

EXETER LOCAL PLAN 2021-2041

INDEPENDENT EXAMINATION

MATTER 9, ISSUE 2

SITE ALLOCATIONS – POLICY SBA1

HEARING STATEMENT

ON BEHALF OF

SALTER PROPERTY INVESTMENTS





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1. Introduction

- 1.1 This Position Statement sets out a brief response on behalf of Salter Property Investments (SPI) to the Inspectors' questions in relation to Matter 9.
- 1.2 This Hearing Statement should be read in conjunction with the written representations made on behalf of SPI to the Regulation 19 Plan.
- 1.3 To be consistent with their representations to the Regulation 19 Plan, SPI's submissions in this Statement are focused on Policy SBA1 (Water Lane).

2. Policy SBA 1 – Water Lane

SPI's Position

- 2.1 SPI does not object to allocation of the strategic mixed use brownfield allocation at Water Lane. SPI's position is that, as the largest single allocation in the Plan, there are uncertainties relating to the timescales for its delivery and the contribution it can make to meeting housing needs during the Plan period, and to its ability to contribute to the compelling need for affordable homes within Exeter. SPI's position is that, in consequence, there is a need to allocate additional sites that can deliver both market housing for families and affordable homes.

Q1. Is the site all within the same ownership? Is it deliverable in the form allocated in the Plan?

- 2.2 The evidence from the submitted planning application for which the City Council resolved to grant planning permission in January 2025¹ indicates that the site is not all within the same ownership. Only the central section and north-western part of the proposed allocation is included in the application site, and the remainder is not outlined in blue as constituting land also within the applicants' ownership and control. The Council will no doubt confirm the position regarding applications on the remainder of the allocation.
- 2.3 The fact that an application has been submitted and approved for only part of the allocation indicates that it is not deliverable in the form allocated in the plan. The Council should provide evidence to confirm how it is intended to ensure that the overall site is deliverable in the form that is allocated in the Plan. Moreover, it is pertinent to note that, whilst a resolution to grant planning permission was given at the meeting of the Planning Committee in January 2025, over a year later the S106 Obligation has yet to be completed and the planning permission issued.

¹ 23/1007/OUT

Q2. Is it appropriate to defer details relating to the amount and distribution of development to a Supplementary Planning Document ('SPD')?

- 2.4 No, it is not appropriate.
- 2.5 One of the fundamental purposes of the Plan, and for the Examination to test, is whether the Plan makes sufficient provision to meet the overall need for housing, which is a minimum requirement. If the details are deferred to a SPD, then it will not be possible to confirm that the overall minimum requirements can be met during the Plan period. Since the Water Lane allocation is the largest single allocation in the Plan and accounts for a significant proportion of the Plan's overall provisions for housing, then it is particularly important that the minimum deliverable capacity of the site is robustly tested and justified.
- 2.6 In addition, if the amount and distribution of development is deferred to a SPD, then the broad environmental and other impacts of the proposals cannot be properly tested and justified.

Q3. Is Policy SBA1 effective and justified by including a requirement for development to accord with an SPD?

- 2.7 Since an SPD has no statutory force and will not be subject to independent Examination, then the policy cannot be effective and justified by requiring development to accord with non-statutory guidance.
- 2.8 SPD should properly 'supplement' the provisions of the development plan and be prepared within parameters set by the adopted policies. The construction of the policy as currently worded requires accordance with SPD which pre-dates the formulation of the policy rather than supplementary guidance that has been prepared within the framework provided by the statutory Development Plan.
- 2.9 Policy SBA1 must therefore be tested and examined against the evidence base that underpins the Plan, and cannot defer to SPD that has not been subject to statutory consultation or independent examination.

Q4. How does the proposed capacity of around 1,861 homes relate to the Liveable Water Lane SPD? Is this figure broadly consistent with it?

- 2.10 It is unclear how the capacity proposed in the Plan relates to the SPD since it does not specify a quantum of homes that it is intended to deliver from the overall site.
- 2.11 The only application that has been submitted to date is inconsistent with the emerging policy in providing for only 980 dwellings, and 320 bedspaces for students. Moreover, the adopted Core Strategy provided for only 800 dwellings in the Water Lane area². It is pertinent to note that the site has not contributed to housing delivery during the lifetime of that Plan.
- 2.12 The planning application that has come forward is also inconsistent with other elements of the emerging policy. In particular, it comprises wholly flatted development, and therefore fails to provide a housing mix informed by the latest housing needs assessment. In addition, it has failed to incorporate provision for any affordable housing whatsoever. Given that, by some margin, it is the largest housing allocation in the Plan accounting for approximately 35% of the Plan's allocated capacity, this is a very serious shortfall that, on its own, justifies the allocation of additional housing land given the acute affordable housing need in Exeter.

