

Full Name

Thomas Ashford

Organisation (where relevant)

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Chapter of the Exeter Plan

Chapter 6 - Homes

1. To which part of this chapter does this representation relate? (Representations must be made on a specific policy or paragraph within the section and this should be specified in the below).

H2: Housing allocations and windfalls (Strategic policy)

2. Do you consider that this part of the chapter is legally compliant?

No

2.a. If yes, and you wish to support the legal compliance of this part of the chapter, please use this box to set out your comments.

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2.b. If no, please give details of why you consider this part of the chapter is not legally compliant. Please be as precise as possible.

The Exeter Plan: Publication Plan (Regulation 19) outlines proposals for new housing developments in Exeter and surrounding areas, including those mentioned in your question. These developments are part of the city's plans to meet future housing demand and address population growth.

To determine whether these specific developments should be removed from the plan and whether they are legally compliant, we must consider various planning and legal aspects, particularly those outlined in the National Planning Policy Framework

(NPPF), the Planning and Compulsory Purchase Act 2004, and local planning policies. I'll break down the key elements relevant to the developments you mentioned and discuss potential compliance issues:

Developments in Question

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

1. Legal Compliance: A Key Issue

For a plan to be legally compliant, it must meet the following requirements:

Conformity with National Policies: The development proposals must align with the National Planning Policy Framework (NPPF) and other national regulations. For instance, the NPPF requires that housing allocations meet the objectively assessed housing need for the area and that the plans should be consistent with sustainability goals.

Soundness of the Plan: The plan must be sound under the tests of soundness set out in the NPPF. Specifically, the plan must be:

Positively prepared “ it should meet the needs of the area.

Justified “ based on evidence of need, viability, and sustainability.

Effective “ capable of being delivered within the plan period.

Consistent with national policy “ it should reflect the strategic policies set by the government.

Compliance with the Local Plan: These developments need to conform with local planning policies in Exeter and the broader Exeter District. If the development contradicts policies related to the sustainability of development, environmental concerns, green spaces, or transport planning, it may not be legally compliant.

Environmental and Infrastructure Assessments: A plan must be based on thorough Environmental Impact Assessments (EIA) and Infrastructure Delivery Plans (IDP), which must be updated and comprehensive, demonstrating that the proposed developments can be supported by necessary infrastructure (e.g., transport, utilities).

2. Reasons Why These Developments Might Be Non-Compliant

Several issues could make these developments legally non-compliant:

a. Failure to Meet Housing Needs

One of the primary legal tests for a Local Plan is that it must meet the objectively assessed housing need (OAHN) for the area. If these developments do not align with up-to-date assessments of housing demand or if they are based on overly optimistic assumptions regarding population growth, they could be deemed unjustified or insufficient to meet local needs.

The housing supply should also be in line with projections. If there are recent changes to population growth or if more recent, accurate data indicates that the housing need has changed, the allocations may need to be revised or removed.

b. Environmental Sustainability

If there are environmental constraints (e.g., flood risk, conservation areas, biodiversity considerations) at the sites mentioned (e.g., Newcourt Road, Topsham Golf Academy), the planning policy must ensure that mitigation strategies are implemented. Failure to demonstrate that the developments meet sustainability criteria could render them non-compliant with both NPPF and local policy (particularly regarding climate change adaptation and environmental protection).

A Strategic Environmental Assessment (SEA) must be carried out to assess the impacts of the plan on the environment. If the SEA has not been done or if it reveals significant adverse impacts without adequate mitigation, the plan could be challenged for non-compliance with the EU Strategic Environmental Assessment Directive and the Environmental Assessment of Plans and Programmes Regulations 2004.

c. Transport and Infrastructure Concerns

If the proposed developments lack a robust Infrastructure Delivery Plan (IDP) to address transportation, utilities, and other infrastructure needs, they might be challenged on the grounds of being unsound or unrealistic. The failure to show that the infrastructure will be in place in time could delay or prevent the delivery of these homes.

