

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

Anne

Last Name

Codner

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

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone number

E-mail address

Part B – Representation

Please use a separate sheet for each representation

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

Paragraph

Policy

Policies Map

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

Yes

No

Please see accompanying representations document.

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)

Please see accompanying representations document.

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)

Please see accompanying representations document.

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)

Please see accompanying representations document.

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

Yes

No

Please see accompanying representations document.

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)

Please see accompanying representations document.

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

(Continue on a separate sheet if necessary)

Please see accompanying representations document.

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)

Please see accompanying representations document.

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)

Please see accompanying representations document.

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 see accompanying representations document.

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)

Please see accompanying representations document.

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)

No.

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

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

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

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

☐

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

☒

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

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

(Continue on a separate sheet if necessary)

It is important that my client is present to participate in the hearing sessions owing to their interest at Heavitree, known as the 'Former Bramdean School Playing Fields', specifically to support their position that the site should be removed from the draft IF4 designation.

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>

February 2025



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Dear Planning Policy Team

Representations to the Exeter Local Plan (Publication Plan: Regulation 19) January 2025

This Representation is made in response to the consultation on the Exeter Local Plan 'Publication Plan: Regulation 19', and is submitted by Savills on behalf of Anne Codner who has an interest in land at Heavitree, known as the 'former Bramdean School Playing Fields'.

This site has been assessed as part of the Council's Housing and Economic Land Availability Assessment (HELAA) process under site reference '148 - Land opposite 51 Homefield Road'. A copy of the HELAA assessment for the site which contains the site location plan is attached at **Appendix 1** for reference.

Our comments on this consultation and supporting evidence base are set out below and are made in accordance with paragraph 36 of the revised NPPF (e.g. that they are positively prepared, justified, effective and consistent with national policy), to assist in ensuring that the Local Plan is found sound when examined in the future. However, in its current form, we do not consider that the Local Plan is sound, and should not therefore progress to submission without amendment.

Where required, these representations propose the necessary amendments to enable the Plan to be found sound. For some of the draft policies, revised text has been included, where red strikethrough text indicates a deletion and green underlined text indicates a proposed addition. All other text in quotations is original.

Response to Draft Policies

The following section sets out our responses to the draft policies within the Draft Plan.

Policy S1 (Spatial Strategy)

Overall, we support the proposed spatial strategy set out in draft Policy S1, particularly the importance of focussing where possible on brownfield land within the city centre to make most efficient use of land.

However, as well as a focus on brownfield land, it is considered that Policy S1 should also make it clear that this focus includes land 'surplus to requirements'.

We therefore suggest that point 5 in the draft policy is amended as follows:

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“Enabling the development of smaller brownfield sites, or other sites which are surplus to requirements, as they become available”.

We support the intention of the draft Plan to ensure that it provides for *“good quality homes of a variety of types in the city to meet Exeter’s needs”*. Further, the draft Plan should provide for a wide range of deliverable and developable sites across the city in order to provide competition and choice and to ensure that housing needs are met in full, with a range of sites proposed for allocation.

It will therefore be important to ensure allocated sites are deliverable. In this respect, we consider that the Land Opposite 51 Homefield Road (site 148), is very well placed to accommodate development in accordance with the draft spatial strategy, as a site surplus to requirements close to the city centre and key public transport.

Given the significant demand for housing in the city, maximising the use of sustainably located sites within the city will need to be an important focus for the draft Plan.

Policy CC1 (Net Zero Exeter)

Whilst we support the principle of managing climate change and working toward net zero, we consider draft Policy CC1 to be unsound for a number of reasons.

Most importantly, the Written Ministerial Statement (WMS) of 13 December 2023, directly addresses the soundness of policies such as this.

The WMS stated that *“the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations”*, and *“any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale”*.

It is clear from the WMS that the Government considers Building Regulations to be the preferred and primary mechanism to deliver improvements in energy efficiency and setting guidance in relation to carbon emissions.

Secondly, the wording of draft Policy CC1 is too imprecise to act as an effective development management policy, and reads more as a vision statement.

Thirdly, much of the policy is already covered by other draft policies within the plan which are more specific and precise for development management purposes, therefore this draft Policy is not necessary. For example *“g. utilising SuDS and other nature-based solutions to deliver flood risk management”* is much better managed by the provisions of draft Policy CC8.

Finally, it does not appear from the viability evidence that any allowance has been made for the impact of this draft Policy beyond Building Regulations compliance, meaning that there is no justification to evidence the impact it could have on the viability of future development.

On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

CC3 (Local Energy Networks)

As above, whilst we support the principle of managing climate change and working toward net zero, we consider draft Policy CC3 to be unsound on the basis of its proposed requirement for all new development of a certain scale to consider connection to, or futureproof for connection to, heat networks within specified distances.

Firstly, this requirement appears to pre-judge that energy networks are more environmentally and economically sustainable than any site specific energy strategy which a development might be able to deliver independently. There is no evidence to justify this, nor would the developer have any control over the sustainability of the network the draft Policy requires them to consider connection to. This requirement could have the opposite effect and stymie opportunities for extremely environmentally sustainable solutions to come forward on individual sites.

Secondly, although “feasibility” and “viability” are caveats mentioned within the draft Policy, the requirements of draft Policy CC3 would create a scenario whereby owners of heat networks (which are entirely unregulated) could impose whatever commercial terms they like to developers with projects caught by the policy. This also offers no protection for future residents or occupiers of schemes in terms of energy costs, or the ability to shop around for lower energy costs. This is entirely unreasonable and unjustified.

