



**The New East Devon Local Plan
(2006 to 2026)**

Consultation Draft Plan (Dec 2011)

**Response by
West Hill Residents' Association
January 2012**



THE NEW EAST DEVON LOCAL PLAN 2006 TO 2026 CONSULTATION DRAFT PLAN (DEC 2011)

1 Introduction

This report sets out West Hill Residents' Association's response to the new Local Plan consultation document. It has been prepared by the Association's Committee following consultation with the residents of West Hill and their councillors. Details of the consultation process are set out in Appendix A.

The Association welcomes the consultation stage of the new Local Plan. Our representatives have attended many of the Panel meetings and have contributed to the debate both orally and in writing. In this document we set out our views on what we consider to be the main issues.

Section 2 provides a brief summary of the main points of our response.

Section 3 summarises two surveys carried out in 2011 which have helped to inform our response.

Section 4 sets out a detailed discussion of the Local Plan document.

We have devoted significant space to the issue of Affordable Housing. This relates in part to the importance of this topic. But it also reflects the fact that, under the proposed Plan policies, Affordable Housing will account for at least 50% of development within the Built-up Area Boundary (BUAB) and at least two-thirds of development outside the boundary. It will, therefore, be the single largest category of new development.

All references to sections in the Plan document are given in the form, e.g., [LP 6, p28].

References to Sections in this document are given in the form, e.g., Section 4.2.

Whatever policies are finally adopted in the Plan, they will only be effective if they are fully implemented and enforced. However, the Council has informed us that it has insufficient resources to enforce existing policies. We believe that this situation must be rectified if the Plan is to be implemented successfully.

We welcome the Council's assurance that it will consult and engage residents so that it can understand what is special to them about the places that they live in. [LP 16.3, p118] In our Village Design Statement, adopted by EDDC as Supplementary Planning Guidance in 2006, we set out some of the factors that make West Hill special and the design principles to be adopted by developers to help preserve and enhance its special character. We welcome further consultation with the Council and we begin this response by restating our vision for West Hill.

Our Vision for West Hill

West Hill is known as a “Woodland Village”. It consists of some 800 houses and 2000 people occupying around 10 square kilometres of land on the wooded western slopes of the beautiful Otter Valley. It is made up, for the most part, of low density development which has had the good fortune to grow within a framework of beautiful beech, oak, silver birch and pine woodland on the east side of a long ridge, intersected by a number of small valleys. The rural quality of its verges and Devon banks, the glimpses of wonderful tree-framed views at every turn, and the maturity of these trees is what makes West Hill unique and special.

West Hill is a vibrant, successful community where, generally, further development is not necessary or required. Indeed, any significant development would risk destroying the environment that makes West Hill unique. Such development as does take place should be limited to satisfying identified local needs including, for example, smaller homes to allow existing residents to downsize and affordable homes so that young people will not be forced to move away.

Our vision for West Hill is that its character will be preserved with any development being of small scale, appropriate to its surroundings, and carefully controlled so as to enhance rather than destroy the unique nature of the village. In achieving this, we hope that, in accordance with Government guidance on localism, the voice of the local community will be paramount in deciding what development takes place.

2 Summary of our response

Spatial Strategy [LP 6]

We support the broad strategy of focussing growth on the West End and larger towns.

We recommend that:

- the evidence for the required number of new homes in the District is set out in the Plan;
- this number should include a realistic estimate of windfall homes.

Affordable Housing [LP 15, 16, and 21]

We support the importance attached to affordable housing.

We recommend that the 25% and 50% flat rates are abandoned and a new policy adopted that will be focussed on assessed local needs and the satisfaction of those needs in the most cost-effective and appropriate way.

Employment [LP 16 and 21]

We support the principle of providing work locally and encouraging appropriate home-working.

We recommend that :

- Every effort is made to utilise existing industrial units before green field sites are developed;
- Policy E7 is amended to allow developers to make contributions towards employment-generating development locally but not within the residential development;
- The broadband service is improved as a matter of urgency.

BUAB Exceptions [LP 16 and 21]

We recommend that:

- BUABs should be clearly defined and respected;
- greenfield development outside boundaries should be permitted only on an exceptional basis and where it is essential (e.g. agricultural development). Exceptions should not be allowed for affordable housing, for which proper provision must be made in the Development Plan;
- all exception policies which are retained in the Plan should be clearly identified and listed separately.

