

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

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

2. Agent's details if applicable

Title

Mr

First Name

Stuart

Last Name

Houlet

Job Title (where relevant)

Planning Director

Organisation (where relevant)

PCL Planning Ltd

Address Line 1

13a-15a Old Park Avenue

Line 2

Exeter

Line 3

Line 4

Post Code

EX1 3WD

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?

Paragraph	10.4 to 10.9	Policy	Policy NE1 – Landscape Setting	Policies Map	
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4. Do you consider that this part of the Exeter Plan is legally compliant?

Yes		No	
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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	<input checked="" type="text" value="x"/>
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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)

The Plan is not sound because it is has not been positively prepared, is not justified by its evidence base justified, will not be effective and is inconsistent consistent with national policy. The reasons this are set out below.

Our clients note with some concern the approach of Policy NE1 and its similarity to the blanket approach towards landscape setting embodied by the previous saved policy of LS1 of the previous Local Plan. Policy LS1 has been found to be overly prescriptive, not in accordance with Government policy and out of date as a consequence through the appeal process.

The approach is too reliant on blanket protection outside of the existing developed boundary of the city and does not take into account the nuances of landscape character and setting. As a consequence, by relying on the outdated perception of landscape setting within the 2022 Landscape Sensitivity Assessment (LSA) (which establishes its principle from the Exeter Fringes Landscape Sensitivity and Capacity Study 2007) the Plan overlooks realistic options for the release of land to help with the housing challenges.

The appeal at Pendragon Road demonstrates the shortcomings of this approach. The Inspector instead considered the detailed aspects of the site in landscape terms including the localised effects of any harm, given the substantial screening that is in place and the sites overall very limited visibility as a consequence. When taken with the wider benefits of development this limited harm was outweighed. It is important that Policy NE1 does not rule out similar opportunities for balanced decisions like that made by the Inspector at Pendragon Road. There needs to be greater recognition of the distinction between individual sites within the Landscape Setting Areas and the variety they have in different landscape impact and sensitivity. In doing so (as evidenced by my clients site) it can be better understood that there are situations where release of land on the urban fringe is not inherently unacceptable from a landscape setting perspective.

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)

Policy NE1 should be deleted as it is not justified and is inconsistent with national policy

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 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)

Yes

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)

In order to make our representations in respect of our clients significant concerns regarding the soundness of the Plan and the missed strategy and site opportunities.

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>

Our Ref **SH/PCL/2121a (Vistry)**
Date **6th February 2025**



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Local Plans Team
Exeter City Council
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Dear Local Plans Team

THE EXETER PLAN – PUBLICATION DRAFT (REGULATION 19)

I write in reference to the Publication Draft Exeter Plan consultation and the opportunity to make representations on behalf of our clients, Vistry Group.

The Government, through the updated NPPF published in December 2024, have set out their clear intentions to provide the right conditions to substantially increase housing delivery in the UK, setting a target of achieving 370,000 new homes each year. The focus of the updated NPPF is explicitly on overhauling the planning system to address the chronic housing crisis and to support “builders not blockers” and to deliver growth.

The implication of the updated NPPF on Exeter is a significantly increased challenge in the number of homes that are required to be built. Under the new standard method housing requirements will rise significantly from 642 dwellings per annum to 800 dwellings per annum, significantly above past delivery rates. It is noted that the Council are seeking to benefit from the updated NPPF’s transitional arrangements by publishing a Regulation 19 version of the Plan in advance of the cut off of 12th March. Whilst this enables a lower housing requirement to be pursued, this is simply increasing the gap between housing need and supply in the longer term.

Until an adopted Plan is in place the Council are still required to demonstrate a 5-year supply of housing land based on the new standard method. It is clear that this will be challenging for the Council, demonstrated by our calculation (based on the latest supply figure from April 2024) that this would result in just a 3.9 year housing land supply position. This would leave Exeter vulnerable to ad hoc planning applications and appeals and a diversion away from a more planned strategy.

Despite the need to deliver increased levels of housing being a priority for the Council both through development management and plan-making, our clients are concerned that the Publication Draft does not embed this as a key focus. Instead, it appears to continue to rely on sites that are undeliverable, whilst increasing the burden on all development through unrealistic and unviable requirements. As a result, there is a considerable risk that objectives of meeting the fundamental scale of need for housing in Exeter will not be met; real choice will not be created in the housing market to meet the range of such needs; and the overall strategy lacks any true resilience or contingency.