Taking account of both points above, the viability evidence underpinning the draft Plan confirms that “*no specific allowances made*” for this draft Policy in the testing work undertaken, meaning that there is no evidence to consider the impact of this draft Policy on viability. Therefore it is unjustified.

On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to reconsider this draft Policy.

Policy H1 (Housing Requirement)

We note that the proposed housing requirement of 13,975 homes for the plan period (642 homes per year) is within 80% of the new local housing need set out within the standard method published alongside the NPPF in December 2024. The proposed requirement is therefore in accordance with the transitional arrangements set out in paragraph 234 of the NPPF. However, we urge the Council to plan positively now as part of this draft plan to explore opportunities to increase this towards the standard method figure of 800 homes per year.

It is very clear from paragraph 234 of the NPPF that the 80% figure is a minimum, and therefore, in our view, to plan for the absolute minimum is contrary to the Government’s objective set out in paragraph 61 of the NPPF to ‘significantly boost the supply of homes’.

As set out within these representations, there are available sites within the city which the Council could allocate now in order to help boost housing delivery, a principle which the NPPF emphasises.

We therefore request that the Council considers the local housing need as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

Policy H2 (Housing Allocations and Windfalls)

Further to our comments above in relation to Policy H1, any increase to the overall housing requirement would result in the need for additional allocations. Albeit we encourage the Council to allocate additional suitable sites in any case. Allocating additional sites now will mean they can be easily and quickly brought forward to address any under-delivery of housing supply.

Given this context, we are particularly concerned that the Land Opposite 51 Homefield Road (site 148), is not included in draft Policy H2 as a draft allocation. It is instead proposed to be retained as open space / recreation, a matter which we address in detail in our response to draft Policy IF4.

Our position on the development potential of the site and benefits of allocation are set out below.

Land Opposite 51 Homefield Road (site 148)

The Land Opposite 51 Homefield Road (site 148) (from herein referred to as 'the site'), is located in Heavitree, only 1 mile east of the city centre. The site is therefore sustainably located within the existing urban area where potential future residents would benefit from access to a range of services and facilities. Indeed, the location, within the city, is precisely where the draft plan encourages for residential development in order to avoid further greenfield development outside of the city.

The site is also generally free from constraint, with the only key matter which would influence the design of any future development of the site being the location within the Heavitree Conservation Area.

This is not a designation which provides an overriding constraint to development however. Indeed, significant development has taken place over the years, and will continue to be delivered in the future within the various conservation areas in the city. Development within conservation areas will continue to be required in order to meet local housing need.

Instead, the presence of the conservation area is a key matter which would influence the design of any future proposals, and would indeed be at the heart of the design development process.

We note that the Heavitree Conservation Area Appraisal (2004) identifies the site a 'positive site' within the conservation area. However, it is important to note that the presence of mature trees on the boundaries of the site are a key aspect of this categorisation. Given the mature trees are located on the site boundaries they can be retained and would not represent an overriding constraint to development.

Whilst the site currently falls within a draft designation for open space and recreation under draft Policy IF4, we strongly object to that draft designation given the circumstances of the site. Specifically, that the available evidence published by the Council does not support the designation of the site as open space or recreation. The site is too small to accommodate the youth football pitch provision identified in the Council's Playing Pitch Strategy, and the site is also in private ownership and has never accommodated any public access or community use.

Our response (objections) to draft Policy IF4 explains the circumstances of the site in more detail and why the site should be removed from the draft designation.

A much better use of the site would be for residential development.

In terms of context, Bramdean School, before its closure in 2020, was an independent / private school. The site in question is in private ownership and has never historically been available to the general public for sports, recreational or general public open space use and is therefore not available. The site only served a space used by pupils of the former private school when the school was open.

The site is now therefore surplus to requirements.

Set against this context is the significant pressure for the Council to plan positively as part of this draft plan to identify sufficient sites to meet an increasing housing need, and boost housing delivery.

Indeed, following the publication of the new NPPF in December 2024, Exeter City Council's local housing target will increase from 642 homes per year to 800 homes per year.

In our response to draft Policy H1, we urge the Council to plan positively now as part of this draft plan to explore opportunities to increase the proposed requirement towards the standard method figure of 800 homes per year. It is very clear from paragraph 234 of the NPPF that the 80% figure is a minimum, and therefore, in our view, to plan for the absolute minimum is contrary to the Government's objective set out in paragraph 61 of the NPPF to 'significantly boost the supply of homes'.

It is also clear that currently the Council cannot currently demonstrate a five year housing land supply, and is unlikely to be able to within the near future – with no mechanism available aside from granting speculative planning applications to remedy the deficit until such time as the new plan is adopted.

This further emphasises the need to allocate sufficient land to avoid similar issues in the future. The solution we are advocating is for the Council to allocate additional sites now to provide flexibility in future housing delivery. In that context, it is clearly sensible to allocate available sites within the city as a priority and the site in question is therefore ideally placed to contribute to future housing delivery.

Overall, in our view, the Land Opposite 51 Homefield Road (site 148), should be removed from the draft designation for open space / recreation and instead allocated for residential development. By allocating the site this will help to make an important contribution to housing delivery in the city, on land in a highly sustainable location, making use of land which is now surplus to requirements and no longer serves a purpose upon which the draft Policy IF4 designation is based.