Countryside and the Environment [LP21]

We support the retention/inclusion of policies related to the protection of trees, the environment and agricultural land and trust that these policies will be rigorously applied.

We recommend that the Plan includes a policy limiting development in gardens.

Infrastructure Delivery [LP 19]

We support the inclusion of Draft Strategy 44 relating to infrastructure requirements.

We recommend that the strategy is strengthened to include the upgrading of existing inadequacies.

Development Planning Stage [LP1 and 22]

We recommend that:

- the Council continues supporting the existing Local Plan until such time as the new Plan is formally adopted;
- the Development Planning stage be initiated as soon as practicable.

3 Surveys

During the summer of 2011 two surveys were carried out in West Hill, one by the Community Council of Devon (CCD) for the Devon Rural Housing Partnership (DRHP), the other by the West Hill Residents' Association (WHRA):

West Hill Housing Needs Report (CCD/DRHP)

This survey received 311 responses. Its principal conclusion was that there was a need for 9 affordable homes in West Hill over the next five years – 6 within the first three years and 3 within three to five years. Of these, 8 were for single people and 1 for a three-bedroom home. The questionnaire was only circulated in West Hill village and some residents did not receive a copy.

The survey also found 16 older households needing alternative accommodation but with sufficient resources to meet their needs in the open market. These probably represent those residents who wish to downsize into retirement homes.

What Do You Want? (WHRA)

Our survey received 124 responses, a poor response but one that should provide reasonably robust indications of what residents want. The responses to the first three questions were as follows:

Question	%age of all replies in favour
Q1 Do you think that any new development should be permitted in the village?	72
Q2 If so, should this be:	
a) Retirement homes?	44
b) Affordable homes?	25
c) Starter homes, estate type development?	11
d) Ordinary market value homes?	50
e) Facilities such as pub, restaurant or coffee shop?	50
f) Commercial development providing employment?	11
Q3 What facilities would you like to see in the village?	
Pub/restaurant/cafe/coffee shop	44
Surgery/Pharmacy	6
Leisure facilities	8
Social centre	2

A copy of the full survey report is attached at Appendix B.

Both surveys have helped to inform this response to the Local Plan.

4 Commentary on the Draft Plan

4.1 Spatial Strategy

The overall spatial strategy for development in East Devon (Draft Strategy 1) [LP 6, p29] provides for 15,000 new homes and 180 hectares of employment land. 50% of the residential development will be located in the West End, 40% in major towns, and 10% in smaller towns, villages and rural areas.

There is no evidence provided in the Plan supporting the number of homes to be built. Various reports have been presented and discussed by the Panel during the past year but we have seen no explicit support for the figure adopted. We think that this is a serious omission which should be rectified before the Plan is adopted.

The total of 15,000 homes excludes windfalls (i.e. those which are not strategically planned for). Windfalls are variously estimated at 3,000 to 4,000 over the Plan period. This is a curious omission. Windfalls will satisfy the housing needs just as well as the planned-for homes. Their exclusion simply means that, as a community, we plan for more homes than we need. Put another way, we are planning to destroy more countryside than we need to.

We understand that the rate at which windfalls occur cannot be guaranteed. It would seem sensible, therefore, to assume that the current rate slows down and to reduce the 15,000 headline figure by, say, 2,000 to 13,000. If the windfalls do not occur as expected, matters can easily be corrected at the quinquennial review. Better this cautious approach than basing the whole Plan on a figure that we know will be exceeded as a result of windfalls.

We support the broad strategy for the distribution of residential development.

4.2 Affordable Housing

The Plan states that the lack of affordable housing is a critical issue in East Devon and includes three proposals relating to its provision:

- a) Draft Strategy 29 [LP 16, p125] , which requires 25% of all new development in Axminster, Exmouth, Honiton, Ottery St Mary, Seaton and of the major strategic developments in the West End to be affordable. These are the “lower value areas”. Elsewhere, (in the “higher value areas”) 50% of all new development must be affordable;
- b) Draft Strategy 23 [LP 15, p116], which allows mixed developments of up to 15 houses in rural settlements provided that at least 66% of the housing is affordable, the sites are well related to the settlement and close to a range of facilities, and there is a proven local need. The strategy includes a target that 70% of affordable housing should be rented and 30% intermediate or other types;
- c) Policy H5 [LP 21, p194], which allows small-scale developments for affordable housing on sites which would not otherwise be released for residential development. Such sites exclude general market housing or mixed housing.

