plan](#) was submitted for examination in August 2019. This includes a specific self-build policy that requires 4% of the dwellings in each expansion area to be for self-build.

5 Current Approach

- 5.1 There are no specific policies in East Devon that allow for self-build in areas that would not otherwise be granted planning permission for housing. Policy H2 'encourages' the provision of self-build plots on large sites, but no plots have been secured through this policy and no permissions have been granted that are restricted to self-build. The Cranbrook Plan, which is at examination, requires 4% of each of the proposed expansion areas to be made available for self-build.
- 5.2 In a recent [appeal](#) in Leicestershire an Inspector granted permission for self-build housing on the basis that the Local Planning Authority could not demonstrate that it had granted sufficient permissions to meet the demand shown on the register that were specifically

restricted to self-build (through a condition or S106 Agreement). Whilst we have not granted permissions specifically conditioned for self-build, the legislation requires only that we grant enough permissions that are suitable for self-build. In the first two self-build monitoring reports we took the view that any permissions for single dwellings were suitable, but that we would undertake further work on the issue. Unlike the Leicestershire authority in the appeal, we have CIL and self-builders can apply for an exemption from CIL payments. Initial work shows that the number of self-build CIL exemptions exceeds the numbers on our self-build register, but more work will be done on this for our third monitoring report, which will be prepared later in the year (the self-build monitoring period runs from 30th October until 31st October).

- 5.3 The Local Development Scheme (which sets out a programme and timetable for production of future planning policy documents) includes the production of a supplementary planning document to guide, inform and support policy for self and custom build development in East Devon. Work on this document has been awaiting the outcome of the Right to Build Taskforce work and the outcome of reports to this Committee.

6 Options for developing planning policies and additional planning related initiatives

- 6.1 It is recognised that Policy H2 of the adopted local plan is unlikely to result in significant additional opportunities for self-build. It was devised with limited evidence to support it (before the self-build register) and before self-build was such a high government priority. The wording of the policy was significantly weakened by an Inspector who was highly skeptical of inclusion of policy explicitly requiring self-build provision as part of 'normal' housing provision/development.
- 6.2 The Cranbrook policy has been developed in light of evidence from both the register and technical studies. It has the potential to deliver self-build specific plots, but only in one area of East Devon.
- 6.3 There will be an opportunity to develop self-build policies through the local plan review, but the timetable for this is uncertain (due to delays in the Greater Exeter Strategic Plan production). Meanwhile consideration could be given to other planning department self-build initiatives. Some of these could be undertaken within existing resources, but for others consideration may need to be given to making a charge to be included on the self-build register.
- A refresh of the self-build register to include a specific Cranbrook register linked to the promotion of specific sites that emerge. Work undertaken by the Right to Build task force indicates that the current register may significantly underestimate demand: additional promotion of the register would be likely to lead to higher demand numbers and could be used to help negotiate with developers for additional self-build plots in accordance with Policy H2;
 - Producing Supplementary Planning Guidance to clarify self-build requirements (as set out in our Local Development Scheme). This could be linked to Policy H2 of the local plan and the emerging CB12 Cranbrook policy and would help to set out the East Devon approach to delivering self-build and minimum requirements. Teignbridge produced an [SPD](#) in 2016 which gives further guidance on their local plan policy and deals with associated issues like CIL and building control. Feedback from people on our self-build register was that this would be a useful document;
 - Some authorities prepare self-build newsletters, but there are already national sources of information about self-build in general such as the [Self-Build Portal](#) and the [National Self](#)

[Build and Renovation Centre](#). It may be worth considering preparing periodically if specific initiatives arise (such as the development of an SPD or development of self-build policies);

- A Self-build Forum could provide a good way for people to gain confidence in how to self-build and to share experiences with others. There is a national self-build forum, but there may be benefits in establishing a forum at a local level, possibly in co-operation with other authorities in the greater Exeter area;
- We currently charge £180 for pre-application advice to people wishing to build a single dwelling. The planning system can be very complex and baffling to individuals seeking to build their own home. Many of the people that manage to secure planning permission to build their own home in East Devon can afford to pay for independent professional advice to help them navigate their way through the complexities of obtaining planning permission. However, the self-build register shows that there are also people that would struggle to pay for professional help and these tend to be younger local people. We could consider introducing a 'means tested' fee reduction to local self-builders.