To assist in explaining our position we also have the following points of clarification to make in relation to the Council's HELAA assessment for the site, under reference 'Land Opposite 51 Homefield Road – no. 148', as follows:

- Suitability Assessment Stage A – the assessment incorrectly states that the site is assumed to be in flood zone 3b. The site falls within flood zone 1.
- Under Stage A (trees) a tree survey and constraints plan will be required. This is work ordinarily provided at the pre-application stage, and does not represent an overriding constraint to development.
- Under Stage A (playing pitches) the assessment incorrectly states that the site is a playing field. As outlined above, the site is no longer a playing field following the closure of the former Bramdean School in 2020. The site is now entirely closed off and even when being used in connection with the school it was not open for public or community use.
- It is stated on p662 of the HELAA that *"given the conclusions of the Playing Pitch Strategy and no evidence from the submitter that the facility would be suitably replaced elsewhere, the site is discounted from having development potential"*. For the reasons outlined in these representations the site assessment should be amended to accurately reflect the circumstances of the site and the fact that the site is now surplus to requirements and is too narrow and small for the youth football pitches identified in the Council's Playing Pitch Strategy.

- Under Stage A (open space) – it is incorrectly stated that the site comprises an area of recreational open space. The site provides no function as recreational open space. It has not been in use since 2020 and before that was only used by pupils of the former Bramdean private school with no public or community use.
- Surface water flooding – the assessment incorrectly states that the site includes land at risk of surface water flooding. Whilst a planning application would ordinarily need to be accompanied by a drainage strategy, this statement within the HELAA needs to be corrected.
- Stage B conclusion – the reference to 0.3 hectares of the site failing the assessment on grounds of significant trees is now based on any evidence or justified. Development would also not result in the loss of an 'available' or 'existing' playing field. Instead the site is incapable of accommodating playing pitch provision as sought by the Council's Playing Pitch Strategy. This conclusion should therefore be amended.
- Achievability assessment – this one sentence conclusion, claiming the site is 'not achievable' is entirely unjustified and lacks any supporting evidence. The presence of trees on the boundaries of the site and the conservation area are not constraints which would preclude development and the Council have presented no evidence to demonstrate why development would not be achievable on these grounds. This conclusion should be reviewed and amended.
- Rating and Overall Conclusion – for the reasons outlined above this conclusion is unjustified, and supported by information riddled with errors. This should be reviewed and amended accordingly.

Policy H4 (Affordable Housing)

We are in general support of the delivery of affordable housing subject to viability, however, have the following comments in relation to draft Policy H4. These comments should be read alongside the response to draft Policy IF2 (Viability) below.

- Although the supporting text to draft Policy H4 (paragraphs 6.16 and 6.17) references the Exeter Local Housing Needs Assessment as evidence, it is not clear from our review how the proposed tenure splits have been arrived at on the basis of the evidence available. Therefore in the first instance we have to assume this is unjustified.
- Notwithstanding the above, there will inevitably be locational variations in need for different tenures of affordable product, even within a modestly sized administrative area such as Exeter City's. To ensure that the Plan helps to deliver development that truly meets the needs of Exeter City, the draft Policy or its supporting text should be updated to acknowledge that the specified tenure splits are a starting point and that up to date evidence on need and site specific constraints, as well as viability, can and should be matters to be taken into account at planning application stage for all major schemes, regardless of whether they are on greenfield or brownfield land.

Subject to justification and/or the amendments proposed above, we consider this draft Policy would be sound.

Policy H7 (Custom and Self Build)

Whilst we support the Council's efforts to deliver a diversified range of housing as part of the plan, at present, we do not consider the draft Policy to be sound for the following reasons:

- As an overarching point, there is no justification provided for the requirement of 5% on sites of 20 dwellings or more. Justification should consider absolute need moving forward, but also take into

account consented supply as well as realistic levels of demand for self-build plot purchase within larger “host” development sites.

- At a practical level, there remains a fundamental conflict between the characteristics that typically attract demand from custom / self-build purchasers and trying to accommodate such plots on a wider “host” development site:
 - With the need for at least some design continuity between the “host” site and the self/custom build plots, this takes away the freedom within the self-build plots.
 - That being the case, the developer would be able to achieve economies of scale and deliver the same product at a lower price than it would cost a self-builder to achieve a building of the same floorspace.
 - Unless a self-build site can have its own separate access (which in most cases is unachievable and unviable), the contracting associated with multiple self-build units, on top of any contractors associated to the “host” site is a significant health and safety challenge.
- Our position is that if there is demonstrable and viable demand for self and custom built plots, the delivery of these would be more appropriate on sites specifically allocated for self-build (i.e. not part of larger host developments), or on sites where an element of self/custom build is expressly supported by the land owner.

Given the extensive nature of the comments, we do not propose specific wording changes and urge the Council to consider substantive changes to this draft Policy prior to submission.

Policy H14 (Accessible Homes)

Whilst we support the inclusion of a Policy relating to the need for accessible dwellings to meet need, we object to the draft Policy as currently worded as its requirements are not justified by evidence.

The Written Ministerial Statement of 25 March 2015, national Planning Practice Guidance (as at time of writing) and the National Planning Policy Framework (December 2024) are clear that optional standards, including adaptable and accessible dwellings, should make use of the Government’s optional technical standards *“where this would address an identified need for such properties”*. The test of “need” sets a high bar, which extends beyond the Council simply considering an increase to be desirable.