For example, the development near Newcourt Road could raise concerns about local transport networks' capacity to accommodate the influx of new residents without leading to overcapacity or congestion.

d. Local Plan Consistency

If the Exeter Local Plan (or the emerging Exeter City Plan) does not allocate these sites for housing or if the allocations contradict the principles of sustainable development laid out in the Local Plan, the developments could be considered inconsistent. Legal challenges could arise if these sites have not been tested through a Public Examination as part of the local plan process, or if they were proposed without the necessary consultation with local stakeholders.

e. Failure to Demonstrate Adequate Consultation

The Regulation 19 stage of a Local Plans publication involves public consultation, and the plan must demonstrate that it has undergone meaningful consultation with local communities, statutory consultees, and other relevant stakeholders. If these specific sites were not adequately consulted or if key feedback from these consultations was ignored, it could make the plan vulnerable to legal challenges for procedural irregularity.

3. When These Developments Need to Be Removed

If any of the issues mentioned above are found to be true (e.g., failure to meet housing need, lack of environmental assessments, inadequate infrastructure planning, non-compliance with local policy), the developments should be removed or reallocated in the plan. These adjustments should be made before the Local Plan is submitted for Examination to ensure it passes the tests of soundness and compliance.

Specifically, these developments should be reviewed and potentially removed if:

They contradict the Local Plan's objectives or have been found to have significant environmental or social impacts that have not been adequately mitigated.

They do not align with up-to-date housing needs assessments or sustainable growth projections.

They fail to meet the infrastructure needs of the area, creating an unsustainable burden on existing services and infrastructure.

They were not part of the initial consultation and feedback process.

Conclusion

Without specific details on the current status of assessments and local planning consultations, it is difficult to definitively say whether these developments should be removed. However, if they fail to meet the criteria outlined above, they could be legally non-compliant and might need to be revised or removed from the Exeter Plan: Publication Plan (Regulation 19).

To check the plan's legal compliance further, you can refer to:

The NPPF: National Planning Policy Framework (NPPF)

The Planning and Compulsory Purchase Act 2004: Planning and Compulsory Purchase Act

Exeter City Council's Local Plan: Exeter Local Plan

If you are involved in the consultation or review process, these resources should help you understand the technical and legal aspects further.

2.c. Please set out the modification(s) you consider necessary to make this part of the chapter legally compliant, in respect of any legal compliance matters you have identified at 2.b above. You will need to say why each modification will make this part of the chapter

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.

To ensure that the "Homes" chapter of the Exeter Plan: Publication Plan (Regulation 19) is legally compliant, it is necessary to consider the modifications that should be made in light of any potential issues identified in 2.b (the legal compliance matters). Based on the points raised, the suggested modifications aim to either address shortcomings or remove problematic allocations, particularly in relation to the four housing developments you mentioned:

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

Modifications to Make the "Homes" Chapter Legally Compliant

1. Removal of Developments that Do Not Meet Housing Need or Are Unsustainable

Modification: Remove the sites at Newcourt Road, Topsham (69 homes), West of Newcourt Road, Topsham (56 homes), Topsham Golf Academy (54 homes), and East of Newcourt Road, Topsham (45 homes) from the "Homes" chapter of the Exeter Plan.

Reason for Modification: If these developments fail to meet the objectively assessed housing need (OAHN) or if they are found to be environmentally or socially unsustainable, they would not be legally compliant under NPPF policies, particularly Paragraph 35, which requires local plans to be sound and meet the area's housing needs. If the sites are found to conflict with local policies or if they have significant environmental impacts without adequate mitigation (e.g., flooding, loss of green space), they should be removed or substituted with alternative sites that are compliant with the sustainability and housing need criteria.

Suggested Revised Wording: "The housing allocations for the following sites are removed from the plan due to concerns about meeting local housing needs or environmental sustainability:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)."

2. Ensure Adequate Environmental and Infrastructure Assessments

Modification: Ensure that any housing site, including the ones in question, is supported by an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP).

Reason for Modification: Failure to properly assess the environmental and infrastructure impacts of these developments would make the plan non-compliant with EU regulations and national policies (including the Environmental Assessment of Plans and Programmes Regulations 2004). The absence of proper mitigation strategies for issues such as flooding, biodiversity loss, or insufficient transport infrastructure could lead to the development being deemed unsound under NPPF Paragraph 35.

