

Our Ref **SH/SJS/2021**
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PCL Planning Ltd
13a-15a Old Park Avenue
Exeter
Devon
EX1 3WD
United Kingdom
t: [REDACTED]
www.pclplanning.co.uk

Local Plans Team
Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1JN

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, Waddeton Park Ltd.

We have now had the opportunity to review the Publication Draft and note that the Council has at least appeared to have acknowledged the clear deliverability issues of the previous version of the Plan. The removal of Marsh Barton as a strategic allocation seeks at least in part to redress the many concerns raised, including those of our clients, regarding the lack of consideration of the many implementation obstacles that bringing forward that area (in multiple and complex ownership and requiring business relocation on a major scale) would raise.

However, it is disappointing that this change has not led to a tangible refocussing of the overall spatial strategy and the Council's approach to delivering a sufficient supply of housing to meet identified needs. This is despite the Government, through the updated NPPF published in December 2024, making it absolutely clear that there is a need 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.

Furthermore, until the Plan is adopted the Council are still required to demonstrate a 5-year supply of housing land based on the new standard method (800 dwellings per annum), based on the Council's latest supply figure from April 2024 we have calculated that this represents a land supply position of under 3.9 years. The need to deliver increased levels of housing must be a priority for the Council both through development management and plan-making and requires a step change away from the traditional focus on constraints and protectionist policies.

On behalf of our clients, we have consistently set out that a Local Plan that over relies on sites that are undeliverable, whilst increasing the burden on all development through unrealistic and unviable requirements will not have been positively prepared and will not be effective.

Despite the removal of Marsh Barton (which my clients welcome), it appears only limited and narrow options have been explored as to how any shortfall of assumed housing delivery on that now defunct strategic allocation could be redistributed. It further appears the approach taken fails to be driven by the objectives of meeting the fundamental scale of need for housing in Exeter; does not seek to provide real choice in the housing market to meet the range of such needs; and lacks any true resilience or contingency needed to reflect the challenges of the strategy. Instead, the Plan, in our view continues to over rely on the undeliverable and unrealistic.

Spatial Strategy

It is noted the overall spatial strategy remains the same as before, focussed on preventing suitable and appropriate greenfield development based on an assumption that the city no longer has capacity. This ignores previous submissions made on behalf of my clients outlining the importance of a mixed brownfield and greenfield strategy. Not only does greenfield release provide for a wider choice of housing across the city it significantly contributes to the over resilience of the Plan.

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. The over reliance on brownfield sites and failure to realise the complexities and lead-in times for delivering them has led to significant vulnerabilities around housing land supply. This has resulted in the delivery of some much-needed new homes being progressed through lost appeals. Of far worse consequence has been the widening of the gap between the most vulnerable in our society who cannot access housing and those already decently housed who as a consequence of the under supply continue to benefit from increasing house prices.

The Publication Draft does not suggest any change in such approach, whilst it removes what clearly was an undeliverable element of the strategy by now omitting Marsh Barton, it fails to grasp the opportunity to look again at the role of appropriate greenfield sites. Instead, the strategy doubles down on the brownfield approach by adding further untried and untested sites in respect viability and deliverability, places even greater reliance on the delivery of Water Lane (which carries many of the same implementation issues as Marsh Barton) and relies on a blanket density increase across many sites without any consideration of appropriateness.

Again then, the Plan's success is based on a series of uncertainties, firstly is there anything to suggest the sites are viable to be delivered at all, secondly given the complexities of bringing brownfield sites forward can they be delivered within the timeframe required and thirdly how feasible is it to deliver at the numbers assumed (taking into account a number of allocations have simply been subject to a multiplier rather than any assessment of site character and context)? All of these uncertainties point to a strategy that is undeliverable and most likely to fail to bring forward the houses required within the Plan period and the undermining of the plan-led approach.

As set out in representations made to the previous version of the emerging Local Plan, it is very short sighted not to seek to plan appropriately for suitable and deliverable greenfield sites as part of a mixed strategy to provide both resilience and choice to housing delivery.