7 Options for a corporate approach

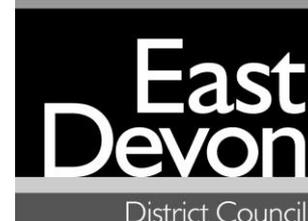
7.1 There are things that can be done within the planning service to do more to encourage self-building as set out in Section 6 above, but the involvement of a wider range of disciplines would be needed to explore the full potential for EDDC to promote self-build opportunities across East Devon. Legally, the Council must 'have regard' to the register when exercising their planning, housing, regeneration and disposal of land functions, which implies a corporate approach is necessary. Initiatives that would be likely to benefit from a corporate approach could include:

- an audit of Council owned land with a review of every area of land we own to establish whether it can be marketed for self-build housing (this could result in capital receipts as well as improve the supply of self-build plots);
- the appointment of a Self-build Lead Councillor/Members Champion to raise the profile of self-build and promote a positive attitude to self-build across the Council; and
- working with parish councils and local community groups to promote self-build opportunities. For example parish councils may own parcels of land that may be suitable for self-build or they may wish to include policies in their neighbourhood plans. Community groups like land trusts may wish to explore options to promote self-build, particularly for group projects that could help to meet local objectives such as low cost housing for local people or providing housing for the elderly.
- Direct provision of self-build plots through EDDC purchasing land suitable for self-building, servicing it and marketing it for self-build plots. This approach would have the benefit that we could help to deliver Council priorities such as securing the highest environmental standards and providing opportunities for more affordable housing for people with a local connection. Land could be sold with a design code and/or 'plot passport' to help purchasers understand what they could build on the site. Owning the land would enable a higher level of control than is available through the normal planning process. For example we could specify a relatively small plot size and local connections for the self-builder to provide opportunities for those that find it difficult to secure a plot through the normal market. A notable example of a Council directly providing land for self-build is [Graven Hill](#) at Bicester. If this course of action is supported, it would be sensible to trial it through a pilot project where the issues could be more fully explored and a budget of £500,000 would be a realistic level of finance needed to deliver this. When considering the recommendation that a bid is made to the capital allocation group for this sum the potential for the scheme to pay back the capital investment or make a profit should be borne in mind. The budget would be used primarily for the acquisition of land; most of the

professional skills needed to deliver the project are already available in house, however deployment of staff resources, drawn from differing Council departments, could impact on ability to undertake existing duties. However the money could deliver a number of serviced plots which could then be sold on to not just cover these costs but also to deliver a profit and still ensure that the plots are affordable and meet the needs of those on the self-build register.

8 Conclusions

- 8.1 We are meeting our statutory requirements for self-build but could do more to promote opportunities in accordance with government guidance.
- 8.2 There is a case, on planning grounds alone, for the Council to do more to promote and facilitate self-build housing. Much of this work could be done within existing resources through the development of policies, supplementary planning guidance and refreshing the self-build register. If additional measures were deemed to be appropriate consideration could be given to introducing a fee to join the self-build register.
- 8.3 At the member workshop run by the Right to Build Task Force there was support for a more corporate approach to self-build. This resulted in the previous (March 2019) recommendation that a Member officer task group be established to devise a delivery plan for self-build. This could help to prioritise actions and facilitate a corporate approach to self-build.
- 8.4 There is also an opportunity to take the more direct approach of acquiring land and packaging it for sale to self-builders. This could be tested through a pilot study supported by £500,000 from the capital allocation group to secure the necessary land.



Report to:	Strategic Planning Committee
Date of Meeting:	22 October 2019
Public Document:	Yes
Exemption:	None
Review date for release	None

Subject: **Housing Monitoring Update to year ending 31 March 2019**

Purpose of report: This report provides a summary of house building monitoring information to the year ending 31 March 2019. The report confirms that, looking forward, we have a greater than Five Year Land Supply in East Devon.

Recommendation:

- 1). That the committee notes the residential dwellings completion data and future projections for the district;**
- 2). That the committee notes the confirmation of a Five Year Land Supply but also that the 5YLS figure has dropped since the last report.**

Reason for recommendation: To keep members informed of housing completions and forward projections.

Officer: James Coles, jcoles@eastdevon.gov.uk – 01395 571745

Financial implications: In facilitating and encouraging housing and business growth in the district the council has benefitted financially both through the growth itself in council tax receipts as well as through government incentive schemes such as New Homes Bonus. The continued growth of the district and the future incentives form a vital element in the mitigation of the future financial pressures anticipated from 2020/21 as detailed in the financial plan.