The differing percentages for higher and lower value areas are based on the Strategic Housing Viability Assessment by Roger Tym and Partners (RTP). This study modelled the economics of building affordable housing assuming that the whole of the “subsidy” was obtained from the residual land value after development costs and profit and Section 106 costs have been deducted. Not surprisingly, those areas with higher land values are better able to support the affordable homes than the lower value areas.

This approach ignores the fact that at least some of the subsidy is likely to be delivered through higher prices for the market value housing. It also fails to examine the impact on the marketability of the market value homes as a result of being included in mixed developments. These factors are unlikely to change the major conclusions of the study but may lead to slower rates of delivery of affordable homes.

The approach adopted in the Plan is based solely on economic considerations and is fundamentally flawed for the following reasons:

1. There is no mention of, or attempt to deal with, the issue of whether the affordable housing is needed or where it is best provided (with the exception of affordable housing provided outside the BUAB which must be needs related). Indeed, evidence to the Panel stated that “The Council does not have a detailed and definitive village by village (or town by town) breakdown of affordable housing need.” The only evidence at village level is that derived from Devon Rural Housing Partnership surveys (such as that carried out at West Hill in 2011). We believe that it is essential that evidence is obtained to support the provision of affordable housing.
2. The approach effectively funds affordable homes through a tax on land values. This makes good sense but the differential percentages mean that landowners are not being treated equitably;
3. Flat rate percentages (whether 25 or 50%) can have the result that more homes are built than are needed. The survey in West Hill indicated a need for 9 affordable homes in the village. This need may increase or decrease with time. The planned total of new homes over the next 15 years is 35. 17 or 18 of these must be affordable. Thus, not only may more affordable homes than are necessary be built but the demand for market value homes may not be satisfied leading to pressure for more development and, therefore, more affordable homes;
4. The villages and rural areas which have to provide the higher percentage of affordable homes cannot provide the range of employment, services, transport, and facilities that can be provided by the larger settlements.

Section 16.28 of the Plan [p126] lists the “rejected options” for affordable homes; none of these referred to the provision of affordable homes being related to need. It is difficult to understand why this approach was not considered.

We note the intention that 30% of new affordable homes should be “intermediate” or “other” rather than rented and understand the reason for this. However, we are concerned that non-rented housing may in time become unaffordable as it changes hands and would like to see strong safeguards for ensuring that affordable housing remains affordable in perpetuity.

We accept that there is a need for affordable homes across East Devon. We also need affordable homes in West Hill to satisfy local need and to ensure that the community remains vibrant and effective. However, we do not accept the proposed means of delivering affordable homes either at district or village level. We therefore propose as follows:

1. The need for affordable homes should be established at the Development Plan stage using recent DRHP surveys or new data. Provision for appropriate levels of affordable housing should be included in the Development Plan (i.e. within the revised BUAB);
2. All new development within the BUAB should include affordable homes (as identified in the Development Plan) or provide funding (through a Section 106 agreement or other means) based upon a percentage of the land value. This percentage would be the same in all areas but clearly the amount raised would be greater in high land value areas;
3. The Council, directly or through some agency such as Housing Associations, will facilitate the construction of affordable homes in the most appropriate areas dictated by need, availability of employment, services, transport, and facilities, and cost. (By building in lower value areas more homes can be built for the same cost);
4. No building outside the BUAB should be permitted (see Section 4.4).

This simple approach allows development to respond appropriately to needs and cost-effectively.

4.3 Employment

Policy E7 (New employment provision in association with residential development) [LP 21, p206] requires that where development of 10 residential units or more is permitted in or adjoining a rural settlement, small employment workspace (occupying not less than 10% of the net developable site area) must be provided as part of the overall development. Typically this would comprise small workshop units.

On smaller developments provision for home working should be incorporated.

This policy does not apply where affordable housing accounts for more than 50% of the scheme. This is presumably because of economic considerations.