The Local Housing Needs Assessment (LHNA) (December 2024) contains an assessment of the potential need for adaptable and accessible dwellings. The evidence of need contained in Section 7 does not justify the draft Policy’s requirement for all market and affordable to be to at least M4(2) and 10% of affordable to be M4(3). To reiterate the above, any policy requirements must be justified by evidence.

In addition to the above, the draft Policy should also include recognition that notwithstanding targets, the application of this draft Policy can and must take account of site specific circumstances such as topography and the impact of installing lifts within apartment blocks. I.e. there may be circumstances where it is impractical, undesirable or impossible to meet target requirements, but that this should not render the development unacceptable.

In light of the comments above, we do not propose any specific rewording and urge the Council to revisit the evidence behind this proposed draft Policy.

Policy STC1 (Sustainable Movement)

In the same way as our response to draft Policy CC1 and the pathway to net zero by 2030, whilst we support the principle of this draft policy, we consider draft Policy STC1 to be unsound.

We therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

STC2 (Transport Hierarchy)

In the same way as our response to draft Policy CC1 and the pathway to net zero by 2030, whilst we support the principle of this draft policy, we consider draft Policy STC2 to be unsound.

We therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

STC4 (Supporting Public Transport)

We endorse the principle of supporting development that is well served by public transport, however, we object to this draft Policy as written for the following reasons.

Firstly, the draft Policy sets out a series of requirements for developments of one hundred homes or more. In relation to this paragraph:

- There does not appear to be any justification for why these requirements apply at a threshold of 100 dwellings.
- There is no consideration of the viability and/or feasibility of accommodating “*new local multimodal transport hubs and interchanges*”. Nor is there any provision for this not being required if similar facilities already exist or are deemed not necessary or desirable.

In the absence of justification, these requirements should be removed.

Secondly, the final paragraph states that “*Contributions will be sought toward new or improved public transport services and/or infrastructure in the city ...*”, which indicates that contributions will be sought from all developments. This fails to acknowledge:

- The need for any planning obligations to be meet the limitations set out in s122 of the Community Infrastructure Levy Regs; and
- The role of CIL in delivering strategic infrastructure, separate to s106 contributions.

This does not accord with legislation and must therefore be amended.

To positively remedy the issues raised above, the draft Policy wording should be amended as follows:

~~“Large scale development proposals of one hundred homes or more and major commercial development must:~~

~~a. Be located where high quality public transport is or can be provided through developer contributions;~~

~~b. Deliver appropriately located bus stops with raised kerbs for inclusive bus access, high quality shelters and real time information and, where appropriate, suitable routes for bus priority; and~~
~~c. Provide new local multi-modal transport hubs and interchanges making best use of existing bus, rail and walking and cycling routes.~~

Contributions, subject to meeting the tests set out in the Community Infrastructure Levy Regulations, and / or CIL may ~~will~~ be sought towards new or improved public transport services and/or infrastructure in the city, appropriately phased to provide high quality travel options early in the development balanced with efficiently supporting the long term future of the service.”

The changes proposed above would remedy the issues of legislative compliance and lack of justification, making the draft Policy sound.

STC9 (Digital Comms)

In the same way as our response to draft Policy CC1 and the pathway to net zero by 2030, whilst we support the principle of this draft policy, we consider draft Policy STC9 to be unsound.

We therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

NE3 Biodiversity (Strategic Policy)

We support the principle of enhancing biodiversity, however, as currently drafted this draft Policy does not appear to align with national policy, guidance and legislation on Biodiversity Net Gain. This is particularly important as the PPG is clear that there is no need for local planning policy to repeat national BNG requirements.

- This draft Policy must not deviate from the Environment Act's requirement for at least 10%.
- As is allowed for in the PPG, the draft Policy does not appropriately allow for BNG on large phased sites being considered as a whole, rather than 10% needing to be delivered in each phase.
- It is unclear whether the costs of BNG have been considered in full within the Council's viability evidence.

As a result of the above, we urge the Council to review this draft Policy prior to progressing. As such no specific edits are proposed here.

NE6 (Urban Greening Factor)

We strongly object to this policy as drafted, and consider it unsound as there does not appear to be any evidence available as to the impact that this will have on the delivery and viability of schemes.

The Urban Greening Factor (UGF) scores that the draft Policy requires development to meet will create pressure on the density of new developments and challenge how land is best used. Many groups have undertaken studies to explore the implementation on this and have noted that a major impact can occur on the amenity of new development when trying to address nature aims to meet UFG.

We consider that the application of mandatory BNG, and existing criteria for new play and amenity space, already encourage the aims pursued by this policy and therefore the additional requirements of this draft Policy are not justified.

Furthermore, the standards being proposed by Exeter are more onerous than those that are contained with the London Plan and other south west authorities including Bristol City Council.

In addition to the above, the Viability Assessment does not attribute any costs associated to the application of this draft Policy over and above standard external works and BNG. This is entirely insufficient given onerous impact of this draft Policy's requirements.

In the absence of justification or viability testing, this draft Policy should be deleted in full.

C2 (Development and Cultural Provision)

We object to this draft policy, which, at present, states that *"All planning applications for large scale development proposals should be accompanied by a Cultural Plan ..."*.