Delivery and Implementation

Whilst the Council clearly recognised the dangers of pursuing a strategy reliant on the delivery of Marsh Barton as a strategic allocation and have correctly removed it from housing delivery assumptions, it does raise the question as to why Water Lane has not been treated in the same way given many of the implementation challenges and uncertainties are similar.

Water Lane has proven over the years a demonstrable example of the difficulties the Council has faced in facilitating the redevelopment of large brownfield sites. This is despite a positive policy basis for over 30 years and two previously adopted development plans. Whilst we recognise outline planning consent has recently been resolved to be granted for mixed use development including just under 1000 homes, we would suggest that this crystallises the problems of delivery.

It is a scheme that is very much compromised by its implementation challenges including viability, flood risk, noise and land contamination. It has resulted in a scheme that proposes no affordable housing, no family housing, is heavily reliant on student accommodation and is proposed to be entirely flatted development. It is understood there has been no market testing of the scheme and to date no

developer partner (instead the application is led by a land promoter). We would therefore suggest that despite the resolution to consent the uncertainties of implementation remain significant. Even if it is deliverable in this form, it emphasises our concerns regarding the lack of choice and range of housing that will be created from the scheme and the failure to meet identified needs given the proposed total absence of affordable housing from what is the largest strategic allocation in the Plan.

Given the above and the introduction of a number of new brownfield sites with limited evidence of viability we are concerned the Council are continuing to overlook practical delivery and implementation matters including resulting viability challenges from the heavy tax burden on new residential development (including CIL, S106 and other planning requirements) compared to existing use values. Furthermore, we have previously raised that the work in association with the HELAA in respect of assessing deliverability is flawed and has been found to not be robust and is overly optimistic when scrutinised through 5 -year land supply challenges. It is not a basis for promoting an effective and deliverable plan.

There are many examples of brownfield sites where consent has been obtained yet implementation does not automatically follow, the Harlequins shopping centre site being another good example of the challenges, noting again the recent decision to remove any onsite affordable housing from the scheme on the basis of the viability challenges. A strategy focussed on brownfield development clearly raises the questions as to how the substantial need for affordable housing in the City can be met, if onsite delivery is not feasible.

It further emphasises the balance and contribution that appropriate greenfield sites, less encumbered by the factors raised above, can provide to the overall strategy.

We also note that to maintain housing numbers a number of sites have seen significant density uplifts, based on the findings of the 2021 Exeter Density Study. However, the previous version of the Plan did not consider it appropriate to seek density at that level on the same sites. What has changed other than a need to find additional housing to compensate for the removal of Marsh Barton? It does raise the question as to what robust evidence is there to suggest that these sites (a number of which are relatively small and, in some cases, have seen an almost doubling of housing yield to that previously proposed) can accommodate this uplift? For a number of these, site context would suggest the numbers and density now being proposed would place them significantly at odds with existing built form principles. We therefore consider there is a high likelihood that the Plan over-estimates dwelling densities in inappropriate locations.

Need for a More Balanced Housing Approach

Despite the loss of the Marsh Barton allocation the Plan's housing delivery still relies on a small number of strategic allocations (which by their nature are the most complex to bring forward), accounting for 60% of the housing to be delivered from the allocated sites. Given the deliverability concerns and uncertainties above this does seem like a high-risk strategy, where any failure on these sites would undermine the Plan as a whole.

As we have set out consistently in our representations on the emerging Local Plan, ensuring a mix of brownfield and greenfield housing sites is not only important to underpin deliverability of the plan (recognising that some greenfield sites will be more deliverable in the short to medium term), but also in terms of housing mix. As demonstrated by the recent Water Lane decision, focussing on brownfield redevelopment inevitably means higher density flatted development in order to mitigate site remediation costs.

However, the Plan does not appear to recognise that there is a limit to the number of apartments that the housing market can absorb and the consequences of the more unpredictable development finances in relation to flatted development. This inevitably results in schemes not meeting the expected planning requirements, including affordable housing (again as already evident in the case of Water Lane and Harlequins).

We would urge the Council to consider an alternative strategy that is more balanced and seeks to make provision for a wider range of sites including appropriate greenfield and a broader mix of dwelling types in order that all sectors of the market can be 'fed' at a rate that it can 'absorb', and that a concentration of a particular type of site and types of development coming forward simultaneously is to be avoided. That is the only way the Plan can realise its stated objective from the outset of its Strategy to provide "*good quality homes of a variety of types in the city to meet Exeter's various needs*".