Q5. Is the policy sufficiently clear in terms of what types and quantities of housing will be provided? Is Policy SBA1 effective in this regard?

- 2.13 The policy is unspecific about the types and quantities of housing that will be provided, just that a mix will be required having regard to the latest needs assessment, and that affordable housing will be required in accordance with the relevant policies.
- 2.14 The evidence from the application that the Council has resolved to approve is that the policy will not be effective in this regard since the site can only accommodate high density development in the form of flats, and due to the abnormal costs of development, cannot deliver any affordable housing whatsoever.

² Exter Core Strategy, para. 6.8

Q6. According to Policy SBA1 the proposed housing would be at a density of about 51 dwellings per hectare. What would this mean for the height and built form of any new residential development brought forward on the site?

- 2.15 This is a matter for the Council. However, as is evidenced through the application for that part of the site that the Council has resolved to approve, it would seem likely that the built form will comprise blocks of apartments offering a limited mix of housing and no affordable housing.

Q7. What effect will the allocation have on the character of the area, having particular regard to the setting of heritage assets?

- 2.16 Given that, as alluded to in Q2, details of the amount and distribution of development are deferred to a SPD, it is questionable whether the evidence base supporting the Plan enables robust assessment of these impacts to be made.

Q8. What effect will the allocation have on the safe and efficient operation of the highway network?

- 2.17 Again, given that, as alluded to in Q2, details of the amount and distribution of development are deferred to a SPD, it is questionable whether the evidence base supporting the Plan enables robust assessment of these impacts to be made.

Q9. What effect will the allocation have on flood risk?

- 2.18 This is a matter for the Council, but, again, given that, as alluded to in Q2, details of the amount and distribution of development are deferred to a SPD, it is questionable whether the evidence base supporting the Plan enables robust assessment of these impacts to be made.

Q10. Is it sufficiently clear what is expected of applications for planning permission in respect of additional infrastructure requirements?

- 2.19 The evidence from the planning application that the Council has resolved to approve is that there is insufficient clarity on what can realistically be delivered given the abnormal costs of

development arising from the necessary site remediation works. In this respect the policy is indeterminate regarding what is necessary since it requires investigation and appropriate mitigation and remediation of any contaminated land, confirming that the required measures are currently unknown.

- 2.20 It follows that, what the site can deliver in terms of infrastructure, and other policy requirements such as affordable housing, are unclear at this stage.

Q11. Are the requirements set out in Policy SBA1 justified, consistent with national planning policy and based on robust, up to date evidence? Have these requirements been adequately tested to ensure that they are viable and deliverable?

- 2.21 The evidence from the application that the Council has resolved to approve is that, unless and until the site reclamation requirements are known and costed, it cannot be established whether the policy requirements are viable and deliverable. Given that it is a requirement of the policy to investigate and identify appropriate mitigation and remediation, by inference those requirements are not yet known. *Ipsa facto*, it cannot yet be known whether the policy requirements will be viable and deliverable.
- 2.22 In particular, the evidence from the application that the Council has resolved to approve is that the requirements of criterion A cannot be met, in that a wide range of housing needs cannot be met on the site, and no affordable housing can be delivered. Given that ‘providing good quality homes of a variety of types in the city to meet Exeter’s various needs’ is one of the 15 elements that underpins the spatial strategy for development in Exeter³, and that Water Lane is, by some margin, the largest housing allocation, then any uncertainties as to deliverability on these key requirements ought to have been factored into the site selection process.
- 2.23 It is therefore considered that the requirements of Policy SBA1 have not been justified since there is uncertainty in terms of their deliverability. Therefore, they are not based on robust, up to date evidence since they have not been adequately tested to ensure that they are viable and deliverable.

³ Publication Plan, Policy S1

Q12. What is the justification for the suggested modifications to the Policy SBA1 and its supporting text? Why are they necessary for soundness?

- 2.24 This is a matter for the Council to explain and justify. However, they seem to be introducing further requirements and burdens on the proposed development without any accompanying evidence to support their viability and deliverability.