Whilst we support the principle of providing work locally, we believe Policy E7 faces a number of difficulties:

1. There are no restrictions on the type and suitability of the work to be carried out in the units provided. It is hoped that such units would automatically be covered by Policy E2 (Employment generating development within Built-Up areas). This should be made explicit;
2. Although it may happen, it is unlikely that units constructed under this policy will actually provide employment for those living in the development, thus removing the rationale for the policy;
3. The exclusion of developments comprising predominantly affordable homes seems odd given that many of the occupants of affordable homes will be young families in, or requiring, employment;

4. Economic development in a residential area has the potential to cause problems if the business units do not operate strictly within their consents. However, we have been told that the Council has insufficient resources to enforce existing policies and, without additional resources, this new policy can only exacerbate the situation.
5. Even where the nature of work carried out at these workshops is neighbour-friendly, traffic will be a potential problem.

We suggest that this policy should be amended to one where developers of all sizes of residential development in or adjoining a rural settlement are required to make contributions towards employment-generating development locally but not within the residential development. Every effort should be made to utilise existing empty units at, for example Finnemore Industrial Estate, Ottery St Mary, before new greenfield sites are developed.

The proposal to facilitate home-working on smaller residential developments is welcomed. The village already has many home-based businesses. These would be greatly assisted by the upgrading of the existing poor broadband service.

4.4 BUAB exceptions

4.4.1 Residential development

Draft Strategy 23 (Mixed market affordable housing outside Built-up Area Boundaries) [LP15, p116] allows developments of up to 15 dwellings where there is proven local need, the site is well related to the settlement, close to a range of facilities, and includes at least 66% affordable homes

Policy H5 (Affordable housing on exception sites) [LP 21, p194] states that affordable housing should, wherever possible, be accommodated on sites within Built-up Area Boundaries but, where this is not possible, it allows for development outside the BUAB for affordable housing subject to provision of clear evidence of the community's need for such housing and that the need in the locality will not otherwise be met.

We have a number of concerns about these proposals:

1. In West Hill (and all but the "low value areas") it is difficult to envisage circumstances where the need "would not otherwise be met" since 50% of all planned development must be affordable;
2. The wording of policy H5 is unclear. Occupancy is limited to those who (i) do not have access to general market housing (ii) has local connections. The confusion arises from the statement that "in the event that an occupier who fulfils both (or either) of criterion (i) or (ii) cannot be found..." This is at variance with the statement about having to establish community needs. It also implies that those who can afford market housing can be accommodated. The words "(or either)" should be deleted;
3. This policy allows for others to be accommodated if suitable occupiers cannot be found locally within a reasonable time. But it is difficult to understand how this could be since the development can only be put in hand where there is "clear evidence of the community's need";

4. It is also difficult to understand why the two proposals are not dealt with in the same way. One is a policy, the other a strategy and the wording is very different.

As we have stated in Section 4.2, we do not believe that affordable homes (or any residential development other than agriculture-related homes) should be permitted outside the boundary. Affordable housing is important and must be provided as an integral part of the Development Plan.

4.4.2 Economic Development

Policy E6 (Small scale economic development in rural areas) [LP 21, p205] allows small scale economic development of up to 0.25 hectares on greenfield sites outside (but well-related to) a village development boundary (presumably the BUAB). With so much unused commercial property in the District we can see no justification for permitting this exception.

4.4.3 Other exceptions

We have asked, both during Panel discussions and subsequent to the publication of this Plan, for a summary of all excepted development which would be permitted outside the BUAB as we consider this to be of the utmost importance. We have been told that this is not possible. We consider that this is a surprising and serious omission.

4.5 The Countryside and Environment

4.5.1 Density of development

The Plan states [LP16, p118] that the Council will consult and engage residents to understand what is special to them about the places that they live in. We welcome this. Our Village Design Statement notes: "The low density of development in West Hill is one of the key factors in the special character of the village which should be retained". In recent years there have been numerous examples of houses being built in gardens and of single homes being demolished and replaced with two or more units. This has had a notable impact on the appearance of some parts of the village. Whilst there may be occasions where garden development is appropriate, we believe that it should be allowed only in exceptional circumstance and that the Plan should include a policy to reflect this, in line with the changes in Government thinking.

4.5.2 Policies

We welcome the retention/inclusion of the following policies:

D5 – Trees and development sites [LP 21, p177]

EN5 – Protection of local nature reserves, etc. [LP 21, p180]

EN6 – Wildlife habitats and features [LP21, p180]

EN7 – Nationally and locally important archaeological sites [LP21, p181]

EN8 – Proposals affecting sites of potential archaeological importance [LP21, p181], and

EN14 - Development on high quality agricultural land [LP21, p184]

and trust that, when adopted, they will be rigorously applied.