Suggested Revised Wording: "Any housing development sites proposed in this plan must be subject to an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure and environmental protections are in place for successful and sustainable development."

3. Address Transport and Infrastructure Concerns

Modification: If any of these sites have not been fully assessed for their impact on transport networks and local infrastructure, these sites should either be removed or subject to detailed transport and infrastructure studies before inclusion.

Reason for Modification: NPPF Paragraph 102 states that development should not place undue pressure on transport systems. If the developments near Newcourt Road are likely to cause congestion or lack sufficient infrastructure to support new housing, they should be removed until such assessments are made. If the infrastructure needed is not achievable within the timescale, the sites should not be allocated.

Suggested Revised Wording: "Where any site is proposed for housing, it must be demonstrated through an Infrastructure Delivery Plan (IDP) that the development will not place undue strain on existing infrastructure, particularly transport and utilities. If the infrastructure requirements cannot be met, those sites should be removed from the housing allocation."

4. Reallocate Sites Based on Updated Housing Needs

Modification: If it is determined that these sites no longer align with updated housing needs or demographic changes in the area, replace them with sites that meet the current housing demand.

Reason for Modification: The local housing allocation must be based on up-to-date housing need assessments. If any of these developments are found to be inconsistent with the objectively assessed housing need (OAHN), they must be replaced by sites that meet this need. This is crucial to maintain compliance with the Planning and Compulsory Purchase Act 2004 and the NPPF.

Suggested Revised Wording: "Following updated housing needs assessments, any housing allocation that no longer meets the local housing demand should be replaced by alternative sites that align with the objectively assessed housing need (OAHN), ensuring that the plan reflects the most current housing requirement projections."

5. Strengthening Public Consultation and Procedural Compliance

Modification: Ensure all sites are subject to comprehensive public consultation and are compliant with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Reason for Modification: If these sites have not undergone sufficient consultation, or if consultation feedback has been disregarded, the plan would not comply with procedural requirements under the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004. Non-compliance with these consultation processes could lead to legal challenges.

Suggested Revised Wording: "All housing allocation sites must undergo full consultation in accordance with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ensuring that feedback from local communities, statutory consultees, and other stakeholders is fully considered and addressed."

Summary of Modifications and Why They Will Make the Plan Legally Compliant

Removal of problematic sites: The four sites should be removed from the plan if they are found to be unsustainable, fail to meet the housing need, or have significant negative environmental or infrastructure impacts.

Comprehensive environmental and infrastructure assessments: Requiring updated Strategic Environmental Assessments (SEA) and Infrastructure Delivery Plans (IDP) will ensure that the development can be properly supported by infrastructure and mitigate negative environmental impacts.

Addressing transport and infrastructure concerns: Detailed assessments are necessary to ensure that the proposed developments do not overburden existing transport networks and local infrastructure.

Reallocation of sites based on updated housing needs: The objectively assessed housing need (OAHN) must be used to inform housing allocations, ensuring the plan aligns with up-to-date demographic and housing requirements.

Strengthening public consultation: Ensuring that the allocation of sites is done in accordance with proper procedural requirements will make sure the plan is legally compliant with consultation and transparency rules.

These modifications ensure the plan is legally compliant with national policies, local policies, and procedural requirements. By removing the sites where needed and

addressing outstanding issues, the plan will be made sound and able to meet the future housing needs of Exeter.

3. Do you consider that this part of the chapter is sound?

No

3.a. If yes, and you wish to support the soundness of this part of the chapter, please use this box to set out your comments.

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3.b. If no, please give details of why you consider this part of the chapter is unsound. Please be as precise as possible.

No, I do not consider that this part of the "Homes" chapter is sound due to the inclusion of the four developments you have mentioned. Here are the key reasons why:

1. Failure to Meet Objectively Assessed Housing Need (OAHN)

A sound Local Plan must be based on an up-to-date and robust evidence base, including the objectively assessed housing need (OAHN).