We object to this draft Policy as written on the following grounds:

- Firstly, there is no definition of what "large scale" means. This is not effective enough for development management purposes.
- Secondly, there does not appear to be justification or evidence published as part of the consultation to support the blanket requirement for such a document on large scale development proposals.

We therefore urge the Council to reconsider this policy, and unless sufficient evidence is prepared to justify its inclusion it is deleted in full.

IF2 (Viability)

Whilst we support inclusion of a policy relating to viability, we object to the current wording of Policy IF2.

The draft Policy proposes to limit the circumstances under which viability evidence as part of a planning application would be considered *"appropriate"*, and it also goes on to note that these circumstances must have arisen *"since the Exeter Plan's adoption"*.

Firstly, this approach does not accord with the NPPF and PPG's position on viability, which does not place any limit on the circumstances or timing for viability review.

Furthermore, the Council's viability evidence underpinning this Plan does not include any site specific viability testing of allocations. Given that viability testing prior to adoption of the Plan will only ever be typology based, it is entirely unjustified for policy to assume that any individual site is viable at that point in time, as it does not take into account any site specific considerations.

Finally, the closing paragraph of the draft Policy proposes a three year review for any applications granted pursuant to a viability appraisal. We accept that a review mechanism is supported by the PPG, however consider that the triggers for this review are more appropriately determined on a site specific basis, accounting for the degree of shortfall against policy expectations and the specific circumstances causing the impact on viability.

As a result of the comments above, the following changes are required to ensure compliance with national policy, guidance and soundness more generally. Subject to these changes, we consider that the draft Policy would be sound.

~~*"To ensure that development provides the necessary policy requirements, affordable housing and infrastructure to create and maintain sustainable communities, deviation from policy on the grounds of viability will only be considered appropriate where one or more of the following have occurred to a significant degree following the adoption of the Exeter Plan:*~~

~~a. Increases in infrastructure or abnormal development costs which could not reasonably have been foreseen at the time of the Exeter Plan's adoption;~~
~~b. Adverse changes in building costs relative to sales values; and~~
~~c. Worsening of local market conditions caused by a recession or an extraordinary event demonstrably affecting incomes and development values.~~

~~A viability appraisal will need to be submitted explaining the circumstances which have led to the changes in viability since the Exeter Plan's adoption.~~ Any variation from the proposed policy and affordable housing requirements, and deviation from the assumption that required infrastructure will be funded by development, will need to be justified robustly.

The City Council will recover from applicants their reasonable costs associated with an independent assessment of submitted viability appraisals where a deviation from policy requirements is sought. The submitted viability appraisal and the independent review will be published by the City Council with the planning application documentation.

Where policy compliant infrastructure requirements and/or contributions are not provided due to an agreed viability reason, the viability of the proposal will be reviewed ~~every three years~~ in accordance with triggers to be agreed at application stage, taking account of site specific circumstances with the requirements of this policy to seek to achieve full policy compliance in later development phases."

IF4 (Open Space, Play, Allotment and Sport)

We object to this draft policy in its current form. Our objections are twofold.

Firstly, we strongly object to the inclusion of the land opposite 51 Homefield Road (within this section referred to as 'the site') within the IF4 designation on the draft policies maps.

Draft Policy IF4 specifically protects "Existing open space, play areas, local green spaces, allotments, playing pitches and sports facilities" (underlining our emphasis).

Bramdean School, before its closure in 2020, was an independent / private school. The site in question is in private ownership and has never historically been available to the general public for sports, recreational or general public open space use and is therefore not available. The site only served a space used by pupils of the former private school when the school was open.

Fundamentally therefore, the site does not comprise an 'existing' open space or playing field. Indeed, given the former private school has closed, the site is not surplus to requirements.

The total site area measures 0.5 hectares and measures approximately 80 metres by 60 metres at its narrowest point. However, this is the gross area and includes a number of mature trees located around the boundaries of the site, and is not therefore the 'net' area of the former playing field.

We note that the site has been referred to within the evidence base supporting the draft local plan, specifically the Exeter Playing Pitch Strategy (October 2022) and Exeter Housing and Economic Land Availability Assessment (HELAA) (November 2024).

Paragraph 1.5 of the Playing Pitch Strategy outlines when disposal of a playing field is deemed appropriate, and this includes "that the proposed development affects only land incapable of forming part of a playing pitch". Indeed, it is noted that paragraph 2.18 of the document states:

“access of up to the equivalent of a minimum of an additional 7 x Youth 11v11 and 5 x 9v9 pitches will be required, ideally on sites which are able to accommodate a range of pitch sizes.....

.....There is potential for greater community use at a small number of other schools, notably the new Monkerton Community Primary School and the playing field at the former Bramdean School (now closed)”.

This same paragraph goes on to list the priority for a number of sites which could be brought back into use for youth football. The site sits at the bottom of this priority list.

In the knowledge that this evidence base document is highlighting the potential of the site for youth football provision it is therefore important to review the football pitch areas which are set out in the Playing Pitch Strategy Glossary of Terms and Pitch Sizes (Table 2). This confirms that for a youth football pitch for 9v9 a pitch area of 0.41 hectares is required, with space of 79 metres x 52 metres. This excludes any run-offs, car parking or other facilities such as toilets and changing / storage facilities.

Whilst the total gross area of the site measures 0.5 hectares, this includes a number of mature trees and vegetation around the boundaries of the site. Instead, the net area used as the former private school playing field only measures 0.35 hectares. Equally, the dimensions of the space available (as previously used by the former private school excluding the trees and vegetation) only measures 67 metres x 45 metres, and is therefore too narrow and small for the youth football pitches identified in the Playing Pitch Strategy.