4.6 Infrastructure Provision

We welcome the commitment in Draft Strategy 44 [LP 19, p 165] to ensuring that the infrastructure requirements that arise as a direct consequence of developments are met in full prior to development. However, we think this Strategy should be strengthened to include the upgrading of infrastructure that is already inadequate. For example, in part of West Hill the foul sewers are inadequate leading to the overspill of foul sewage in times of heavy rain in a garden immediately outside a house. Any further development in the catchment of this sewer can only exacerbate an already unacceptable situation which should be rectified before any development takes place.

4.7 Development Planning Stage

The Council propose [LP 1, p10] that the Plan is consulted on and produced in stages, the first stage being this core strategy and development management policy document. The Development Plan stage will follow. We understand and accept why this is being done but we are concerned that delays to the development planning stage, in particular the identification of potential development sites and the review of the BUAB, may leave villages such as ours exposed to developers who will use the hiatus as an opportunity to push through inappropriate development. We understand that the Council has stated its commitment to the existing Local Plan until such time as the new Plan is formally adopted. We fully support this approach.

Finally we wish to offer our full support to EDDC and Ottery St Mary Town Council in carrying out the development planning stage as part of a Neighbourhood Plan or otherwise.

Appendices

- A. Details of consultation (to include the work done on the Preferred Approach)
- B. Our survey report

Our Consultation Process

Throughout the Local Plan process the Association has endeavoured to consult not only its members but all residents of West Hill.

During the consultation stage on the Council's Core Strategy Preferred Approach document we held three public meetings to explain what was in the Plan and to develop a community response. This was submitted to the Council in November 2010.

During 2011, members of the Committee have attended many of the Panel meetings and have made oral and written representations. Residents were kept informed of progress through the village web site and the parish magazine.

In the summer of 2011 we conducted a survey of residents' views on development within the village.

Following the publication of the consultation draft of the New East Devon Local Plan, we have held two public meetings which were both well attended. In the first of these we outlined key provisions of the Plan and outlined our initial views. We invited residents to study the Plan on line and to let us have their comments.

Prior to the second public meeting we published the first draft of this Response which we discussed in detail at the meeting. As a result of this, the Response was amended and this final version published.

We believe that this Response is a fair reflection of the views of the majority of our residents.

WHAT DO YOU WANT?

SUMMARY OF RESULTS OF A SURVEY CONDUCTED JULY/AUGUST 2011

Introduction

Copies of a questionnaire were included in the July edition of the “Messenger” which is distributed to every home in West Hill. Respondents were asked to complete the questionnaire and return it to the Post Office. 124 forms have been returned. The sample size is large enough and representative enough to provide a fair indication of views. However, it is important that the results are treated as broad indicators, not as precise measures.

This report provides a summary of the answers given.

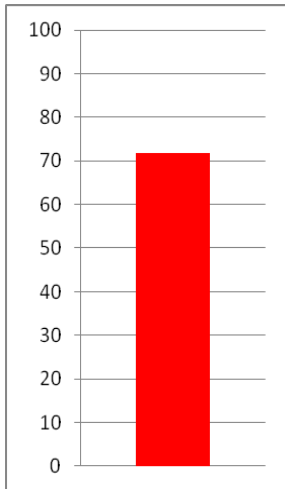
Findings

The results are tabulated in Table 1 and are set out in graphical form in Figure 1.