Landscape Setting – Policy NE1

We note with disappointment that the Publication Draft continues to include Policy NE1 without any change. We have outlined in detail previously the flaw in 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.

Unfortunately, Policy NE1 continues with the same mistakes as LS1 and is likely to be the focus for future challenge, particularly considering the land supply challenges the Council will face. 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.

These sites play no substantive role in respect of landscape setting despite being included in wider land parcels within the LSA. This approach fails to recognise the distinction between individual sites within the Landscape Setting Areas and the variety they have in different landscape impact and sensitivity. Instead it has been left for appeal Inspectors to breakdown this broad brush approach and recognise that selective release of land on the urban fringe is not inherently unacceptable from a landscape setting perspective.

We continue to urge the Council to delete this policy and to instead properly consider where development could be acceptable within the urban fringe and plan positively for it rather than face ad hoc appeal decisions. We set out below in respect of our Clients' sites at Barley Lane and Home Farm that there are suitable and available sites that can be delivered within the Landscape Setting Areas.

Valley Parks – Policy NE2

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

Importantly there has been no review of the boundaries of designations in respect of landscape setting and the valley parks for a significant number of years. This is despite the significant change in planning context including the now more limited opportunities for greenfield release in Exeter and the Government clear focus on the delivery of housing. It is important that the broad-brush approach towards these designations (which also includes 'Green Circle' – Policy NE5 alongside Policies NE1 and NE2) do not prevent suitable and deliverable sites from coming forward, or rule out opportunities through development to provide improved public access.

Opportunity Sites

As we have set out above and in previous representations there are clear risks the Publication Draft Plan raises in respect of not being a positively prepared, justified and effective Development Plan that is also inconsistent with national policy. This could be addressed through a more deliverable approach to plan-making and a more balanced strategy that recognise the need for choice and resilience within the housing market, driven by the need to meet identified needs.

It is simply not the case that Exeter does not still have some capacity for genuinely suitable greenfield sites that can significantly contribute to the Plan's objectives. We have previously promoted sites within my clients' control at Barley Lane and Home Farm which are genuinely available and deliverable in the short to medium term. Despite our previous promotion of the sites through the emerging Local Plan process, we are disappointed that these appear to have been disregarded out of hand without any robust or detailed assessment and on the basis of the principle of landscape setting derived from the Council's blanket approach to such matters. We set out response to this individually for both sites below.

Barley Lane

The Barley Lane site (see location plan at Appendix 1) is situated on the western edge of Exeter, immediately adjacent to existing residential dwellings and the urban boundary. It is well located, with a range of local services and facilities in close proximity to the site, including a primary school, convenience store and community centre. It is also well positioned to benefit from both bus and rail travel. The site is also relatively unconstrained, situated within Flood Zone 1. The site does not contain or form part of any statutory designations (including Area Outstanding Natural Beauty, Site of Specific Scientific Interest, etc).

The Barley Lane site therefore represents a clear opportunity for additional residential development in a sustainable location on the western edge of Exeter. However, the HELAA fails to recognise this opportunity by rejecting the site without any consideration of the site's benefits and opportunities or whether a reduced extent of the site could overcome these concerns. Instead it is ruled out at Stage A without assessment on the basis of the 2022 LSA and the identification of the site as being "within landscape that has a high sensitivity to new housing development." In line with the concerns above regarding the Council's blanket approach towards landscape setting and other designations, this fails to recognise that the broad assessment within the LSA ignores the distinct differences between individual land parcels.

It is clear that there is a very different context for the Barley Lane site situated on the lower fields directly abutting existing development to the field parcels to

the west that rise steeply towards the ridge. The site clearly has better defined relationship with the suburban setting of Exeter and if developed would provide a strong urban edge. The site itself does not have any notable landscape features and any scenic value is significantly diminished by an existing telecommunications mast. A Landscape Visual Impact Assessment (LVIA) prepared on behalf of my clients identifies that the landscape value of the site is low.

