



The Exeter Plan Publication Plan: Regulation 19 December 2024 (dLP)

Stuart Partners Ltd

Matter 1 - Legal Compliance

- **Issue 1 – Duty to Cooperate**
 - **Issue 3 – Sustainability Appraisal**
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Introduction

CarneySweeney acts for Stuart Partners Ltd in connection with land south of A3052 and east of A376, Clyst St Mary, East Devon District. This land is situated within what is known as the “West End” of East Devon and is being promoted by our client for a sustainable residential-led mixed use development comprising up to 2,000 new market and affordable homes and a range of social, community and commercial uses. The West End is situated on Exeter City Council’s (ECC) eastern edge and is recognised by East Devon District Council (EDDC) in its Second Regulation 19 draft Local Plan as being a highly sustainable area and a focus for new development.

This Statement should be read in the context of our hearing Statements on Matters 2, 3, 4, 5 and 7.

It should also be read against evidence presented in our representations on the dLP that for Exeter:

1. There is a significant under delivery of market and affordable homes against the minimum requirements in the adopted Core Strategy.
2. The housing strategy in the dLP will fail by a considerable margin to meet the identified need for market and affordable homes in the Plan period largely because of its reliance on strategic and other brownfield sites.

It is considered that in East Devon District there is a deficit of 3,800 homes against the housing requirement set in the adopted East Devon Local Plan 2013 – 2031.

It follows that there is a cumulative historic under delivery of 6,700 homes in Exeter and East Devon against respective development plan requirements.

The Duty to Cooperate (DtC) enables historic and likely future under delivery to be addressed in a collaborative and strategic way.

This Statement presents evidence to challenge ECC’s claim that it has undertaken the DtC in accordance with relevant requirements. It also considers that the Sustainability Appraisal methodology and option scoring are flawed. It concludes that as a result, the dLP fails the test of legal compliance in respect of both the DtC and the Sustainability Appraisal.

Issue 1 – Duty to Cooperate

Evidence

This statement has had regard to:

- Duty to Cooperate Statement Version 2: Submission September 2025 (DTC-01)
- Our Shared Coordinates: A joint strategy for East Devon, Exeter, Mid Devon and Teignbridge (DTC-02)
- Statement of Common Ground Exeter City Council and East Devon District Council September 2025 (DTC-03c)

We also refer to the following documents relating to the DtC that have been produced by EDDC in connection with consultation on its Second Regulation 19 draft Local Plan that ended on 26 January 2026. These documents indicate how EDDC undertook the DtC with ECC:



- Duty to Cooperate – Statement of Compliance (CSD-010a)
- Draft Statement of Common Ground on Housing, Employment and Site Allocations (CSD-010b)

Assessment

With regards to homes, DTC-01 refers to “significant joint working...” at paragraph 6.5 and summarises the activity and input undertaken at paragraph 6.8. However, despite the significant shortfall in delivery against adopted LP requirements, the significant challenges associated with brownfield site allocations in the dLP and relatively limited greenfield opportunities, it appears that no discussions were held with EDDC to investigate how it could meet unmet needs arising in the city.

DTC-03c refers at paragraph 1.6 to collaboration and meetings including a joint meeting with all DtC partners in 2024 and a meeting with EDDC on 18 March 2025 to discuss possible modifications.

Paragraph 5.8 of EDDC’s CSD-010b similarly refers to there being a high level of cooperation throughout the plan-making process but does not provide details. It then goes on to acknowledge that ECC has not approached EDDC to help meet its housing requirement.

It is considered that the sole one-to-one meeting with EDDC on 18 March 2025 does not demonstrate effective and on-going collaboration. We request respectfully that the Inspectors seek documentary evidence detailing all meetings, telephone conversations and collaboration so that they can be certain that the DtC requirements in this regard have been met.

DTC-01 and 03b are both dated September 2025. They cannot have been made publicly available throughout the plan-making process, as required by NPPF paragraph 27.

It is considered that Our Shared Coordinates (DTC-02) does not provide any corroborating evidence that the DtC requirements have been met.

