

EXAMINATION OF THE EXETER LOCAL PLAN

HEARING STATEMENT

MATTER 11

NATURAL ENVIRONMENT

(ISSUE 1)

PREPARED FOR
WADDETON PARK LIMITED

April 2026



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Introduction

This Hearing Statement is submitted by PCL Planning Ltd on behalf of Waddeton Park Limited and relates to Issue 1 of **Matter 11** (Natural Environment) as identified in the Inspectors' Matters, Issues and Questions (MIQs).

Waddeton Park Limited are a highly experienced land promoter, operating for over 2 decades, who has secured permission for over 3,000 new homes on sites across the South West. Working closely with landowners, local authorities, stakeholders, and local people, Waddeton Park Limited secure planning permissions for high quality, sustainable developments which benefit the wider community.

Relevance of Other Objections to the Plan

It is important that our objections to Policies NE1 (Landscape Setting Areas) and NE2 (Valley Parks) are considered in the context of other fundamental concerns that we have raised in respect of other Matters (particularly Spatial Strategy, Site Allocations Approach and Methodology, Housing Land Supply and Site Allocations).

These are all linked to the likelihood of Plan failure as a consequence of the Council over relying on complex and uncertain strategic brownfield sites, whilst not giving due regard to other opportunities to deliver sustainable development through the imposition of a blanket protectionist policy approach that has significantly contributed to previous Plan failure and the grant of a significant number of permissions at appeal.

In summary the appellant's main objections to the ELP include the following issues relevant to this Matter:

- The over reliance on complex large strategic brownfield sites for planned housing delivery across the Plan period without any robust assessment of the clear obstacles to delivery (including existing use value, relocation, remediation and viability).

- The brownfield focus has prejudiced Council's approach towards site selection based on an incorrect view that there is no longer capacity at the urban fringe. Instead a blanket approach to landscape setting has been taken. This is despite previous lessons of the Core Strategy in terms of a consistent housing shortfall and lost appeals in Landscape Setting Areas (LSA) and landscape constraint policies being deemed out of date.
- The limited housing choices that the ELP provides for as a result of the strategic brownfield focus, with a narrow focus on flatted development, PBSA and Co-living not providing for the wider housing needs of the City. Furthermore, affordable housing delivery will be constrained by reduced policy requirements as a result of the viability issues (with ELP Policy H4 identifying a requirement of 15% on brownfield and 35% on greenfield sites). Initial developments suggest that even 15% is ambitious for the brownfield sites given the challenges the delivery and viability challenges they have, with nil affordable housing secured. Providing further options for additional greenfield release will provide greater housing mix and balance as well as providing some much-needed resilience to the brownfield strategy.
- Available, suitable and deliverable sites at the suburban fringe were screened out without robust assessment as part of an unlawful blanket approach during the HELAA process. This is in direct conflict with the PPG that requires sites to be considered against relevant constraints and their potential to be mitigated, and plan makers to take into account the range of needs for housing when assessing the suitability of sites (PPG 018 Reference ID: 3-018-20190722).
- Contrary to other appeal decisions the site selection process did not provide a granular assessment of sites and therefore failed to recognise the distinct differences between land parcels within the LSA. It therefore overlooked sites influenced by suburban fringe that make negligible contribution in terms of views and landscape impact.
- There is no convincing evidence provided as part of the ELP and evidence base that the housing requirement will be met at the end of the plan period and that a 5-year supply of housing can be maintained. This is because of the uncertainties of the delivery of the strategic brownfield sites that the Plan is

heavily reliant on. Furthermore, there remains significant questions regarding how the Council has calculated its supply figures, particularly in respect of PBSA.

- In order to provide a better housing balance and choice, as well as providing some resilience and contingency to the Plan, the appellant has identified in submissions to the Examination the benefits of a policy release mechanism that would support greenfield release in landscape setting areas where the Plan is not delivering as anticipated. In those circumstances development options in landscape setting areas could be considered in principle subject to considerations of landscape and visual harm demonstrating any impacts would be contained and localised and there would be no significant landscape and visual effects.

It is within this context that responses to the specific Issues and Questions in relation to Issue 1 of Matter 11 as presented in the Inspectors' MIQs are set out below under the relevant headings.

Issue 1 – Landscape Setting Areas and Valley Parks (Policies NE1 and NE2)

Question 1 - What are Landscape Setting Areas and Valley Parks and what is the justification for their inclusion in the Plan?