Strategic Approach

The Plan's strategy is too heavily focussed on preventing suitable and appropriate greenfield development based on an assumption that the city no longer has capacity. However, this overlooks the benefits of greenfield release can have as part of a mixed brownfield and greenfield strategy in respect of resilience and housing choice.

The Council carries a significant track record in diminishing its own Plan-led strategy in Exeter through its inability to manage housing land supply by not making balanced and necessary decisions when it comes to meeting housing needs. This has resulted in the delivery of some much-needed new homes being reliant on lost appeals, outside of a plan led context as is the case with our clients' site at Land off Pendragon Road, Exeter.

The Publication Draft appears to continue the Council's reluctance to consider suitable and viable greenfield options which has detrimentally impacted upon the delivery of housing in the city. This approach will continue to see the widening of the gap between the most vulnerable in our society who cannot access housing and those already decently housed.

We agree the Plan needs to consider the contribution brownfield sites can make to addressing housing needs. However, given the delivery constraints and lead in times such sites experience, there is still a need to plan appropriately for suitable and deliverable greenfield sites as part of a mixed strategy to provide both resilience and choice to housing delivery.

Also important is the need to ensure that the contribution from greenfield sites assumed within the commitments are safeguarded by including these as

allocations. Where, as is the case with Land at Pendragon Road, the consent has been hard fought through the appeal process and found to be a suitable, available and deliverable site it makes no sense not to protect this as part of the Plan Strategy by allocating the site. This will ensure that the sites continue to be seen as a key part of the strategy beyond the 3 year time limit of a consent, should the consent lapse (for reasons outside of the promoter/developer's control). This provides greater certainty and prevents the need for re-visiting the acceptability of the site (potentially through another lengthy and costly appeal process).

Land at Pendragon Road, Exeter

The Council will be aware that our clients' site at Pendragon Road (see site location plan in Appendix 1) was the subject of an allowed appeal in August 2023 (PINs reference: W/22/3298452) and then subsequently the grant of outline consent for up to 100 dwellings by the Council in September 2024 (ECC reference: 22/0511/OUT). In allowing the appeal the Inspector recognised (and gave substantial weight to) the shortfall in housing delivery and the contribution the site would make to both market and affordable housing. This was alongside the clear benefits of biodiversity net gain, employment, provision of open space and improvements to highway safety that would arise. These benefits weighed in favour against what the Inspector considered to be the limited adverse effects of the proposal on landscape character and appearance, with any harm being constrained to site itself and not to the wider tranquillity and rural nature of the fields to the north of Exeter.

The Council's subsequent granting of outline consent gave significant weight to the Inspector's conclusion and considered that the identified benefits of the scheme would continue to outweigh any harm, even in the circumstances of the 'tilted balance' not being engaged.

From the above planning history, it is clear that the site is considered suitable and has been judged as providing significant wider benefits. Whilst it is currently assumed to be in the Council's calculation of commitments, given the significant contribution the site can make to housing delivery (and the positive benefits that will ensue), we would urge the Council to allocate the site within the Plan. In addition, given the nature of the site and its ability to deliver a range of housing including family and affordable housing it offers some balance to the housing strategy of the Publication Draft that as a consequence of the nature of

brownfield sites identified appears heavily reliant on student accommodation and flatted development.

Although the site will make a significant contribution to the plan strategy, equal if not more than many of the sites identified for allocation, unlike the allocations the site is vulnerable to a 3 year time period and the risk of lapsing if delivery is delayed even in the very short-term by factors outside of my clients control. This could include a range of matters that can place at risk the commencement of the scheme within the 3 years, including: delays in the determination of condition discharge or reserved matters; availability and seasonality for undertaking supporting information; obtaining technical approval or consents outside of planning; and potential third party negotiations etc.

As the site is clearly further progressed than the allocated sites, having been proven acceptable in principle and in respect of technical detail through the development management process, it would be a significant loss from the strategy if the above mentioned risks were not appropriately managed. The most effective way of safeguarding against such risk is by identifying the site (and other sites in a similar position) as an allocation.