This is a fundamental flaw in the evidence base, and raises the question over whether the authors of the Playing Pitch Strategy actually visited and measured the site. Had this been the case the conclusions of the evidence will clearly have been different.

The assessment of the site, has it been undertaken accurately for example, would have identified that the site is too small to fit the football pitches needed.

In addition, the site is not available as it is private land that has never been available for public use and never functioned as a community space. There is no prospect of the site being used for a community use in the future, and is surplus to requirements.

There are already existing public or community open spaces and recreation facilities in the local area, including Heavitree Pleasure Ground, Heavitree Football Club and Exeter School.

The site should therefore be removed from the draft policy IF4 designation in the draft policies map as the site is not suitable for Open Space, Play Areas, Allotments and Sports' as it is clearly not capable of delivering a sports pitch (large enough) or available for this purpose.

As a result of the above, it is important to bear in mind the draft policy states that:

“Existing open space, play areas, local green spaces, allotments, playing pitches and sports facilities will be protected unless it can be robustly demonstrated that:

- a) They are no longer fit for purpose; or*
- b) They are no longer viable and there is no reasonable prospect of the site being used for a community use in the future; or*
- c) They are surplus to requirements; or*
- d) There are alternative appropriate facilities in the area to meet community needs”*

As outlined above, the site does not meet any of the criteria to justify retention as open space or recreation, given that it is no longer fit for purpose, no prospect of it being available for community use in the future, and is surplus to requirements. Equally, the site is located in an area of the city where good quality facilities are already available to meet community needs.

Given the circumstances relating to the site, it is also considered that the fifth point in the draft policy should be amended to reflect that there will be circumstances where it is not necessary to provide alternative provision to offset a loss, particularly if such a loss does not exist.

To ensure soundness, we consider that the fifth point should be amended as follows:

- e) Where required and justified, sufficient alternative or improved provision will be made in a suitable location to serve the local community which clearly outweighs the loss.

It is also noted that general playing pitch provision is within the Infrastructure Delivery plan but no cost is provided.

Paragraph 32 of NPPF states:

“The preparation and review of all policies should be underpinned by relevant and up to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals”.

Para 35 of the NPPF details the tests of soundness that Local Plans will be assessed against at examination in public. This requires plans to be justified based on proportionate evidence and effective or deliverable over the plan period as well as consistent with national policy.

Similarly, the second paragraph of the draft policy states that residential development proposals must provide or make contributions toward facilities in accordance with *“the relevant adopted Supplementary Planning Documents or their successors”*.

In practice, this requires development to accord with any and all as yet undefined, unevidenced and untested supplementary planning documents and guidance. This is policy by the backdoor.

Either the Council should remove this reference in full, or any standards that the Council will seek to apply should be included within the Policy itself, to enable proper consideration and viability testing.

Overall, the available evidence does not support the designation of the site as open space or recreation. As outlined in our response to this draft policy, the site is too small to accommodate the youth football pitch provision identified in the Playing Pitch Strategy. The site is also in private ownership and has never accommodated any public access or community use. The site should therefore be removed from the draft designation, as it is neither justified nor deliverable and is therefore contrary to the requirements of the NPPF. A much better use of the site would be for residential development, for the reasons outlined in our response to draft Policy H2, which would have the opportunity to provide improved public access, something the existing site cannot do.

Conclusion

We welcome the Council's decision to progress with the Local Plan given the government's objective to significantly boost housing delivery.

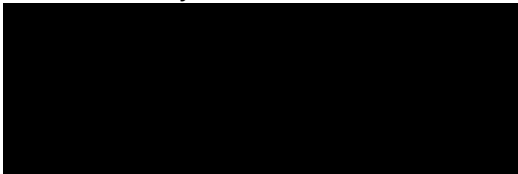
However, we have objections to a number of the draft policies in the plan and our representations have outlined where changes are required to either the draft plan or supporting evidence to ensure the soundness of the plan.

Fundamentally, we object to the inclusion of the Land opposite 51 Homefield Road (site reference 148) within a draft designation for open space and recreation under draft Policy IF4. Our response to draft Policy IF4 explains why it is no longer appropriate, nor justified, to continue to designate the site as open space and recreation.

Our response to draft Policy H2 explains why the site is instead well placed to accommodate future housing and should therefore be allocated in the plan. For the reasons outlined in these representations we urge the Council to plan positively, allocate additional sites for housing, and as part of that to specifically allocate the Land opposite 51 Homefield Road for residential development.

We hope that these comments will be helpful in positively creating the New Local Plan for Exeter. We would of course be very happy to assist further with any queries relating to the Land opposite 51 Homefield Road, particularly in acknowledging the specific circumstances of the site.

Yours faithfully,



Dan Yeates BSc (Hons) MA MRTPI
Director
Planning

Enc: Appendix 1 - HELAA extract for site reference '148 - Land opposite 51 Homefield Road'

Appendix 1: HELAA extract for site reference '148 - Land opposite 51 Homefield Road'

Land opposite 51 Homefield Road

Site Overview

Site reference number: 148

Site description: Greenfield site within an established residential area, comprising the former playing field of a school which closed in 2020.

Easting / Northing: SX 92795 93608

Relevant planning history: No relevant recent planning history.

