

Exeter Plan 2021-2041

Publication Stage (Regulation 19)

Representation Form

Ref:

(For official
use only)

Name of the Local Plan to which this representation relates: Exeter Plan 2021-2041

Please return to Exeter City Council, Local Plans Team, Paris Street, Exeter, EX1 1JN, upload onto our consultation portal at <https://exeterplanpublication.commonplace.is/> or email to planning.policy@exeter.gov.uk by **11:59 pm on 6 February 2025**.

This form has two parts:

Part A – Personal Details: Needs to be completed only once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A: Personal details

1. Personal details*

*If an agent is appointed, please complete only the Title, Name and Organisation (if application) boxes below but complete the full contact details of the agent in section 2.

Title

MRS

First Name

JESSICA

Last Name

PARMINTER

Job Title (where relevant)

SENIOR PLANNER

Organisation (where relevant)

CARNEY SWEENEY

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone number

E-mail address

2. Agent's details if applicable

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone number

E-mail address

Part B – Representation

Please use a separate sheet for each representation

3. To which part of the Exeter Plan does this representation relate?

Please refer to letter dated 06/02/2025.

Paragraph

Policy

Policies Map

4. Do you consider that this part of the Exeter Plan is legally compliant?

Yes

No

4 (a). If yes, and you wish to support the legal compliance of this part of the Exeter Plan, please use this box to set out your comments.
(Continue on a separate sheet if necessary)

4 (b). If no, please give details of why you consider this part of the Exeter Plan is not legally compliant. Please be as precise as possible.
(Continue on a separate sheet if necessary)

4 (c). Please set out the modification(s) you consider necessary to make this part of the Exeter Plan legally compliant, in respect of any legal compliance matters you have identified at 4(b) above. You will need to say why each modification will make this part of the Exeter Plan legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.
(Continue on a separate sheet if necessary)

5. Do you consider that this part of the Exeter Plan is Sound?

Yes

☐

No

☒

5 (a). If yes, and you wish to support the soundness of this part of the Exeter Plan, please use this box to set out your comments.

(Continue on a separate sheet if necessary)

5 (b). If no, please give details of why you consider this part of the Exeter Plan is unsound. Please be as precise as possible.

(Continue on a separate sheet if necessary)

Please refer to letter dated 06/02/2021.

5 (c). Please set out the modification(s) you consider necessary to make this part of the Exeter Plan sound, in respect of any soundness matters you have identified at 5(b) above.

You will need to say why each modification will make this part of the Exeter Plan sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.

(Continue on a separate sheet if necessary)

6. Do you consider that this part of the Exeter Plan complies with the Duty to Co-operate?

Yes

☐

No

☒

6 (a). If yes, and you wish to support this part of the Exeter Plan's compliance with the duty to co-operate, please use this box to set out your comments.

(Continue on a separate sheet if necessary)

6 (b). If no, please give details of why you consider this part of the Exeter Plan fails to comply with the duty to co-operate. Please be as precise as possible.
(Continue on a separate sheet if necessary)

please refer to letter dated 06/02/2025.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

7. If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.
(Continue on a separate sheet if necessary)

8. If you would like to make representations on the Habitats Regulation Assessment (HRA) please provide your comments here, stating to which part of the HRA your comments relate.
(Continue on a separate sheet if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

9. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

☐

Yes, I wish to participate in hearing session(s)

☒

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

10. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:
(Continue on a separate sheet if necessary)

TO PRESENT OUR COMMENTS IN PERSON.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

For more information on how we use your data – please read our privacy notice at the following website: <https://exeter.gov.uk/media/5750/planning-policy-privacy-notice.pdf>

Broadwalk House
1 Southernhay West
Exeter
EX1 1TS

6 February 2025

Dear Sir/Madam,

**The Exeter Plan Publication Plan: Regulation 19 (December 2024)
Representations on behalf of C R Down Farming Ltd and Stuart Partners Ltd**

Introduction

CarneySweeney acts for CR Down Farming Ltd and Stuart Partners Ltd in connection with land south of A3052 and east of A376, Clyst St Mary, East Devon, which is being promoted for residential-led mixed use development. CarneySweeney submits the following representations on behalf of our clients.