The approach of the Council in respect of Landscape Setting Areas (LSA) and Valley Parks set out within policies NE1 and NE2 is a remnant of attempts through previous development plans to seek to protect residual land that lies between the edge of the urban area and the plan area boundary, embodied by saved Policy LS1 of the Local Plan First Review; which has been found through both the courts and appeals¹ to be overly prescriptive, inconsistent with the NPPF and therefore

¹ This includes the appeal for land at Home Farm, Pinhoe (A/14/2215771), which was subsequently upheld in the High Court (*Exeter City Council v Secretary of State for Communities and Local Government* [2015] EWHC 1663 (Admin)). It has subsequently been reinforced through other appeals, including for land north of Exeter Road, Topsham (W/15/3005030), land west of Clyst Road, Topsham phase 1 (W/18/3202635), and land west of Clyst Road, Topsham phase 2 (W/22/3296946).

out of date as a consequence. The relevant appeal and court decisions are included in Appendix 1 to this Hearing Statement.

This inconsistency arose because of the policy's blanket approach to protecting landscape character, encompassing a significant amount of land and restricting it to only certain development types whilst relying on a superseded evidence base. The approach failed to recognise the different contributions that specific land parcels make to landscape setting and character and therefore the significant nuances that exist within the LSA.

The matter was further considered as part of the Core Strategy Examination where the Inspector was sufficiently concerned regarding the Council's ability to deliver the required housing for the plan period that an early review mechanism was introduced (but not subsequently implemented by the Council). The Inspector also identified the dangers in adopting an overly protective, or prescriptive, approach when considering CP16 (which has subsequently been determined as prevailing over LS1) and Exeter's role as a sub regional growth centre where *"an overly prescriptive approach to developing land on the urban fringe could stifle much needed sustainable development."* (paragraph 70).

Appeal decisions have confirmed the need to more flexibly apply landscape setting policies, recognising that the development of sites outside the development boundary but within the plan area should not as a matter of course be precluded. Instead, there needs to be a consideration of a scheme's specific effects on local distinctiveness and character, to ensure any harm is fully considered and determined whether it is within acceptable limits with mitigation as part of a balanced decision.

The result has been the release of sites contributing towards 1000 homes, on appeal, during the previous plan period (listed in Table 1 below). This is a clear indication of both the failure to maintain land supply and to consider robustly development opportunities at the city's edge.

Table 1 – Sites Allowed on Appeal Within the Current LS1/CP16 Policy Areas

Site	Ref	Decided	Units	Supply	DL Ref
Hill Barton Road	10/2137880	2011	151	Not 5yrs	Para 19
Home Farm	14/2215771	2014	120	3yr 6 months	Para 72
Exeter Road, Topsham	15/3005030	2016	135	Not 5yrs	Para 14
Clyst Road	18/3202635	2019	170	2yr 1 month	SoCG para 6.10
Land at Redhills, Exwick Lane	21/3278148	2022	80	Not determined	Para 45
Spruce Close	22/3292721	2022	93	3.7 or 4.69	Para 33
Clyst Road Phase 2	22/3296946	2022	100	4	Para 44
Pendragon Road	22/3298452	2023	100	4 – 4.1	Para 31.
Total Units			949		

The clear danger is that Policies NE1 and NE2 will, again, be implemented in an over protective and prescriptive manner by the Council to prevent sustainable development coming forward, without appropriate consideration of the relevant circumstances of the site and the potential for mitigation. As outlined in other Matter Papers submitted on behalf of Waddeton Park Limited to the Examination, this approach has already prejudiced the consideration of sustainable sites through the SHLAA process which ruled sites out at Stage 1 as a principle of being in the LSA.

Both Policy NE1 and the 2022 Exeter Landscape Sensitivity Assessment (ELSA) continue to fail to recognise the nuances of landscape sensitivity. Instead of considering realistic options for the release of land that plays little or no substantive role in respect of landscape setting (of which there are a number of

sites), the policy and its evidence base seeks to provide a blanket protection of land outside of the existing developed boundary of the City.

The analysis and conclusions of the ELSA are based on land parcels that have within them a variety of different sites that individually have very different landscape impact and sensitivity implications, yet these distinctions are not drawn out. Instead, it is likely, again, to be left for appeal Inspectors to breakdown this broad brush approach and recognise that the selective release of land on the urban fringe that is not inherently unacceptable from a landscape setting perspective (as occurred in the cases listed in footnote 1, Table 1 and Appendix 1).