In respect of landscape sensitivity it is clear that the LSA and the previous Exeter fringe study base their justification on sensitivity in relation to the character of the ridge rather than providing any analysis of the lower field parcels (which form the Barley Lane site). This is evident from the LSA when it states: *"Landscape susceptibility to housing lies in its character as a ridge with steeply sloping sides, a prominent skyline and upper slopes visible from the east such as from the Exe river corridor forming a strong setting and green backcloth to the city..."*.

However as evidenced within the LVIA prepared on behalf of my clients it is quite clear that the site forms only a small element of the more extensive assessment area, is separated from the wooded ridgeline and is not prominent in the skyline with limited visibility from the wider settlement. As a consequence the site is considered to relate more closely with the settlement edge both functionally and visually than the wider landscape within the assessment area of the LSA. This therefore significantly reduces any sensitivity in respect of housing and suggests development of the site would not result in any significant change to landscape character nor would it compromise the nature of landscape setting on the hills surrounding the city.

Given the critical need to deliver housing to meet identified needs, all reasonable opportunities for meeting that need must be delivered. It is not in our view acceptable to reject such sites as a matter of blanket principle without at least some detailed review of circumstances. Otherwise, important options are in danger of being overlooked or missed, as is the case with the Barley Lane site. Having moved beyond this point we are confident that the Council would score the site highly in respect of the subsequent Stage B of the Suitability Assessment within the HELAA and would urge the Council to consider the site's potential further. We would be happy to discuss the site and/or provide additional information to the Council to support a more detailed consideration of the beneficial contribution the site could have to the Plan Strategy.

Home Farm, Church Hill

Whilst a larger site at Home Farm was promoted previously through the emerging Local Plan stage, my clients are now pursuing a smaller element of the site, focussed on the south eastern portion (as shown in the Location Plan in Appendix 2). This part of the site immediately abuts existing development and

therefore will be visually read and contained within that context. As such it addresses any previous concerns regarding landscape setting and harm.

It is noted that the larger site previously promoted is rejected in the HELAA in principle because it falls within a landscape character area identified as being sensitive to new housing development. We would reiterate our comments made above in respect of Barley Lane and the lack of nuanced approach to landscape setting which results in all field parcels within an area being classed as if a single entity sharing the same characteristics. This approach ignores the fact that impact on landscape setting depends on a range of factors and characteristics which are not always shared within the Landscape character areas. To object in principle without any detailed assessment will mean good opportunities to support the delivery of housing are at the risk of being overlooked.

The revised site extent of the Home Farm site now has a very different character to that of the higher fields to the north and will retain a greater relationship to the existing built form to the south than the ridgeline to the north.

Furthermore, the site is clearly sustainable, in close proximity to the services and facilities of Pinhoe including a primary school, library, and convenience store etc with good access to sustainable travel options including bus and train. It provides an opportunity to bring forward new homes on a sustainable site that is deliverable without any technical constraint as well as providing wider landscaping and BNG benefit.

The site would perform well against the Stage B criteria and should be considered as an option for an allocation that could be brought forward swiftly to provide early support for the Council in achieving their challenging housing targets. Again, we would be happy to discuss the opportunity of this site further with the Council.

Purpose Built Student Accommodation – Policy H10

We note with some concern that the Plan appears to be heavily focussed on PBSA and its perceived role in supporting housing delivery in the City. In doing so it appears to demonstrate the Council's lack of understanding of the interrelationship between such accommodation and Exeter's existing housing market stock and local housing needs. As a result the Council appear to be over exaggerating the role PBSA should play in its contribution to housing supply.

The Council are incorrect to suggest that PBSA can directly contribute to housing supply as it requires assessment of the extent that such accommodation results in release in the wider housing market by allowing properties to return to general residential use. Having reviewed the Council's evidence base (Greater Exeter: Student Housing Needs Assessment, November 2024) there appears to be an

assumption that the net migration of students is included within the Standard method and therefore accounted for in the LHN of 642 dpa.

However, we dispute this on the basis that the Households projection element of the Standard Method is based on data trends between the years 2009 to 2014 (see 'Household Projections 2014-based: Methodological Report' p.8). Therefore, student occupation of market housing has only been factored in for this period. Any increase in student occupation of market housing at a rate greater than that in 2009 to 2014 would not be accounted for.