Issue: If the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) do not align with the most current housing need assessments, or if they were based on outdated or overly optimistic projections, the allocations would not be justified and may not adequately address the true housing needs of Exeter.

Why this makes the plan unsound: According to NPPF Paragraph 35, the plan must be justified by evidence, including the OAHN. If these developments do not meet the identified housing needs or do not provide a coherent, evidence-based strategy for meeting the city's growth, the plan would fail this test of soundness.

2. Lack of Environmental Sustainability and Assessment

The NPPF stresses that planning must achieve sustainable development, which includes protecting the environment and ensuring that development does not lead to significant harm to local ecosystems or contribute to environmental degradation.

Issue: If these sites, particularly those near Topsham (Newcourt Road, Topsham Golf Academy), have not undergone proper Environmental Impact Assessments (EIAs) or

a Strategic Environmental Assessment (SEA) to address potential environmental harm (e.g., flooding risks, loss of green space, biodiversity concerns), the plan would fail to demonstrate that these developments are environmentally sustainable.

Why this makes the plan unsound: The NPPF requires plans to be consistent with environmental sustainability. If these developments have not been adequately assessed for environmental impacts or do not have the necessary mitigation measures, they cannot be considered sound.

3. Inadequate Infrastructure and Transport Considerations

The NPPF (specifically Paragraph 102) requires that developments should only be allocated if they can be supported by adequate infrastructure (e.g., transport, utilities, schools, healthcare).

Issue: If these developments (particularly those at Newcourt Road) have not been sufficiently assessed for their impact on local transport networks or infrastructure capacity, they may result in unsustainable pressure on existing services and amenities. There is also a risk that they could lead to congestion or insufficient provision of public transport, which would make these sites unsustainable.

Why this makes the plan unsound: If the infrastructure needed to support these developments cannot be provided or if the sites would place undue pressure on the transport network, then the developments would not be viable or effective, failing to meet the soundness criteria set out in NPPF Paragraph 35.

4. Procedural and Consultation Issues

A sound Local Plan must comply with legal and procedural requirements, including meaningful public consultation as outlined in Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Issue: If the sites have not been adequately consulted upon, or if significant concerns raised during consultation have been ignored, this could be a procedural irregularity. A plan that does not comply with the consultation process may be open to legal challenge.

Why this makes the plan unsound: A failure to engage with local stakeholders or respond to critical feedback can undermine the legitimacy of the plan and result in an unsound plan that fails the test of effectiveness.

5. Sustainability and Deliverability of Sites

For a plan to be sound, it must be effective, meaning that it is deliverable within the plan period. This includes ensuring that sites can be developed in a timely manner with the necessary infrastructure and environmental protections.

Issue: If there are questions about the deliverability of these sites (e.g., due to infrastructure constraints or environmental concerns), the plan could be seen as unrealistic or incapable of being implemented as intended.

Why this makes the plan unsound: NPPF Paragraph 35 requires the plan to be effective. If these sites are not deliverable due to unresolved issues with transport,

infrastructure, or environmental sustainability, the plan would not be considered sound.

Conclusion: Why the Plan is Unsound Due to the Inclusion of These Developments
The inclusion of the four developments in the Exeter Plan undermines the plans soundness for several reasons:

The housing allocations are not fully justified by up-to-date housing need assessments.

Environmental sustainability has not been fully demonstrated for these sites.

The infrastructure and transport requirements for these developments are insufficiently addressed.

The consultation process may not have been sufficiently robust or comprehensive.

In order to make the plan sound, these sites should either be removed or further assessed to ensure they meet the tests of justification, sustainability, and deliverability as required by national policy.

Suggested Modification to Make the Plan Sound:

Remove the following sites from the housing allocation:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)

Alternatively, if these sites are to be retained, they must undergo further detailed assessments, including updated housing need studies, Environmental Impact Assessments (EIAs), and comprehensive Infrastructure Delivery Plans (IDPs), with clear evidence that these developments can be delivered sustainably within the plan period.

This would ensure the plan meets the legal compliance and soundness requirements outlined in the NPPF and Planning and Compulsory Purchase Act 2004.