As with landscape setting, we are concerned that the Council seek to use the Valley Park designations and Policy NE2 to impose blanket restrictions without any full assessment or understanding of the different character and relationships that exist within these designations. The Valley Park designations cover much wider areas than the recognised core purposes of such a designation, defined as areas of significant wildlife value, providing opportunities for informal recreation, tranquil areas and allowing public access to nature. Instead, the designations include extensive areas of privately owned land where there is no public access, much of which is active farmland.

Based on the clear lessons of the past, we do not consider Policies NE1 and NE2 are justified, the policies and evidence base fail to properly consider where development could be acceptable within the urban fringe and plan positively for it. Instead, landscape setting policies are highly likely to continue to be an area of challenge on individual sites, particularly given the likelihood of housing under supply arising from the flawed reliance on undeliverable brownfield sites that underpin the spatial strategy. In the absence of a deliverable and realistic planned strategy the approach of Policies NE1 and NE2 is likely to promote piecemeal urban expansion rather than resist it (which the latter is presumably the objective).

As outlined in our other Matter Papers, we consider one solution could be to include a policy release mechanism that provides contingency to the Plan by supporting greenfield release in areas between the urban edge and plan area boundary if the

Plan is not delivering as anticipated. Further consideration of this and proposed policy wording is included under Question 6 below.

Question 2 - How do they differ from site allocations? How were the areas and parks identified? Were alternatives considered and/or discounted?

It is our view that Policies NE1 and NE2 are the antithesis of site allocations, designed to provide a blanket restraint to development without seemingly having considered individual site circumstances, potential mitigation, or the certainty of their effectiveness. They are clearly designations imposed by the Council for two purposes, firstly to prevent, in principle, development at the urban fringe and secondly to prioritise the allocation of the more complex and constrained strategic brownfield sites.

As highlighted in our Hearing papers and attendance at Hearing Sessions for Matters 3,4,5 and 9, we consider such an approach has prejudiced the consideration of other suitable and available sites. This has been led by the assumption that there is no longer any capacity for greenfield sites at the edges of the city. However, the evidence base does not robustly consider such opportunities or, importantly, provide any granular assessment of landscape setting in relation to releasing sites.

Previous appeal decisions highlight that sites and proposals need to be assessed on their own merits, taking into account their different values and functions and therefore the contribution that they may make to landscape setting. Sites beyond the development boundary vary significantly in terms of visibility, public accessibility and contribution to setting. This does mean that there are undeveloped sites within the LSA that can still have a negligible contribution to the broader backdrop of the city in terms of views, particularly where already influenced by housing associated with the suburban fringe.

However, assessment of sites through the HELAA has failed to recognise this and, instead, it ruled out sites at Stage A without assessment on the basis of the 2022 LSA and the identification of the site as being "*within landscape that has a high sensitivity to new housing development.*" In line with the concerns above

regarding the Council's blanket approach towards landscape setting, this fails to recognise that such a broad assessment ignores the distinct differences between individual land parcels. It is neither robust, nor reasonable.

Importantly there has been no review of the boundaries of designations in respect of landscape setting and the valley parks for a significant number of years. This is despite the significant change in planning context including the now more limited opportunities for greenfield release in Exeter, the Government's clear focus on the delivery of housing and the consistent and compelling criticism of the Council's approach that a significant number of appeal Inspectors have made. It is vital for Plan resilience, and the ability of that Plan to effectively meet a wide range of housing needs that the broad-brush designations do not prevent sustainable development from coming forward.

Question 3 - How would the Landscape Setting Areas and Valley Parks designations be expected to operate? How would a decision-maker be expected to react to a proposal for development within one of these locations?

Policies NE1 and NE2 and their designations read as broad brush protectionist policies (as did LS1 and CP16 before them). The Council's track record suggests these policies will be implemented narrowly to prevent development within the LSA and Valley Parks as a matter of principle. Indeed, this has already been demonstrated by the site allocation process undertaken for the Emerging Local Plan.

None of the lessons of the previous appeal decisions (in footnote 1, Table 1 and appendix 1) appear to have been heeded by the Council. These set out that development proposals within the LSA and Valley Parks require a robust consideration of site circumstances, opportunities to mitigate (and provide beneficial outcomes) and do not exclude development as a matter of principle. Instead, there needs to be a consideration of a scheme's specific effects on local distinctiveness and character, to ensure any harm is fully considered and determined whether it is within acceptable limits with mitigation as part of a balanced decision.