The impact of student occupation on Exeter's market housing stock could be understood by reviewing Student Council Tax exemption data. However, this data has not been provided.

Beyond that there is no evidence that the growth in demand for student accommodation since then has been factored into the Standard Method and as a consequence for PBSA to count towards meeting the LHN the Council will still need to demonstrate (in accordance with the Practice Guidance) the actual release of market housing that is attributable to PBSA. It is important that this issue is scrutinised in order to not miss opportunity to provide sufficient housing to meet identified local needs.

With the current data available, it appears unlikely that market release has occurred. Annual student numbers growth is indicative of growth in student's occupying market dwellings. This data is provided in Figure 1 of the Greater Exeter: Student Housing Needs Assessment Report of Findings, November 2024'. In the period of 2009 to 2014 (which correlates with the data that feeds into the standard method) there was a cumulative increase of 2,583 students (431pa) who were not part time and did not live at home. In the period 2015 to 2022 there was a cumulative increase of 7,749 students (1,107pa) who were not part time and did not live at home.

This represents approximately a 257% increase in the number of students per annum since the baseline included in the standard method. Whilst this does not represent the number of students that have gone into market housing, it is such a significant increase in student presence in Exeter compared to the 2009 to 2014 period (where the data trends contributed to the standard method projections) that further investigation is required (for example, through a review of Student Council Tax exemptions, as indicated above).

Climate Change Policies

We have previously raised concerns regarding the emerging plan's focus on ambitious policies seeking Net Zero by 2030 and the impact this has on the viability of development. This challenging ambition needs to be grounded by the imperative to tackle fundamental need for housing in Exeter. We remain concerned that the Publication Draft plan includes a number of 'Climate Change'

policies which, in some instances, may 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.

We are not aware of any subsequent updates on the FHS that clarifies the government's details around reductions in carbon emissions. Therefore, the 75% reduction goes beyond current or planned building regulations, in being contrary to the Written Ministerial Statement of 13 December 2023 (ref. UIN HLWS120) by Baroness Penn, which states: *"The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government's commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations."*

The WMS goes on further to state that: *"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 that ensures:*

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP)."*

It is not clear from the evidence base how the policy approach of CC5 can be justified in this context. We would suggest the policy is in any case unnecessary as it duplicates forthcoming Building Regulation changes.

Policy CC9 (Water Quantity and Quality) appears to be an attempt to discharge South West Water's statutory duty for maintaining water quality and placing responsibility on to the development industry through what appears to be a quasi-nutrient neutrality policy. This is not reasonable or necessary.

Conclusion

The Publication Draft does little to address the concerns we have expressed previously on our clients' behalf on the overall lack of focus on meeting the fundamental housing needs of the City. It fails to recognise that there are opportunities to have a more balanced and comprehensive approach towards identifying both brownfield and greenfield sites which benefit delivery, choice and provide much needed resilience to the Plan. Instead the Plan continues to rely on assumptions that are at best uncertain (but more likely undeliverable) and to perpetuate a reliance on blanket protection that overlooks opportunity and benefit.

What is clear is the City Council are facing significant housing challenges which the Government is clear in its expectation that it will need to be met through the delivery of substantially more housing. This does mean a step change in approach will be required to prevent another plan period passing by characterised by non-delivery, appeal losses and an ineffective and undermined Development Plan.

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: [REDACTED] Should the Council wish to discuss any of these matters. Then please do not hesitate to contact us.