Existing assessment: NA

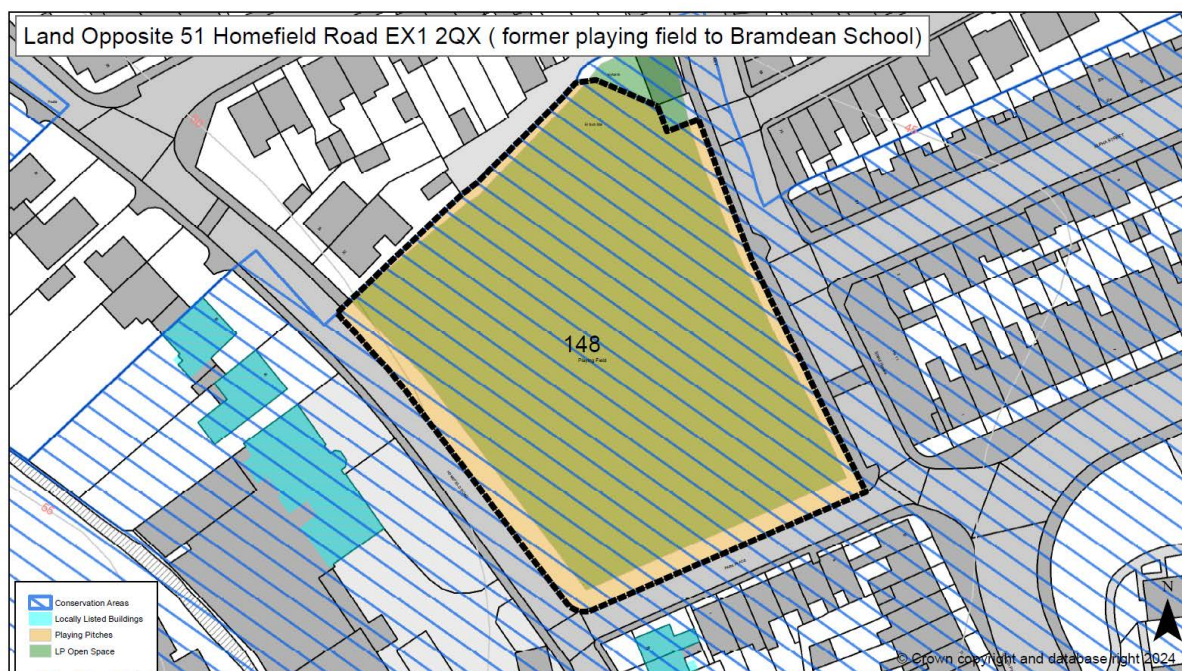
Total site area (ha): 0.51

Gross development area (ha): 0.00

Net development area (ha): 0.00

Housing capacity: 0

Employment capacity: NA



Suitability Assessment Stage A

Strategic location: In terms of location, the principle of development accords with the proposed new development strategy for the city contained in policy S1 of the Publication Exeter Plan.

Biodiversity and geodiversity: The site is not within an SSSI. The site is not within a SAC. The site is not within a Ramsar designation. The site is not within an SPA.

Flood Zone 3b: The site is not in flood zone 3, assumed to be flood zone 3b under the HELAA's precautionary approach.

Conclusion: Entire site can progress to Stage B Assessment.

Suitability Assessment Stage B

Biodiversity & Geodiversity Criteria	Assessment
Regionally Important Geological Site	NA
Legally protected species	The site is within a Greater Crested Newt Consultation Zone. The site includes a habitat which is identified in Planning Practice Guidance as a likely habitat for legally protected species. Planning proposals must be informed by an ecological survey. Ecological avoidance, mitigation or compensation measures may be required.
SSSI Risk Impact Zone	The site is within an SSSI impact risk zone. Development proposals must be informed by an assessment of their impact on the SSSI. Mitigation measures may be needed.
Statutory sites	NA
Non-statutory sites	NA
Priority Habitats	NA
Open Mosaic Habitats	NA
Nature Recovery	NA
Habitat Mitigation	The site lies within 10km of the Exe Estuary SPA. A financial contribution to mitigate the recreational impacts of housing development will therefore be required.
Trees	The site contains a number of significant trees around the boundaries. The Heavitree Conservation Area Appraisal identifies the trees as providing an area of important treescape. This area of is therefore discounted from having housing development potential (0.3ha). A tree survey and constraints plan will be required.

Landscape Criteria	Assessment
Landscape Sensitivity Assessment	NA
Landscape Setting	NA
Landscape Character Assessment	The site is identified in the Devon Landscape Character Assessment as Main Cities and Towns.
Valley Parks	NA

Open space & Recreation Facilities Criteria	Assessment
Playing Pitches	The site is a playing field. The Council's 2022 Exeter Playing Pitch Strategy is clear that there is a need for additional playing pitch provision in the city. The NPPF is clear that sports and recreational land should not be built on unless an assessment has been undertaken which clearly shows that the land is surplus to requirements; or the loss resulting from the development would be replaced by equivalent or better provision; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. Given the

Open space & Recreation Facilities Criteria	Assessment
	conclusions of the Playing Pitch Strategy and no evidence from the submitter that the facility would be suitably replaced elsewhere, the site is discounted from having development potential.
Other sports facility (built / outdoor)	NA
Open Space	The site comprises an area of recreational open space. The NPPF is clear that planning policies should guard against the unnecessary loss of valued facilities that promote healthy communities. The NPPF is also clear that existing open space should not be built on unless an assessment has been undertaken which clearly shows that the land is surplus to requirements; or the loss resulting from the development would be replaced by equivalent or better provision; or the development is for alternative recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
Public Rights Of Way	NA