Legal implications: There is a legal requirement for the Council to monitor housing completions and demonstrate an ongoing 'Five Year Land Supply' of sites for housing. This reports ensures that the Council is complying with its duties and can demonstrate an adequate supply of housing. Other than those set out in the report here are no legal implications from this update report.

Equalities impact: Low Impact

Climate change: Low Impact

The delivery of new houses has a significant impact on climate change, however the purpose of this report is to record the number of homes delivered against targets. The residential developments referred to in this report have all been previously granted consent and in making those decisions their impact on climate change has been considered.

Risk: Low Risk

Links to background information:

- <https://eastdevon.gov.uk/planning/planning-policy/monitoring>
- [Housing Monitoring Update to year ending 31 March 2019](#)

Link to Council Plan: [Encouraging communities to be outstanding;](#)
[Continuously improving to be an outstanding council.](#)

1. Introduction

1.1 Through the Planning Policy team the Council produces an annual Housing Monitoring Update (HMU), the latest version of which is attached. This report to Committee forms the monitoring report for the year ending 31 March 2019.

2. Housing Need and Supply in East Devon

2.1 The East Devon Local Plan, specifically in respect of housing supply and monitoring purposes, covers the 18 years from 01 April 2013 to 31 March 2031 (however it is relevant to note that new plans will supersede it before this end date). For this 18 year period the plan establishes an objectively assessed need for 17,100 new homes to be created in East Devon. This averages out at 950 homes per year.

2.2 The table below shows the net number of homes that have been recorded as built in the five years running from 2014 to 2019.

Table of housing completions for 2014/15 to 2018/19

Year	2014 to 2015	2015 to 2016	2016 to 2017	2017 to 2018	2018 to 2019	Five year total	Annual Average
Totals	1,029	1,027	724	866	929	4,575	915

2.3 The table illustrates that the number of housing completions in East Devon increased in 2018/19 when compared to both the previous monitoring period and 2016/17, but was lower than in both 2015/16 and 2014/15. With an average level of completions of 915, the actual supply is currently falling below annual average projected needs.

2.4 The total of 929 completions was slightly less than the projected figure of 1,101, however numbers are anticipated to rise from 2019/20 onwards. The table below shows site availability to support projected building levels from 2019/20 through to 2030/31.

Table of projected housing completions for 2018/19 to 2030/31

Year	2019 to 2020	2020 to 2021	2021 to 2022	2022 to 2023	2023 to 2024	2024 to 2025	2025 to 2026	2026 to 2027	2027 to 2028	2028 to 2029	2029 to 2030	2030 to 2031
Total	1,207	1,167	1,079	1,151	1,221	1,367	1,165	1,118	1,139	989	788	668
	5,825					Projected five year housing delivery for 2019/20 to 2023/24						

2.5 The future rise in projected completions, as illustrated in the table above, is partly a product of new sites, especially large scale strategic sites (including the Cranbrook expansion zones and Axminster Masterplan area), starting to deliver significant housing numbers, but it also reflects, more generally, site availability.

- 2.6 It should be noted that future projected housing completion figures are primarily based on the potential expectation of sites to deliver housing in accordance with the methodology set out for the Housing and Employment Land Availability Assessment (HELAA). Though also, for a number of sites, projected levels of building reflect more detailed local assessment and understanding of predicted future housing delivery.
- 2.7 The HELAA process, which forms an assessment undertaken in conjunction with the development industry, includes a methodology for defining the levels of development that might be expected on sites, on a year-by-year basis, dependent on the size of the site and also:
- whether a site has extant permissions;
 - is already seeing development occurring; or
 - whether it is otherwise identified or allocated for development.
- 2.8 It should also be noted that the latest edition of the National Planning Policy Framework (NPPF) includes a new definition of a “deliverable” site:
- To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*
- a). sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b). where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*
- 2.9 This means, unlike in the previous Housing Monitoring Update, some allocated sites and sites with acknowledged development potential have not been included in projections for the Council’s updated Five Year Land Supply.
- 2.10 Projections are based on the status of sites and extant planning permissions at 01 April 2019 unless pertinent additional information has arisen since that date to aid understanding of delivery (e.g. commencement information) such as Goodmores Farm, Exmouth which has now been approved.