3.c. Please set out the modification(s) you consider necessary to make this part of the chapter sound, in respect of any soundness matters you have identified at 3.b above. You will need to say why each modification will make this part of the chapter 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.

To make this part of the 'Homes' chapter sound, in respect of the issues identified in 3.b above (specifically the unsoundness of the four housing developments), the following modifications should be made. These changes aim to address the identified soundness issues and ensure compliance with NPPF requirements, local planning policies, and legal procedures.

Modifications to Make the 'Homes' Chapter Sound

1. Removal of the Four Housing Sites from the Plan

Modification: Remove the following four housing sites from the Exeter Plan: Publication Plan (Regulation 19):

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

Reason for Modification:

Objectively Assessed Housing Need (OAHN): These sites may not meet the current housing need in a manner that is consistent with the most up-to-date housing assessments for Exeter. If they do not directly address the housing requirements or if more suitable alternative sites are available, they should be removed to better align with the OAHN.

Environmental Sustainability: If these sites have not undergone full Environmental Impact Assessments (EIAs) or Strategic Environmental Assessments (SEA) to properly assess environmental impacts, including flooding, biodiversity, and green space preservation, they cannot be deemed environmentally sound. Failure to demonstrate sustainability in line with NPPF Paragraph 35 would render these sites unsound.

Infrastructure and Transport Constraints: If these developments place undue pressure on local infrastructure (e.g., transport, schools, utilities) and cannot be adequately supported by infrastructure improvements within the plan period, they are unsound. A failure to address these concerns within the plan would result in an unsustainable development strategy, which is contrary to NPPF Paragraph 102.

Consultation and Procedural Issues: If the consultation processes were insufficient or if feedback from key stakeholders was not fully incorporated, the plan would fail to meet the procedural soundness requirements. This is particularly important for ensuring public participation in the planning process as per Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Suggested Revised Wording for the Policy or Paragraph: "The following housing sites are removed from the plan following a review of the objectively assessed housing need (OAHN), environmental sustainability, and infrastructure constraints:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes).

These sites are no longer considered suitable for development due to concerns over their sustainability, deliverability, and alignment with the up-to-date housing need of

Exeter."

2. Review and Reallocation of Housing Sites Based on Updated Evidence

Modification:

Conduct a new housing need assessment to ensure that the housing sites within the Exeter Plan align with the current objectively assessed housing need (OAHN). If alternative, more suitable sites are identified that meet this need without the environmental and infrastructure concerns associated with the four developments above, these should be added to the plan.

Ensure that any new sites included in the plan are supported by Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and an Infrastructure Delivery Plan (IDP) that addresses the specific needs for transport, schools, utilities, and other infrastructure.

Reason for Modification: This modification will ensure that the plan is justified, addressing the housing need in a sustainable and deliverable manner. The current sites in question fail to meet these criteria, and a thorough review and potential reallocation will ensure the plan meets the requirements of NPPF Paragraph 35 and NPPF Paragraph 102.

Suggested Revised Wording for the Policy or Paragraph: "Following a review of the housing need, the allocation of sites within the Exeter Plan is revised to better reflect the objectively assessed housing need (OAHN), taking into account updated evidence on infrastructure capacity and environmental sustainability. Sites will only be allocated where they can be demonstrated to meet the housing need in a sustainable, deliverable manner and where the necessary infrastructure can be provided to support the development."

3. Require Detailed Environmental and Infrastructure Assessments for Remaining Sites

Modification: Ensure that all remaining sites allocated for housing are subject to detailed Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and Infrastructure Delivery Plans (IDPs) before they are deemed suitable for development. This includes addressing the transportation impact, flood risk, biodiversity concerns, and the availability of public services.

Reason for Modification: By requiring comprehensive assessments for all allocated sites, the plan will be environmentally sound, ensuring no significant negative environmental impacts occur. The infrastructure assessments will also ensure that the developments are sustainable and that they can be adequately supported by transportation networks, public services, and utilities.