Landscape Setting – Policy NE1

Our clients note with some concern the approach of Policy NE1 and its similarity to the blanket approach towards landscape setting embodied by the previous saved policy of LS1 of the previous Local Plan. Policy LS1 has been found to be overly prescriptive, not in accordance with Government policy and out of date as a consequence through the appeal process.

The approach is too reliant on blanket protection outside of the existing developed boundary of the city and does not take into account the nuances of landscape character and setting. As a consequence, by relying on the outdated perception of landscape setting within the 2022 Landscape Sensitivity Assessment (LSA) (which establishes its principle from the Exeter Fringes Landscape Sensitivity and Capacity Study 2007) the Plan overlooks realistic options for the release of land to help with the housing challenges.

The appeal at Pendragon Road demonstrates the shortcomings of this approach. The Inspector instead considered the detailed aspects of the site in landscape terms including the localised effects of any harm, given the substantial screening

that is in place and the sites overall very limited visibility as a consequence. When taken with the wider benefits of development this limited harm was outweighed. It is important that Policy NE1 does not rule out similar opportunities for balanced decisions like that made by the Inspector at Pendragon Road. There needs be greater recognition of the distinction between individual sites within the Landscape Setting Areas and the variety they have in different landscape impact and sensitivity. In doing so (as evidenced by my clients site) it can be better understood that there are situations where release of land on the urban fringe is not inherently unacceptable from a landscape setting perspective.

Climate Change Policies

We note the focus within the Publication Draft on ambitious policies seeking Net Zero by 2030 and the impact this has on the viability of development. Our clients suggest this needs to be balanced by the urgency to address fundamental need for housing in Exeter. The risk therefore needs to be fully understood as to how the proposed 'Climate Change' policies within the Plan could negatively impact the ability to deliver development around Exeter.

Proposed Policy CC5 introduces a significant change in position regarding carbon dioxide emissions for buildings. It requires all new residential development to achieve a minimum of 75% emission reduction from that required under 2013 building regulations. The inclusion of this policy is justified in paragraph 5.24 on the basis that the forthcoming Future Homes Standard and Future Building Standard will require this level of uplift.

However, this is not yet confirmed and it is clear from the evidence base that the policy approach relies on the consultation draft of the Future Homes Standard and the approach is therefore not justified on a firm or final position. Furthermore, it is contrary to the Government's stated intention (see Written Ministerial Statement (WMS) by Baroness Penn dated 13th December 2023) that the planning system should not set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.

The circumstances where the WMS suggests this approach might be acceptable is where it is demonstrated that development remains viable and continues to support housing supply. It is not clear how this is demonstrated through the

proposed policy approach. In any case we would suggest the policy is unnecessary as it duplicates forthcoming Building Regulation changes.

Conclusion

We have set out above the concerns of our clients regarding the overall strategy of the Publication Draft and the general reluctance to recognise and understand the clear role of greenfield sites. These provide clear opportunities for delivering a more balanced and comprehensive housing strategy as well as supporting choice and resilience. This is in the context of the significant challenges Exeter faces in respect of meeting identified needs.

Our clients' site at Land at Pendragon Road has been proven suitable and available based on the contribution it can make to meeting such needs. Given the significant benefits that the site can bring forward we would strongly advise the Council to include the site within the Plan allocations. This will safeguard those benefits and address any risk of short-term delay from factors outside of my clients' control.

Thank you for the opportunity to comment further on the Publication Draft Plan. I would be very grateful if you could please keep me informed of the outcome of these representations and the progress of the Plan via the email address: planning@pclplanning.co.uk. Should the Council wish to discuss any of these matters. Then please do not hesitate to contact us.

Kind regards

[Redacted Signature]

Stuart Houlet BA(Hons) MA

For PCL Planning Ltd

e: [Redacted Email]