We note that there is unresolved disagreement on strategic employment land matters.

The in-combination evidence relating to historic and likely future housing under delivery in both ECC and EDDC administrative areas, the paucity of hard evidence of effective and on-going collaboration between the authorities and the unresolved strategic employment matters indicate strongly that the DtC requirements have not been met and the relevant tests are failed.

Issue 3 – Sustainability Appraisal (SA)

It is considered that the SA (CSD-07a and 07b) is flawed, most notably in respect of its approach to and reliance on large strategic brownfield sites to meet housing need.

Options Selection

The Strategic Policy Options identify four alternative spatial approaches to the dLP, being what were claimed to be reasonable alternatives. They are:

- Option A: Focus most development on large, strategic brownfield sites.
- Option B: Focus on developing greenfield sites.
- Option C: Dispersal on smaller sites.
- Option D: Focus on public transport hubs and routes within the city.

It appears from CSD-07b paragraphs 2.23 – 2.25 that no other options were considered, including options to increase the overall housing requirements, deliver more affordable homes or indeed meet the identified need in full. It is considered that the methodology and assessment of options in the SA was flawed.

In terms of the selected options, it is considered that:



Option A: Despite the historic under delivery of housing on brownfield land in the city, it is appropriate that this remained an option, albeit the strategic brownfield sites should not have been responsible for delivering nearly 25% of the overall requirement and greater caution should have been registered on the delivery of other non-strategic brownfield sites.

Option B: Given the contribution made by greenfield sites, it is also considered that greenfield sites represented a credible strategy option, albeit one that would not necessarily deliver the lion's share of the requirement within the city.

Dispersal on smaller sites (Option C) and transport hubs/routes in the city (Option D) would not have been able to meet identified needs individually or cumulatively. That said, they are also credible options to deliver sustainable development, in accordance with the current direction travel of national policy, but in conjunction with other options.

The key omission is strategies that could have addressed historic unmet housing need and a more ambitious level of future housing delivery. Likewise, no strategy was considered that would meet a greater level of affordable housing need or indeed affordable housing in full. These options could have been addressed through a combination of greenfield and vacant or underused brownfield sites in the city, with modest contributions made by other sites including windfalls, with the emphasis being on delivering new homes on greenfield land outside the city, for example in the West End of East Devon.

Scoring

We comment in particular on the scoring at Table 1 and criterion 2 and 3 at Table 2, both in CSD-07a.

Criterion 2: To provide a suitable supply of high quality housing including an appropriate mix of types and tenures.

Option A scores a + (minor positive effect likely). Option B scores a -- (Significant negative effects likely).

This scoring is contrary to evidence we present in our other hearing statements. Evidence of developing brownfield sites in the city, notably strategic brownfield sites, demonstrates that delivery is incredibly challenging and the sites usually deliver little or no affordable housing in order to achieve a viable scheme.

On the other hand, the development of greenfield sites, be they in the city or elsewhere more often than not achieves a strong yield, a policy-compliant level of affordable housing and the schemes are delivered promptly.

Criterion No. 3: To support the sustainable and diverse growth of the City's economy and maximise employment opportunities.

Option A scores a + while Option B scores a --.

It is considered that the loss of brownfield land under Option A, much of which is in existing viable employment use (eg large parts of Water Lane and Exe Bridges Retail Park) to housing would be unviable and would be more likely to have negative effects on the city's economy and reduce employment opportunities, rather than maximising them.

Conversely, the development of greenfield land for housing under Option B offers the opportunity to safeguard existing employment land, enabling a greater level of employment need to be met in the city (with DtC benefits), resulting in what could be a minor or even a significant /mixed significant positive effect.

Conclusion

ECC's failure to meet the DtC requirements cannot be rectified post-submission (PPG paragraph 031 reference ID: 61-031-20190315) and as such, it is considered that the dLP should not be adopted.



The SA methodology and scoring is flawed. It cannot be rectified.

For these two reasons alone, it is considered that the dLP is not legally compliant and cannot be adopted, even with extensive modifications.

CSE2153/SC