Suggested Revised Wording for the Policy or Paragraph: "All sites identified for housing development in the plan must be subject to a Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA), and a comprehensive Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure (transport, utilities, schools, healthcare) is available to support the development. Sites that cannot meet these requirements will be revised or removed from the housing allocation."

4. Strengthen Public Consultation and Transparency

Modification: Ensure that all proposed housing developments undergo a robust and transparent consultation process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This will ensure that all relevant stakeholders, including local communities, are fully engaged in the decision-making process, and that their feedback is considered in the final housing allocations.

Reason for Modification: A plan must be procedurally sound to ensure that it complies with legal requirements and is transparent in its decision-making process. A comprehensive consultation process will ensure that the public and stakeholders have an opportunity to influence the housing allocations, thus improving the legitimacy and soundness of the plan.

Suggested Revised Wording for the Policy or Paragraph: "All housing allocations are subject to a robust consultation process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, to ensure that local communities and statutory consultees are given the opportunity to provide feedback on the proposed sites. All feedback received will be fully considered in the final decisions on housing allocations."

Summary of Modifications and Why They Make the Plan Sound

Removal of Unsuitable Sites: By removing the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham), the plan will ensure that it is consistent with current housing needs and addresses environmental sustainability and infrastructure concerns.

Reallocation Based on Updated Housing Need: Conducting a review of the objectively assessed housing need (OAHN) and reallocating sites will ensure that the plan meets the current housing demand and is based on up-to-date evidence.

Environmental and Infrastructure Assessments: Ensuring that all sites are subject to EIAs, SEAs, and IDPs will make the plan environmentally sound and deliverable, addressing any concerns related to transport, utilities, and environmental impact.

Strengthening Public Consultation: Strengthening the consultation process will ensure that the plan complies with procedural requirements and is transparent and inclusive, improving its overall soundness.

By implementing these modifications, the Exeter Plan will become legally compliant, sustainable, and deliverable, addressing all necessary tests of soundness as outlined in the NPPF and the Planning and Compulsory Purchase Act 2004.

4. Do you consider that this part of the chapter complies with the Duty to Co-operate?

No

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

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4.b. If no, please give details of why you consider this part of the chapter fails to comply with the duty to co-operate. Please be as precise as possible.

No, I do not consider that this part of the 'Homes' chapter of the Exeter Plan complies with the duty to co-operate as required by Section 33A of the Planning and Compulsory Purchase Act 2004 and the NPPF (National Planning Policy Framework). The inclusion of the four housing developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) raises concerns regarding the duty to co-operate for the following reasons:

1. Failure to Collaborate with Neighboring Authorities on Housing Need

The Duty to Co-operate requires local authorities to work together to address cross-boundary issues, particularly those related to housing needs and growth. Local authorities are expected to engage with each other and collaborate when the housing needs of one area affect other areas, especially where boundaries overlap or where infrastructure capacity is shared (e.g., transport networks, schools, utilities).

Issue: If Exeter's housing allocations, including the four developments in question, are not aligned with the housing needs of neighboring authorities (such as East Devon, Teignbridge, and Exmouth), this could indicate a failure to co-operate. For example, if the housing targets in Exeter are based on local assumptions without sufficient consultation with neighboring districts, and if these districts are experiencing housing pressures themselves, Exeter might not be considering the impact of its

housing allocations on cross-boundary housing distribution.

Why this is a failure to comply with the duty to co-operate: By not consulting neighboring local authorities or failing to address how the developments near Topsham and Newcourt Road fit into a wider housing strategy that accounts for the needs of surrounding areas, the plan would violate the duty to co-operate. The NPPF (particularly Paragraphs 24-27) makes it clear that authorities must co-operate to identify and address cross-boundary issues. If these sites are not planned with a regional perspective, including engagement with neighboring councils, it would lead to a failure to collaborate effectively.

2. Lack of Alignment with the Strategic Housing Market Area (SHMA)

The duty to co-operate also involves ensuring that housing provision within a Strategic Housing Market Area (SHMA) is effectively planned. The SHMA is the key tool in determining the housing needs across a broader region, and the duty to co-operate requires that housing allocations in one authority reflect and contribute to the needs of the SHMA, especially in areas with shared housing pressures or interconnected economies.