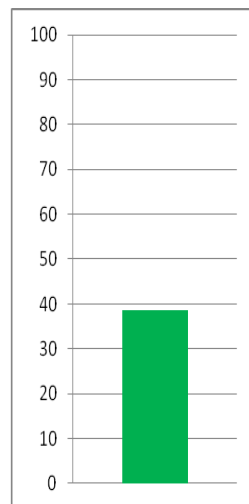
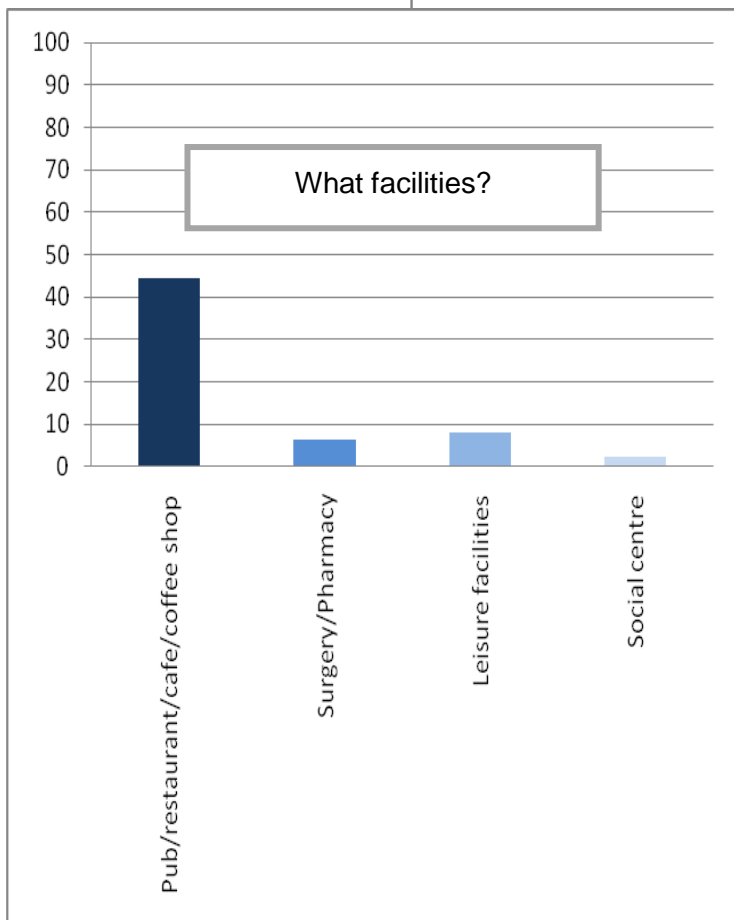
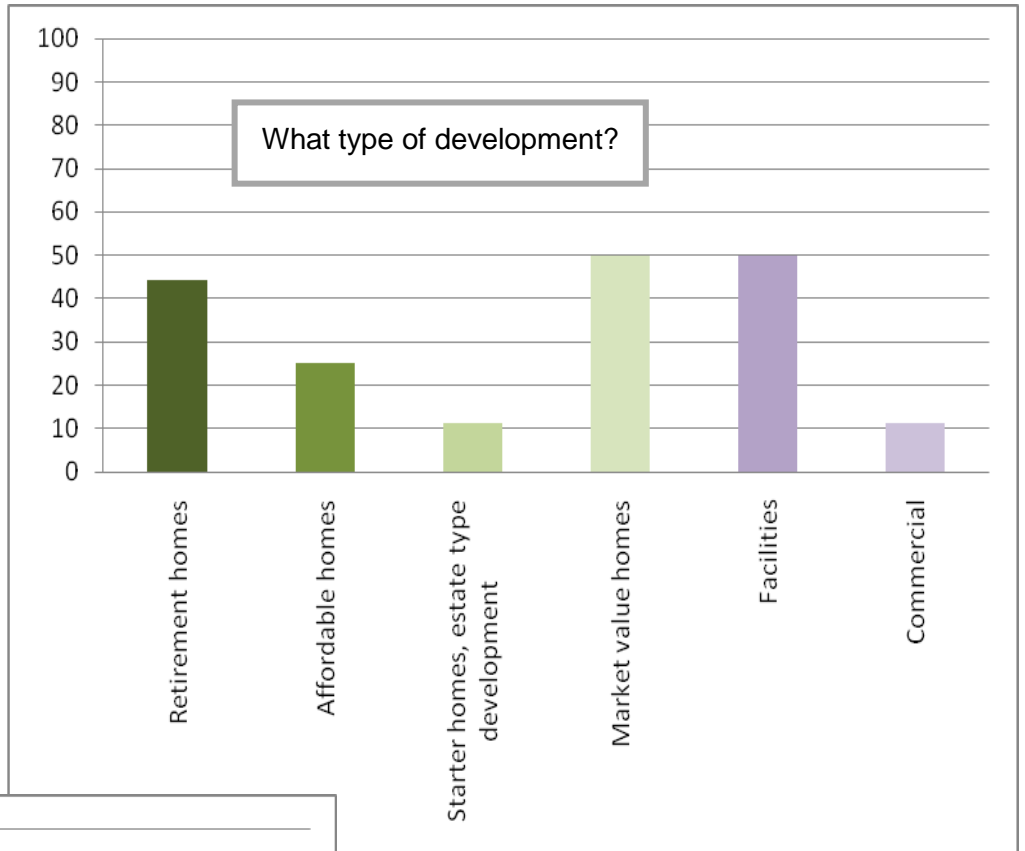
Table 1