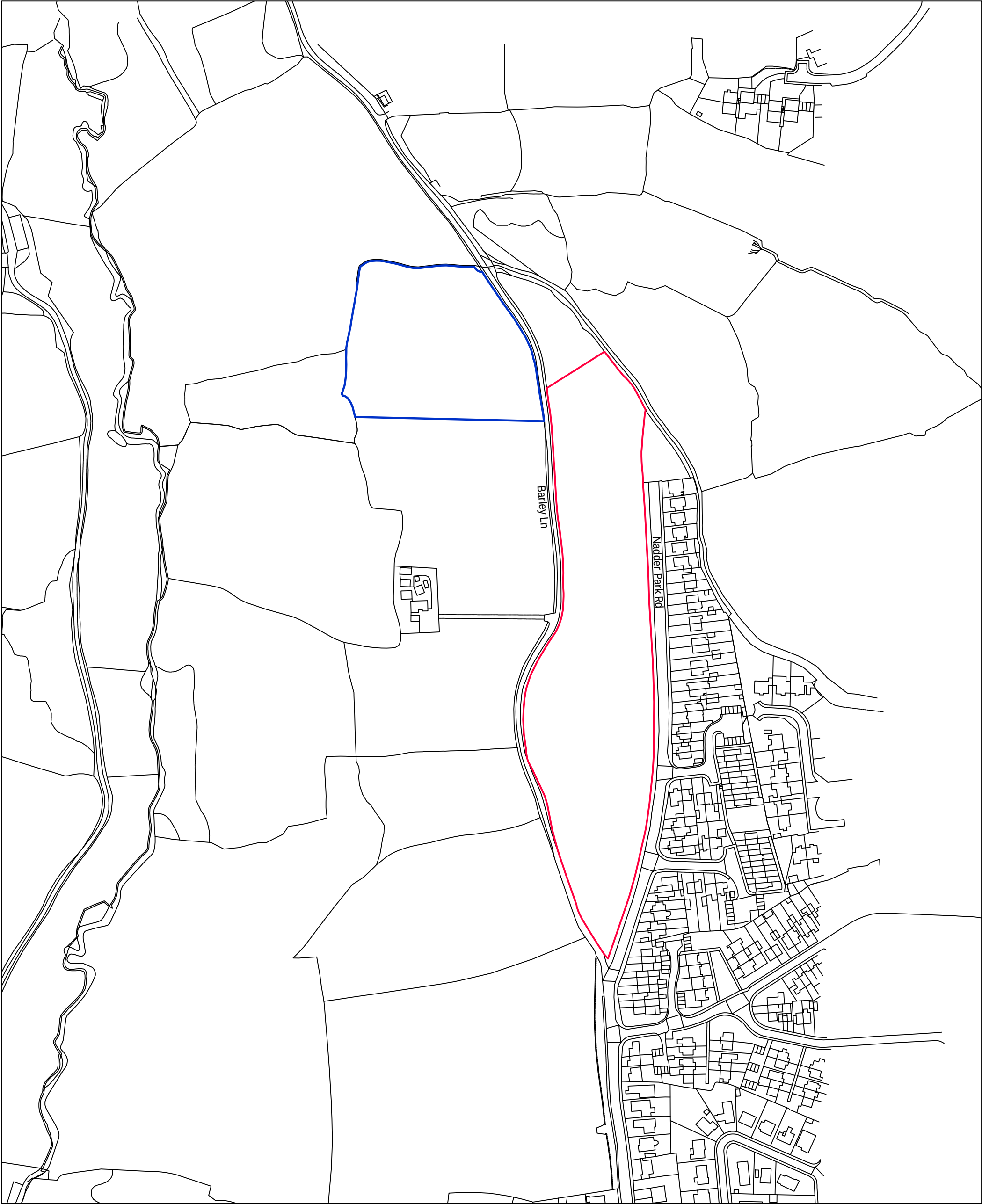
Kind regards,

[REDACTED]
Stuart Houlet BA(Hons) MA
For PCL Planning Ltd
e: [REDACTED]

Appendix A
Location Plan – Barley Lane, Exeter

Appendix B
Location Plan – Home Farm, Pinhoe

Appendix A
Location Plan – Barley Lane, Exeter



- Application boundary
- Offsite area for Biodiversity New Gain requirements

BARLEY LANE, EXETER		-
LOCATION PLAN		SKH/DH
220720 L 01 01	1:2500/A3	FEB 2025

CliftonEmerydesign



Units House, 84 Longbrook Street, Exeter EX4 6AD
W: www.cliftonemerydesign.co.uk M