Summary of our Representations

These representations focus on the following policies within the draft Exeter Plan (draft EP):

- Draft Policy S1 (Spatial Strategy)
- Draft Policy H1 (Housing Requirement)
- Draft Policy H4 (Affordable Housing)
- Draft Policy CC8 (Flood Risk)
- Draft Policy EJ2 (Retention of Employment Land)

Our representations claim the following:

- The draft EP will not make sufficient provision for housing and employment to meet the City's needs within Exeter City Council's (ECC) administrative area.
- ECC has failed to undertake meaningful cooperation with East Devon District Council under the Duty to Cooperate, as evidenced through a publicly available Statement of Common Ground, documenting cross-boundary matters being addressed and progress in cooperating to address these.

As a result, the draft EP has not been positively prepared, it has not been properly justified, it is not effective, and it is not consistent with national policy. It is therefore unsound.



Policy Context for Plan Making

Provisions for plan making is set out within the NPPF and NPPG. ECC is required to take account of the following points when preparing their Local Plan:

National Planning Policy Framework (December 2023)

- Paragraph 24 refers to the duty to cooperate on strategic matters that cross administrative boundaries.
- Paragraph 25 states that *“strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans”*.
- Paragraph 26 states that *“...joint working between strategic policy-making authorities...is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine...whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.”*

Planning Practice Guidance

- Paragraph: 009 Reference ID: 61-009-20190315 - Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans.
- Paragraph: 009 Reference ID: 61-009-20190315 - Local planning authorities are also bound by the statutory duty to cooperate.
- Paragraph: 029 Reference ID: 61-029-20190315- The duty to cooperate was introduced by the Localism Act 2011 and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and county councils in England, and prescribed public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters.
- Paragraph: 031 Reference ID: 61-031-20190315 - As the duty to cooperate relates to the preparation of the plan it cannot be rectified post-submission, so if the Inspector finds that the duty has not been complied with, they will recommend that the local plan is not adopted, and the examination will not proceed any further. The most appropriate course of action is likely to be for the local planning authority to withdraw the plan and engage in the necessary discussions and actions with other relevant local planning authorities and bodies. In these circumstances the local planning authority will need to re-publish the revised plan for consultation before it is re-submitted for examination. If the Inspector finds that the duty and



other legal requirements have been complied with, the examination will then test whether the local plan is sound.

- Paragraph: 015 Reference ID: 61-015-20190315 - Strategic policy-making authorities are expected to document the activities undertaken when in the process of addressing strategic cross-boundary matters whilst cooperating. These will include (but are not limited to):
 - working together at the outset of plan-making to identify cross-boundary matters which will need to be addressed;
 - producing or commissioning joint research and evidence to address cross-boundary matters;
 - assessing impacts of emerging policies; and
 - preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters).

Historic Under-Delivery of Market and Affordable Homes

Market Homes

ECC has significantly under-delivered housing compared to the requirement set out in the adopted Core Strategy of 12,000 dwellings in the 20 years between 2006 – 2026, equating to 600 per annum.

The 2023/24 Monitoring Report indicates that 8,689 dwellings have been delivered between 2006 and 2023/24, equating to an average of 483 per annum. Even if this average is maintained for the last 2 years of the plan period (which was only achieved in 9 years out of the last 18), there would be still a deficit against the Core Strategy requirement of 2,345 dwellings. This represents persistent historic under delivery of housing.

The Monitoring Report refers to the Standard Method requirement (pre-December 2024) of 642 homes per annum. This level of delivery has only been achieved in 2 out of the last 18 years. Nonetheless, draft EP Policy H1 identifies the Standard method annual requirement for delivery between 2021 and 2041, which equates to a total requirement of 13,975 homes to be delivered on the sites identified by Policy H2. Policy H3 identifies Regeneration opportunity areas including Marsh Barton and North Gate Opportunity Areas.

Based on historic performance alone, it is considered that the housing requirement set in Policy H1 is highly unlikely to be achieved.

Affordable Homes

In terms of affordable housing, Core Strategy Policy CP7 sets a target of 35%. This equates to some 4,200 affordable homes. The 2023/24 Monitoring Report confirms that in 18 out of the last 20 years, only 2,077 affordable homes have been delivered at an average of 115 per annum. If this trajectory continues for the last two years of the plan period, there would still be a deficit of 1,893 affordable homes.



It is notable that the failure to meet the delivery requirements for market and affordable housing has occurred despite there being large greenfield allocations made by the Core Strategy.

Draft EP Policy H4 sets a target of 35% and a brownfield target of 15%. Accompanying paragraph 6.16 confirms that overall, it is envisaged that 20% of all housing delivered will be affordable.