Question	%age of all replies in favour
Q1 Do you think that any new development should be permitted in the village?	72
Q2 If so, should this be: g) Retirement homes? h) Affordable homes? i) Starter homes, estate type development? j) Ordinary market value homes? k) Facilities such as pub, restaurant or coffee shop? l) Commercial development providing employment?	44 25 11 50 50 11
Q3 What facilities would you like to see in the village? Pub/restaurant/cafe/coffee shop Surgery/Pharmacy Leisure facilities Social centre	44 6 8 2
Q4 Does the village need a “village “green” at its centre?	39
Q5` If you think some development is desirable, which land, if any, do you think should be brought inside the BUAB?	See text
Q6 Do you think we should work towards our own “development plan” for West Hill?	75

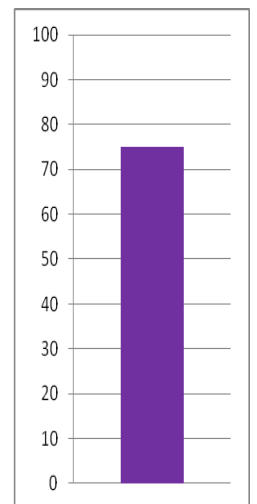
Figure 1
 (all charts show percentage of all replies in favour)



Any new development?



Village Green?



Development Plan?

Commentary

- A clear majority thought there should be some development in the village.
- Nearly half of the respondents favoured retirement homes and half favoured market value homes. About a quarter supported affordable homes and only a small proportion supported either starter homes/estate development or commercial development.
- Half supported improved facilities (not always involving new building). The most popular were pub/restaurant/cafe/coffee shop supported by nearly half of all respondents. (I have not separated these as a lot of respondents just agreed with Q2e which bracketed them together.)
- No other facilities received support of more than 10%. There were a few suggestions of other things, some relating to non-development issues such as footpaths and public transport.
- Less than half supported a village green.
- There was strong support for the preparation of a Development Plan.
- In response to the question about development outside the existing BUAB, 30% supported some alteration to the boundary including 15% who suggested Cooper Court (although in two cases this was for facilities only, not houses). Eight other areas were put forward but none of these received support from more than 5% of the returns.

R E Beardsall

4 September 2011

Technical note

Three questions have to be addressed:

1. Do the replies represent households or individuals?
2. Is the sample size adequate?
3. Is the sample representative?

1 Households or individuals?

33 of the returns (27%) were submitted by two people and can be taken to represent households. The remainder carried only one name. In a small number of cases, separate replies have been submitted by members of the same household. In all the other cases (the majority) we have only one name which may or may not represent the views of the whole household.

As a sensitivity test, I have recalculated the percentages using the number of people mentioned on the forms (158), giving two “votes” where two people submitted. This made no significant difference to the results.

I have, therefore, reported the results in terms of “responses” (i.e. forms received), the only definite figure we have. These are probably more or less the same as “households”.

2 Sample size?

If the forms represent households, we have a ~15% response. Is this adequate?

If the sample we have is random (see below), then 15% sample size is more than adequate to indicate broad views. We can easily test this by comparing the results for smaller sub-samples with the total sample. I have done this and it shows no significant difference in the results.

3 Representative?

Finally we must ask if the sample is truly representative. This was not a sample taken at random but a “self-selected” sample i.e. only those who wanted to respond did so. Thus it is likely that most responses are from those with definite views who cared enough to express them. However, it is clear from the responses and from the analysis that we have captured both sides of the argument (pro and anti development) and there is no reason to suppose that the results are unrepresentative.

The other side of this coin is that the non-respondents do not, in general, have strong views and therefore, had they responded, they would have been equivocal.

Conclusion

The sample size is large enough and representative enough to provide a fair indication of views. However, it is important that the results are treated as broad indicators, not as precise measures.

[End]