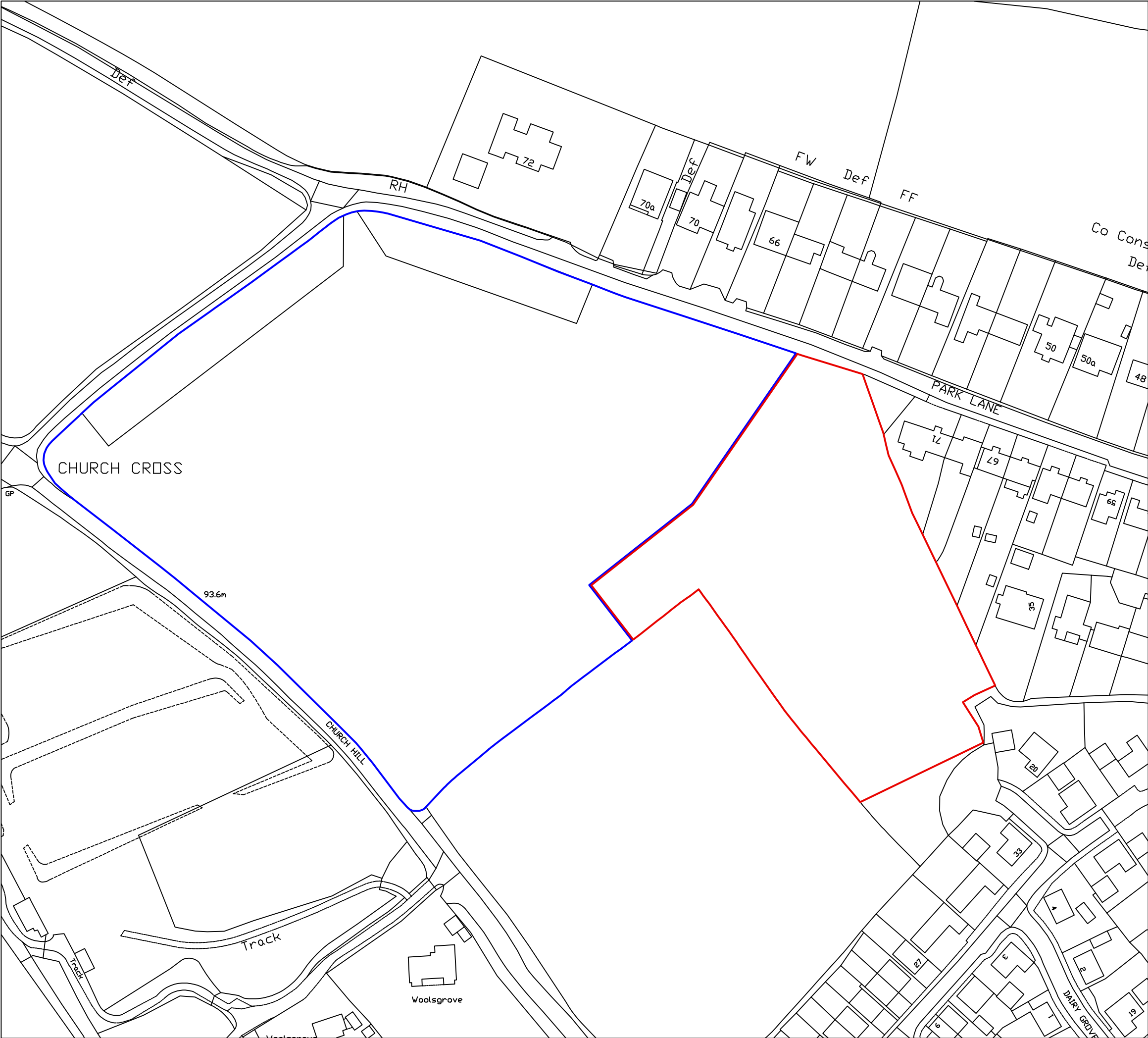
DRAWING STATUS PLANNING

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1200 m

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Appendix B
Location Plan – Home Farm, Pinhoe



NOTES

- Site boundary
- Land under client control

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REV	NOTES	DATE
	Home Farm, Pinhoe Location plan	- SKH / DH
231018 L 01 01	1:1250/A3	Feb 2025

CliftonEmerydesign

Hems House, 84 Longbrook Street, Exeter, Devon, EX4 6AP
W: www.cliftonemerydesign.co.uk

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