Court and appeal decisions have determined important principles for considering Exeter's landscape setting. These include the following:

- The use of blanket development restraint policies is inconsistent with national planning policy;
- Values and functions ascribed to landscape setting varies significantly with character and context and therefore any assessment needs to consider these differences;
- Sites within the LSA can vary significantly in terms of visibility, public accessibility and setting;
- Undeveloped sites within the LSA can still have a negligible contribution to the broader backdrop of the city in terms of views, particularly where influenced by existing housing at the suburban fringe; and
- Sites should be assessed on their own merits, taking into account their different values and functions and therefore the contribution that they make to landscape setting. This calls for a nuanced rather than blanket approach.

It is essential that these principles are embedded into any policy approach in respect of LSA and Valley Parks to facilitate sustainable development opportunities, where it can be demonstrated they are not intrinsically harmful to the landscape setting of the city, can support the Plan. The approach set out in Policy NE1 does not provide any confidence that the Council will implement the policy in line with the above principles, as evidenced by the site selection process underpinning the ELP.

Instead, development opportunities will be inappropriately constrained, and the Plan will lack the flexibility and resilience to ensure that sufficient housing land supply can come forward to address local needs. This flexibility and resilience is particularly needed given the over-reliance on the strategic brownfield sites and their many delivery uncertainties.

All the above points are equally relevant to the approach towards Valley Parks, which cover wide areas and include parcels of land which do not contribute to landscape setting or the objectives and purpose of the Valley Parks. This includes sites that lie outside of the recognised extent of particular Valley Parks (as defined

by Devon Wildlife Trust) and are wholly in private ownership, and are actively farmed. Therefore, playing no role in respect of informal recreation, conservation or public access.

The policy as it stands fails to appropriately recognise and support circumstances where land parcels could come forward for development where clear benefits (biodiversity enhancements and public access) could be secured which can contribute positively to the wider Valley Park objectives. Instead the policy approach is excessive in seeking to protect sites that currently are disconnected from, and make no contribution to, the role and function of the Valley Parks.

As set out above LSA and Valley Park boundaries have not been robustly reviewed as part of the ELP process in order to fully understand opportunities for delivering sustainable development at the edge of the city.

As set out in our other Matters Papers (and above) we have identified the benefits of a policy release mechanism that could provide contingency to the Plan by supporting greenfield release in such locations where the Plan is not delivering as anticipated.

Question 4 - Would all the Landscape Setting Areas and Valley Parks identified by Policies NE1 and NE2 be classified as 'valued landscapes' for the purposes of paragraph 187 a) of the Framework? If so, what is the evidence to justify this approach?

Although 'valued landscape' is not defined within the NPPF, caselaw² has identified that to be considered as such there would need to be demonstrable physical attributes which took it out of the ordinary. Similarly, it has been established that locally designated landscapes are not necessarily 'valued landscapes' by virtue of their designation alone.

As set out above, Landscape Setting Areas and the Valley Parks can include unremarkable sites (such as our client's site at Barley Lane) which make a

² Stroud District Council v Secretary of State for Communities and Local Government and Gladman Developments Ltd [2015] EWHC 488 (Admin) (6 February 2015)

negligible contribution to the backdrop of Exeter, and instead take their influence from existing housing within the suburban fringe. Appeal decisions (such as those listed in footnote 1, Table 1 and Appendix 1) have demonstrated that the Council continue to take an over precautionary approach to such locations and fail to recognise that within particular landscape setting zones and valley park extents there are distinct differences between sites in respect of landscape attributes and contribution to purpose.

Instead a more nuanced approach that considers a more granular assessment of sites and their constraints is required. It is therefore not reasonable to consider the extent of all LSA and Valley Parks identified by Policies NE1 and NE2 to be classified as 'valued landscapes' as set out in the NPPF.

Question 5 - Are the requirements set out in policies NE1 and NE2 justified, effective, consistent with national planning policy and based on robust, up to date evidence? Have these requirements been adequately tested to ensure that they are viable and deliverable?

The requirements of Policies NE1 and NE2 are not considered to be justified, effective, consistent with national planning policy and based on robust, up to date evidence for the reasons set out in the above responses.

It is important for overall plan resilience, and the need to meet a wide range of housing needs, that opportunities for the selective release of land on the urban fringe that plays little or no substantive role in providing a quality landscape setting for Exeter are fully considered. By effectively seeking to protect all land that simply lies outside the existing developed boundary of the City the Council are eschewing this challenge and the proposed policies are inconsistent with national planning policy.