Flood risk, Drainage & Water Quality Criteria	Assessment
Flood Zones 2 and 3	NA
Flood Zone 1	The site is entirely within flood zone 1 and so has a low probability of experiencing fluvial flooding. Any planning application for development must include a flood risk assessment.
Surface Water Flooding	The site includes land at risk from surface water flooding, along the railway and through the south-west corner of site. The bottom of Victoria Street has a flood history to the road and existing residential properties. Development must not worsen this flooding and, if possible, should make a betterment. Development must be informed by a drainage strategy to deal with existing surface water flows through the site and any potential increase in surface water runoff. Sustainable Drainage Systems should be used where possible and Sustainable Drainage Systems Guidance for Devon should be followed. Any applicant will likely need to agree a connection into South West Water's system, unless infiltration is viable.
Other	NA

Mineral Resources Criteria	Assessment
Mineral Resources	NA

Historic & Built Environment Criteria	Assessment
Area of Archaeological Importance	NA
Other areas with potential for archaeology	The site has the potential to contain previously unknown archaeological remains. Development proposals should be informed

Historic & Built Environment Criteria	Assessment
	by a detailed desk-based study of potential remains and a field evaluation where necessary. In the first instance advice should be sought from the Council's archaeologist.
Listed Buildings	NA
Conservation Area	The site is within the Heavitree conservation area. The Conservation Area Appraisal identifies the site as a positive site/space in the conservation area. Therefore the site is discounted from having housing development potential.
Local Listed Buildings	The site is in close proximity to around twenty buildings along Homefield Road which are locally listed.

Employment Criteria	Assessment
Employment Land Supply	NA

Accessibility & Movement Criteria	Assessment
Accessibility	The City Council's walkable neighbourhoods map assesses accessibility from the site to key services and facilities as very good, although there is no secondary school within 1km. The site is within 500m walk of Heavitree local centre. Homefield Road is a cycle and pedestrian route (on the E3 strategic cycle route) with low traffic. The site is within 500m walk of the city centre bus station and a railway station is 1km away.
Car Parks	NA
Transport requirements	The site is suitable for low car development as it is close to bus stops and LCWIP routes. Due to highways constraints, access will need to be taken from the existing location but widened. Homefield Road is a high cycle and pedestrian route (on the E3 strategic cycle route) with low traffic and housing number on this site will therefore likely need to be constrained to prevent placing a burden on the surrounding highway network. Bus stops are close by and a railway station is 1km away. Secure bike parking will be required within the development. Contributions to a future bike share scheme and car share scheme and a travel plan will be required.

Health & Safety Criteria	Assessment
Contaminated land	A contaminated land risk assessment will be required and remediation may be necessary. The scale and extent of any remediation cannot be predicted at this time.
Waste Consultation Zone	The site is not located in a Waste Consultation Zone. Therefore Devon County Council as the Waste Planning Authority has no objections to development of this site. However, the site is relatively flat. As there is potential for the creation of inert material during any demolition and construction, it is recommended that principles of waste reduction and reuse are considered in any future site allocation and policy to

Health & Safety Criteria	Assessment
	ensure that the applicant considers these principles in the layout, design and levels of any development at this site. The potential for on-site reuse of inert material should be considered, as this will reduce the generation of waste and subsequent need to export waste off-site for management.
Installations handling hazardous substances	NA
HSE Major Hazard Pipelines	NA
Met Office Safeguarding Area	NA
Air quality	An air quality impact assessment will be required and appropriate mitigation agreed to ensure that traffic and emissions from the development are not unacceptable.
Noise pollution	Noise is unlikely to be a constraint on this site.
High voltage power lines	NA

Infrastructure Capacity Criteria	Assessment
Education	Any significant expansion in Exeter via the Local Plan will require the following: expansion of some existing primary schools and secondary schools; additional primary school provision. All new primary schools will also require nursery provision; new special school provision; consideration of expansion of Further Education provision. All development with family type dwellings (2 bedrooms or more) will be liable for education contributions.
Health	It is likely that financial contributions towards healthcare facilities will be sought at the planning application stage.
Waste water	South West Water advise that, following a high level assessment, development of the site would not be expected to require significant upgrades to the waste water network. The waste water risk level is assessed as low.
Clean water	South West Water advise that, following a high level assessment, development of the site would not be expected to require significant upgrades to the water network. The water risk level is assessed as low.

Other Criteria	Assessment
Community facility	NA
Retail	NA
Agricultural land	NA
Steep topography	NA
Existing homes	NA
Other	NA

Stage B Conclusion: Around 0.3 ha of the site has failed the Stage B Assessment on grounds of impact on significant trees in a conservation area. The site as a whole has failed the Stage B Assessment on grounds that development would result in the loss of a positive site in a conservation area and a playing pitch.

Availability Assessment: The landowner/agent has advised that the site will be available for development in years 1-5.

Achievability Assessment: The HELAA Panel has advised that the site is not achievable for housing development, as it is in a conservation area and includes significant trees.

Rating and Overall Conclusion
Red: The site is not considered to have housing development potential as it has failed the stage B suitability and achievability assessments.