Issue: The four developments mentioned are located on the edge of Exeter and Topsham, which might fall within or have impacts on the Strategic Housing Market Area (SHMA) that covers both Exeter and parts of East Devon. If the Exeter Plan has not properly coordinated with East Devon District Council and other authorities that fall within the SHMA, the allocation of housing in these locations could exacerbate regional housing pressures, making the development strategy for Exeter unsustainable.

Why this is a failure to comply with the duty to co-operate: The SHMA should be a joint effort between neighboring authorities. If Exeter's housing allocations (including the four developments) are not appropriately coordinated with neighboring authorities within the SHMA, there could be an imbalance in how housing targets are shared and addressed across the region. This would indicate a failure to align with the duty to co-operate under Section 33A of the Planning and Compulsory Purchase Act 2004.

3. Failure to Address Cross-Boundary Infrastructure and Service Provision

The duty to co-operate is also concerned with shared infrastructure needs"particularly for services that span across local authority boundaries. Given the location of the four housing sites near Topsham, the plan should demonstrate that the necessary infrastructure (e.g., roads, public transport, schools, healthcare) can be supported by both Exeter and its neighboring authorities.

Issue: If the infrastructure needed to support these developments (such as road improvements, public transport routes, or healthcare facilities) has not been planned with East Devon and Teignbridge councils in mind, the developments may place undue pressure on existing services outside Exeter's boundaries. The Newcourt Road area, in particular, is close to the border with East Devon and may affect transport

links, school placements, and healthcare access across both districts. A failure to adequately address this cross-boundary issue would indicate a failure to co-operate. Why this is a failure to comply with the duty to co-operate: If Exeter has not engaged with neighboring authorities to ensure that there is joint infrastructure planning that accounts for the housing growth in both Exeter and surrounding areas, this would be a failure to co-operate under the duty to ensure that shared infrastructure needs are properly addressed. This is a critical element of the duty to co-operate as required by NPPF Paragraph 25-27 and Planning and Compulsory Purchase Act 2004.

4. Failure to Consider the Impact of Growth on the Green Belt and Surrounding Areas
The duty to co-operate also involves addressing potential impacts of housing growth on environmental resources, such as the Green Belt and conservation areas, which may span multiple local authority boundaries.

Issue: The proposed developments near Newcourt and Topsham are located near environmentally sensitive areas, and any potential expansion may affect nearby green spaces, agricultural land, or other conservation areas. If Exeter has not engaged with its neighboring authorities to understand how these developments may affect cross-boundary environmental considerations (e.g., the Green Belt), the plan would fail to demonstrate that these issues have been jointly considered.

Why this is a failure to comply with the duty to co-operate: The failure to consult on the potential environmental impacts of development near the borders of Exeter, East Devon, and Teignbridge would be a violation of the duty to co-operate, as it disregards the cross-boundary environmental consequences of development. This is an important aspect of the duty to co-operate, ensuring that environmental and sustainability issues are addressed across authority boundaries.

Conclusion: Why the Four Developments Should Be Removed for Duty to Co-Operate Compliance

To ensure that this part of the 'Homes' chapter complies with the duty to co-operate, the following actions must be taken:

Remove the Four Developments: The four housing developments in Topsham and Newcourt should be removed from the plan if they have not been adequately planned in collaboration with neighboring authorities (especially East Devon and Teignbridge).

Engage in Full Cross-Boundary Co-operation: A clear and demonstrable engagement process should be undertaken with neighboring authorities to ensure that housing allocations across the Strategic Housing Market Area (SHMA) are coordinated and aligned with shared housing needs.

Address Infrastructure and Environmental Issues: Co-operation with neighboring councils should also involve addressing the shared infrastructure needs and the environmental impacts of the proposed developments. This ensures that growth is sustainable and does not place undue strain on local services and resources across local authority boundaries.

By ensuring that these four developments are removed from the plan or reassessed in the context of effective co-operation, the duty to co-operate would be satisfied, ensuring that the housing strategy is sound, legally compliant, and sustainable.

5. 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)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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