Implications

The proposed housing allocations in the draft EP do not take account of the significant historic under delivery of market and housing in the city. While it is acknowledged that the Standard Method was intended to update the CS requirement and respond to this historic under delivery, the Draft EP cannot be a means of simply ignoring past failures and starting from a clean slate. The issue is that history tells us that the 642 homes per annum required under the Standard Method is not achievable and as such, the draft EP housing strategy will fail. This notwithstanding significant challenges associated with the over-reliance on brownfield land to meet identified needs.

Housing Land Supply

For a number of years, ECC had either a deficit or a wafer-thin surplus in terms of its housing land supply, as demonstrated by its own annual monitoring reports. Figure 1 below sets out the 5-year land supply figure for each monitoring year since 2020/21.

Year	5 YLS Figure
2023/24	5.05
2022/23	4.4
2021/22	4.10
2020/21	5.5

Figure 1 –AMR's 5 Year Land Supply Figures

Provision for Housing

The adopted Core Strategy's previous approach was to focus on large, greenfield urban extensions on the edge of the city. As these have now all been built out, ECC acknowledges that there is very limited capacity for additional development on the edges of the city to accommodate their housing needs.¹

As noted above, Draft EP Policy H1 (Housing Requirement) sets out ECC's proposed approach to meeting the Government's housing requirement for Exeter. An extract of the policy is shown in Figure 2 below.

¹ Paragraph 4.4 of the draft Exeter Plan



H1: Housing requirement (Strategic policy)

The City Council will target the delivery of at least 642 homes per year between 2021 and 2041. To meet this target and allow for choice and competition in the market, delivery of 13,975 homes is proposed from the following sources:

- A total of 2,311 completions in 2021/22, 2022/23 and 2023/24;
- Approximately 5,289 homes from existing planning consents;
- Approximately 5,369 homes on site allocations; and
- Approximately 1,006 homes on windfall sites.

Figure 2 – Draft Policy H1

The draft EP sets a figure of at least 642 new homes to be built in Exeter each year, based on the Standard Method. This equates to 12,840 homes over the twenty year plan period. Headroom has been built into the requirement to give a total requirement of 13,975 homes. The strategy focuses significantly on brownfield development to deliver the majority of homes for the city, with only a modest number of greenfield sites allocated.

This strategy is based on an over-reliance on the delivery of housing on brownfield land for the delivery of market and affordable housing to meet identified needs. The inherent complexities of delivering new market and affordable homes on brownfield land combined with viability challenges is very likely to undermine the efficacy of the draft EP's entire housing strategy. It will just repeat the mistakes of the past, even more so because of the reliance on brownfield land.

It is our contention that there simply is not enough housing land within ECCs administrative area to meet its needs.

Viability

Draft EP Policy S1 (Spatial Strategy) sets out the strategy for delivering development in Exeter, which includes focusing the majority of development on strategic brownfield sites, particularly in locations close to the city centre to support its ongoing vitality and access to public transport hubs. Greenfield development will act as a supplement to the overall focus on brownfield sites.

ECC proposes to meet at least 85% of its housing need on brownfield employment land. This raises a series of challenges relating to the impact on employment land supply and viability, since some of the allocations are on what might be termed "high performing" employment sites.

The viability of brownfield development is seen as a key challenge, particularly in the context of affordable housing delivery and the sites allocated in the Draft EP. We are not aware that ECC has undertaken a detailed viability assessment to demonstrate that this strategy is deliverable.

As a matter of principle, the regeneration of brownfield sites can be hindered by a range of constraints, including (but certainly not limited to) derelict structures, below ground obstructions, contamination, poor ground conditions and archaeological features, which is both costly and timely for developers. Contamination and the cost and difficulty involved in remediating it is one of the



primary reasons potential regeneration projects fail to reach fruition, especially in areas of unremarkable residential land value.

Furthermore, a number of the draft site allocations included within the draft EP are located within designated flood zones.

Draft Policy CC8 (Flood Risk) requires all development proposals to mitigation against flood risk by adhering to the drainage hierarchy and by utilising sustainable drainage system unless there is clear evidence that this would inappropriate.

In order to deliver the sustainable regeneration of brownfield areas such as at Water Lane and Marsh Barton, flood risk will need to be mitigated through as yet uncosted flood defence schemes as well as SuDS and other nature-based solutions, and managed through design and site layout to ensure the development is appropriately flood resistant and resilient. Not only will this lead to time delay but it will further impact on scheme viability.

Viability is at the heart of policy making and whilst ECC's brownfield redevelopment aims are commendable, for the Local Plan to be "sound", it is paramount that it can be demonstrated that such an approach is viable and deliverable.