Appendix A

Location Plan – Land at Pendragon Road, Exeter

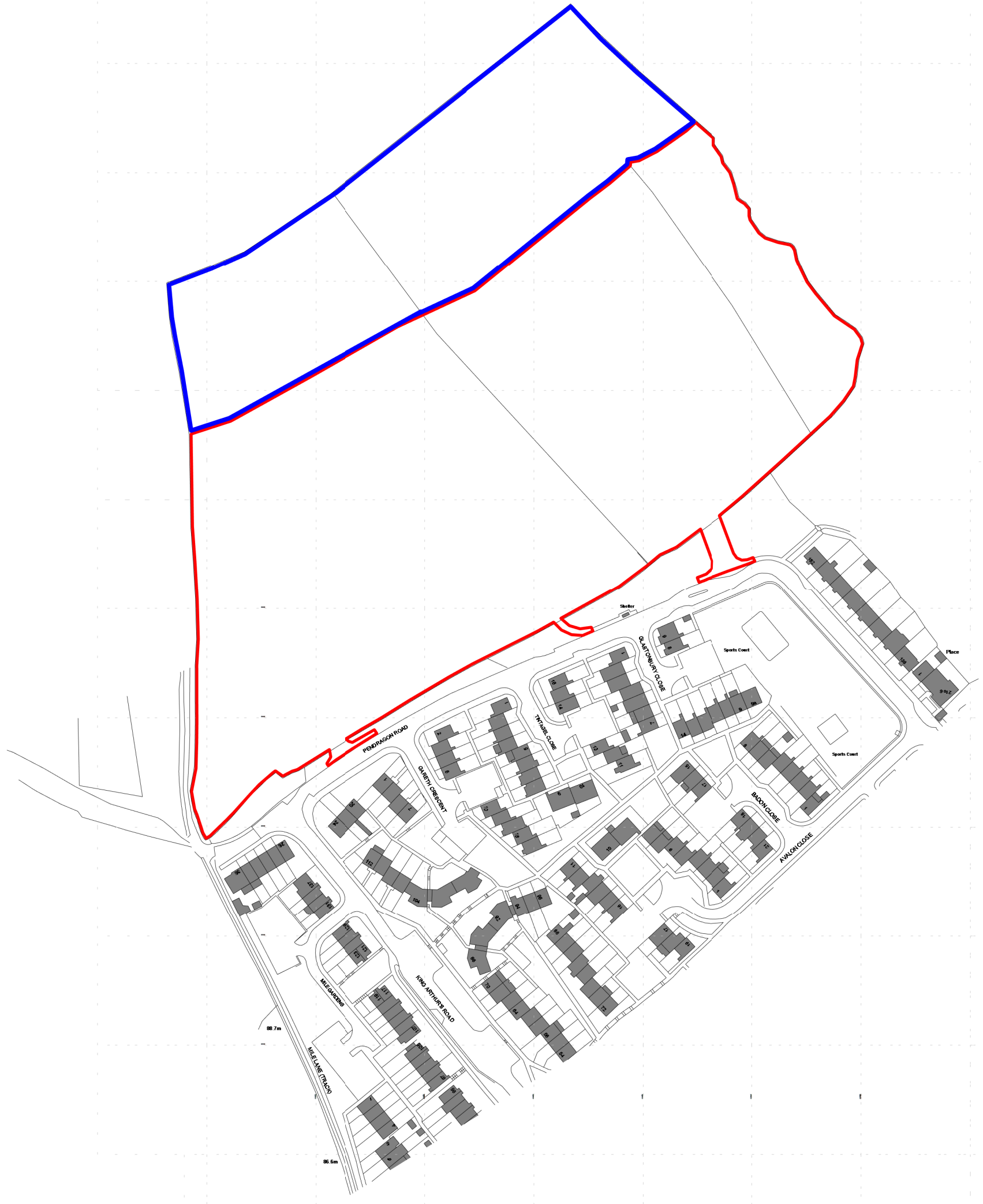
Also at: 9 Western Road, Launceston, Cornwall, PL15 7AR t: [Redacted Phone]

The Keep, Creech Castle, Taunton, TA1 2DX t: [Redacted Phone]

Registered Office: 1A Parliament Square, Parliament Street, Crediton, Devon, EX17 2AW

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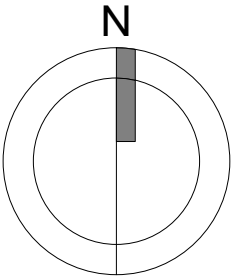
Appendix A



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REVISION DETAILS				
rev	date	description		by
-	18.12.20	First issue		

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client
ADPAD

project
LAND OFF PENDRAGON ROAD
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drawing title
LOCATION PLAN

date	drawn	checked
18.12.20	OS	NH

scale
1 : 2000

For information

project no:	drawing no:	rev:
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