3. Five Year Land Supply Assessment

- 3.1 A key reason for keeping a careful record of housing completions and the ability to deliver houses in the future is to ensure that the ability exists to maintain future land supply to match needs and expectations for housing delivery. The Council is required to examine its five year housing land supply; this is an assessment of whether the projected levels of future house building, taking into account what has been built in the past, is sufficient to meet the levels of housing required by the local plan for the next five years.
- 3.2 The equations below, with associated explanation, establish the calculated housing land supply in East Devon at a base position of 1 April 2019.

Table of Housing Five Year Land Supply Assessment

Ref	Stage of Work	Numbers	Commentary (with formulas used in calculation)
A	Local Plan Requirement from 2013 to 2031	17,100	This is the objectively assessed need for housing as set out in the local plan

B	Annual Requirement	950	This is the annual average number of houses that need to be built in order to meet local plan requirements (Number = A / 18)
C	Five Year Requirement	4,750	This is the number of houses that should be built over every five year period (Number = B x 5)
D	Requirement to have been delivered by 31 March 2019	5,700	This is the number of houses that should have been built in the six years from 1 April 2013 (local plan start date) to 31 March 2019 (Number = B x 6)
E	Completions 1 April 2013 - 31 March 2019	5,405	This is the actual dwellings recorded as being built from 1 April 2013 (local plan start date) to 31 March 2019
F	Shortfall	295	This is the level of shortfall between what should have been built and what actually was built (Number = D - E)
G	5 Year target (excluding buffer)	5,045	This is a forward looking assessment that takes into account a standard five year requirement (i.e. it provides for the five years looking forward) and adds to it the shortfall figure (Number = C + F)
H	5 Year Target (including 5% buffer)	5,297	Government guidance requires that the Council not only provide a calculated need figure but that they also add a 5% buffer to this number (whilst it is not applicable to East Devon, the 5% buffer increases to 10% where the local planning authority wishes to demonstrate a five year supply through an annual position statement / recently adopted plan, and 20% in cases of persistent under delivery) (Number = G + 5% of G)
I	Annual Target	1,059	The 5 year target is divided by 5 to create an annual average target (Number = H / 5)
J	Total Deliverable Supply from 1 April 2019 to 31 March 2024	5,825	To understand if we are projected to meet the five year need we look to the projected supply of housing over the period from 1 April 2019 to 31 March 2024 (see table earlier in this report for this number)
K	Surplus Supply	528	By knowing the projected supply and comparing this against the five year requirement we can calculate if there is a shortfall or a surplus (Number = J - H)
L	Years of Land Supply With a 5% Buffer	5.50	The final calculation records the supply of housing in terms of meeting/exceeding five year needs (Number = J / I)

3.3 The above assessment shows that we retain, in East Devon, a five year housing land supply.

4. Housing Delivery Test

4.1 Since November 2018, Councils have also had to pass the new Housing Delivery Test (HDT). Rather than simply looking at what *can* be achieved over the following five years, the HDT checks what *has* been achieved over the previous three.

- 4.2 The HDT compares the delivery of housing over the past three years against a historic requirement figure (rather than higher total of 950 per year as stipulated by the Local Plan), with delivery of the full amount resulting in a score of 100%.
- 4.3 The HDT comprises three elements:
- i) If delivery has been less than 95%, the Council should prepare an Action Plan to address the reason for the shortfall;
 - ii) If delivery has been less than 85%, the Council should also include a 20% buffer in calculating its Five Year Land Supply (rather than 5% or 10%);
 - iii) If delivery has been less than 75%, the presumption in favour of sustainable development would then apply (as a transitional provision, the threshold in the third element was set at 25% for last year's test and will be 45% for this year's, the results of which are scheduled to be published in December).
- 4.4 The results of the first Housing Delivery Test (covering 2015/16 to 2017/18) were released in February 2019. East Devon District Council passed the test with a score of 149%. It is understood that the Housing Delivery Test results for 2016/17 to 2018/19 will be released in November.

5. Jobs and Employment Land Monitoring

- 5.1 It should be noted that this monitoring report is specifically concerned with housing delivery monitoring. The Local Plan sets out monitoring requirements for a range of considerations and these specifically include employment land development. A full Employment Monitoring Review report to the year ending 31 March 2019 is currently being produced.