Furthermore, it is considered that the reliance upon brownfield sites to deliver a significant number of the housing needs will prejudice the delivery of affordable homes.

Draft EP Policy H3 (Affordable Housing) sets out the broad requirements for when developments are required to deliver affordable housing, including the types and proportions of affordable housing required.

H4: Affordable housing (Strategic policy)
Affordable housing will be required on developments of ten homes or more or with a site area of 0.5 hectares or more, in accordance with the following targets, tenure split and requirements:
Greenfield land:
Minimum percentage of homes to be provided as affordable housing: 35%
Affordable housing tenure split: social rent: 50%; affordable home ownership: 50%
Brownfield land:
Minimum percentage of homes to be provided as affordable housing: 15%
Affordable housing tenure split: social rent: 50%; affordable home ownership: 50%

Figure 3 – Draft Policy H4

As affordable housing is a negotiable contribution, it is highly likely that viability arguments associated with brownfield development could end up with schemes delivering a reduced number of affordable homes or none at all. This is already being seen in Exeter city centre with the co-living scheme at the Harlequins Centre now being reviewed such that the 76 affordable homes (at a level



of 20%) have been removed from the scheme on viability grounds in lieu of a financial contribution for off-site delivery on an as yet unspecified site.

We therefore consider that this approach to the spatial strategy is unviable and undeliverable, making the entire housing strategy – and with it the draft EP - unsound.

Impact on Employment Land Supply

85% of ECC's housing need is proposed to be met on existing employment land. However, there is only a finite supply of such land within the administrative area of Exeter, which ECC acknowledges.

Draft Policy EJ2 (Retention of Employment Land) seeks to protect the established employment areas at Southernhay, Matford, Pinhoe, Sowton, Exeter Business Park, Pynes Hill and Peninsula Park.

The competing objectives of protecting existing employment land and delivering sufficient housing would therefore seem to be incompatible, such that the strategy is called into question.

Duty to Cooperate

Local planning authorities have a legal duty to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters.²

In light of the provisions set by the NPPF and NPPG, ECC has a duty to cooperate with neighbouring authorities. The draft EP must align with the requirements of the NPPF/NPPG and synchronise with local plans being prepared by East Devon District Council, Teignbridge District Council and on a longer time horizon, Mid Devon Council, particularly if the Council cannot show that it can viably meet its housing and jobs needs on land in its jurisdiction.

As ECC has acknowledged that there is very limited capacity for additional development on the edges of the city to accommodate their housing needs, and the draft spatial strategy which relies heavily on brownfield land is unviable, it is the case that ECC cannot show that it can meet its housing needs on land within its administrative boundary for the plan period. Therefore, such needs will need to be met on land in the jurisdiction of adjoining authorities.

ECC has not complied with the duty to cooperate for strategic cross boundary matters.

East Devon District Council is currently preparing its draft Local Plan for the period of 2020-2042. The time to cooperate with this neighbouring has passed in the context of national policy and the duty to cooperate cannot be undertaken retrospectively.

It is strongly advised that ECC undertakes a root and branch review of its draft EP, cooperating at the outset with neighbouring authorities. East Devon District Council is very well placed to be able to accommodate a proportion of ECC's unmet housing needs. Land in the west end of East Devon

² NPPF Paragraph 24



already plays a vital function to Exeter by providing *de facto* urban extensions to the city, examples being the Tithebarn and Westclyst developments.

Work on the draft EP should be halted until this review has taken place.

Summary

CarneySweeney submits representations on behalf of CR Down Farming Ltd and Stuart Partners Ltd to ECC's current consultation on the draft EP Reg 19.

Historic unmet needs are being swept under the carpet and this draft EP should not be viewed as a fresh start. Moreover, it is considered that the draft EP strategy will result in history repeating itself and as such, it will fail. This in itself makes the draft EP unsound.

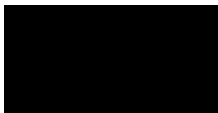
It is considered that the Plan relies too heavily on brownfield land to deliver the lion's share of ECC's housing requirement. The draft EP is considered to be unviable and cannot meet the city's needs for the period 2021-2041. On this basis, the Plan should be found unsound.

ECC has failed to meet its duty to cooperate with neighbouring authorities for strategic cross boundary matters. It is paramount that ECC undertakes a comprehensive review to understand where its needs can be met, looking particularly at East Devon District Council's administrative area.

We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.

In the meantime, should you have any queries please do not hesitate to contact us.

Yours faithfully



Jessica Parminter
Senior Planner
CarneySweeney