It is important that the previous lessons of the Core Strategy in terms of a consistent housing shortfall and numerous lost appeals in the LSA are not repeated.

The Plan's approach, as set out in policies NE1 and NE2, continues to be unduly influenced by the incorrect assumption that there is no longer any capacity for greenfield sites at the edges of the city. However, the evidence base does not robustly consider such opportunities or importantly provide any granular assessment of landscape setting or valley park role in relation to releasing sites.

Additional opportunities exist (as is evident from sites previously promoted during the Local Plan process); and these sites have been demonstrated to be genuinely available and deliverable. Our client has promoted sites at Home Farm at Church Hill and Land at Barley Lane (through our previous representations) which could provide an important contribution towards meeting's the city's challenge to deliver housing in the short-term. Inclusion of such sites would also increase the resilience of the Plan's strategy and provide a wider mix and choice of housing.

The Council's focus on complex and uncertain strategic brownfield sites, underpinned by a blanket protection of urban fringe land, is not a realistic, justified nor deliverable approach. Furthermore, it cannot be effective as such a process has effectively ignored suitable and available sustainable locations which could have an important role in the delivery of an appropriate mix of housing. Such sites could support the Council's Plan strategy addressing the urgent need and chronic existing undersupply that exists in Exeter and providing much needed resilience in the face of the complexities and uncertainty of delivery of the strategic brownfield sites.

Question 6 - In terms of this issue, are any of the suggested modifications in the Schedule of Suggested Modifications necessary for soundness?

There are no suggested modifications put forward that would address our concerns regarding the approach of Policies NE1 and NE2. As we have set out above (and in previous representations) there are clear risks that the Plan raises in respect of not being positively prepared, justified, effective and being inconsistent with national policy. This could be addressed through a more deliverable approach to plan-making and a more balanced strategy that recognises the need for choice and resilience within the housing market, driven by the need to meet identified needs.

It is simply not the case that Exeter does not still have some capacity for genuinely suitable greenfield sites at the urban edge that can significantly contribute to the Plan's objectives and provide much needed contingency to the over reliance on complex strategic brownfield sites with clear delivery uncertainties.

Through the overly broad-brush approach of protective landscape setting policies, opportunities have been missed to release appropriate sites at the edges of the city for residential development. Allocation of these sites would directly support the strategy of the plan by providing a longer 'window' to seek to 'unlock' the release of the constraint laden brownfield sites whilst ensuring the city can meet its housing requirements in the shorter term.

In our other Matter Papers and above, we have identified the benefits of a policy release mechanism that could provide contingency to the Plan by supporting greenfield release in landscape setting areas where the Plan is not delivering as anticipated.

Notwithstanding our concerns regarding the soundness of the Plan, a 'safety valve' policy could be applied which provided the opportunity for the release of such sites where a shortfall in housing delivery is evident (for example when the Council are unable to identify a 5-year housing land supply or where it scores less than 85% on the Housing Delivery Test).

In those circumstances development options in landscape setting areas could be considered in principle subject to considerations of landscape and visual harm demonstrating any impacts would be contained and localised and there would be no significant landscape and visual effects.

Proposed Policy Wording

"The Council will manage housing delivery positively and proactively through its housing trajectory, ensuring that a minimum of five years deliverable land supply for housing is maintained at all times as required by national planning policy."

Where it is demonstrated that there is a shortfall in the five year supply of deliverable land supply for housing or the Council scores less than 85% on the Housing Delivery Test, the release of additional unallocated sites within Landscape Setting Areas (Policy NE1) and Valley Parks (Policy NE2) will be considered in accordance with the presumption for Sustainable Development.

In such circumstances it will be expected that applications are supported by robust landscape evidence that demonstrates any visual effects, taking into account local landscape character, appearance and setting, scenic quality and distinctive landscape features.

Sites will be permitted where it is demonstrated that the benefits of the development would outweigh any harm to character and local distinctiveness of the LSA and Valley Parks, taking into account the following:

- The context and function of the site and the influence on its landscape character from urban setting and any adjoining residential development;*
- The net beneficial effects on landscape features that define the landscape character of the site through retaining and strengthening trees and hedgerows at the boundaries of the site;*
- The effect of the site on important views of the skyline and the ridgeline of the hills;*
- The degree of visual containment as a result of intervening boundary screening, structures and topography;*
- Whether benefits of the development would deliver a meaningful contribution to the objectives of the Valley Park (where relevant) through informal recreation and public accessibility; and*
- Compliance with other relevant Local Plan policies.”*