

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

Mr

First Name

Damien

Last Name

Lynch

Job Title (where relevant)

Associate Director

Organisation (where relevant)

Planning Issues Ltd on behalf of Churchill Living and McCarthy Stone

Address Line 1

Churchill House

Line 2

Parkside

Line 3

Ringwood

Line 4

Post Code

BH24 3SG

Telephone number

E-mail address

2. Agent's details if applicable

Title

As above

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

4 (a). If yes, and you wish to support the legal compliance of this part of the Exeter Plan, please use this box to set out your comments.

(Continue on a separate sheet if necessary)

4 (b). If no, please give details of why you consider this part of the Exeter Plan is not legally compliant. Please be as precise as possible.

(Continue on a separate sheet if necessary)

The draft policy seeks to apply affordable housing to C3 proposals including specialist housing for older people. It is noted that build to rent has its own specific affordable housing target set out within policy H5.

Supporting text paragraph 6.16 states

The targets and tenure split in Policy H4 are set in light of the need for affordable housing in the city identified by the 2024 Exeter Local Housing Needs Assessment (LHNA) and the viability assessment of the Plan. The latter concludes that different affordable housing targets must be set for brownfield and greenfield sites to ensure that residential development in Exeter is viable. Overall, it is likely that Policy H4 will deliver approximately 20% of homes as affordable, while grants and other subsidies will be used to increase the number of affordable homes delivered.

6.18 states

The types of housing development to which Policy H4 applies include new build, conversion and mixed use schemes, phased developments, developments by Registered Providers and other proposals for self-contained homes (e.g. some types of supported housing and homes for older people such as extra care and retirement/assisted living housing). Policy H4 does not apply to build to rent housing, co-living or purpose built student accommodation. Specific affordable housing requirements for build to rent and co-living are set out in Policies H5 and H6.

Representatives of Churchill Living and McCarthy Stone attended the joint East Devon and Exeter Plan wide viability study workshop in 2024. At this session it was highlighted that both developers

had come forward with proposals in Exeter within the last number of years and encountered considerable delay and cost in dealing with viability matters on specific sites which included a costly appeal process which ultimately came down on the side of the applicant. Given the delay experienced, the developer in that case disposed of the site and did not implement the consent. It was also highlighted that in undertaking the plan wide viability assessment, it would be appropriate to test older persons housing typologies and then formulate specific affordable housing policy for this typology (similar to the specific build to rent policy in H5).

The plan wide viability study was published in November 2024 and in respect of housing for older people states

5.13 Older persons housing has weaker viability than general housing: Extra care and care homes are not viable under any of the circumstances tested although at the lower BLV tested extra care is marginal with no affordable housing and, Sheltered housing is only viable (with limited headroom) with no affordable housing.

It is therefore incorrect to state at paragraph 6.16 of the draft plan that consideration has been taken of the plan wide viability study given that the study does not support any affordable housing provision for this typology.

We have engaged in considerable local plan representations over the last number of years and can point to a number of recently adopted or emerging local plans where suitable bespoke affordable housing policies have been brought forward.

We would draw the Council's attention to Paragraph 5.33 of Policy HP5: Provision of Affordable Housing in the now adopted Fareham Borough Local Plan which advises that:

5.33... The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing.

Furthermore, policy in Swale exempts older persons housing from affordable housing in light of viability constraints and emerging policy in BCP, Birmingham and Charnwood also exempt older persons housing from the provision of affordable housing.

BCP

The Local Plan viability assessment indicates that for greenfield sites we can continue to seek 40% affordable housing provision on site. For brownfield sites we will seek 10-15% affordable housing, but due to viability, this will not apply in Bournemouth and Poole town centres, or for specialist forms of housing (e.g. build to rent, student housing, care/nursing homes (Use Class C2) or for retirement housing (sheltered housing) and extra care (assisted living) housing (both Use Class C3).

Birmingham

"Due to the specific viability challenges of delivering older persons' housing, the evidence suggests on the basis of the market research, appraisal inputs and policy requirements, Older Person's Housing is exempted from Affordable Housing provision".

Charnwood

"Our viability evidence shows that neither sheltered housing nor extra care housing developments are likely to be viable if a contribution towards affordable housing is sought".

In addition, [Fareham Borough Council](#) recently adopted their new local plan and Policy HP5 of the plan states:

"The Viability Study concludes that affordable housing is not viable for older persons and specialist housing. Therefore, Policy HP5 does not apply to specialist housing or older persons housing".

The respondents are of the view that similar conclusions would be made in this case in respect of housing for older people whereby a zero affordable housing requirement would be more appropriate.

Similarly, given that the council has not demonstrated any provision of affordable housing is viable in respect of housing for older people, the proposed review mechanism should not apply to the typology.

Paragraph 58 of the NPPF places increased emphasis on Local Plan viability testing and the Viability PPG states that *"The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan"* (Paragraph: 002 Reference ID: 10-002-20190509).

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)

Policy H4 should exempt specialist housing for older people (including sheltered and extra care) from the requirement to provide affordable housing through S106.

Text should be included to state.

The affordable housing targets will not apply to specialist housing for older people due to viability, management and delivery requirements. The council will work with a full range of providers to support the delivery of a range of tenures for older people delivered with sustainable management arrangements.

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

Yes

☐

No

☒

5 (a). If yes, and you wish to support the soundness of this part of the Exeter Plan, please use this box to set out your comments.

(Continue on a separate sheet if necessary)

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

(Continue on a separate sheet if necessary)

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base. The council's evidence base is clear that the proposed affordable housing target cannot be provided.

5 (c). Please set out the modification(s) you consider necessary to make this part of the Exeter Plan sound, in respect of any soundness matters you have identified at 5(b) above.

You will need to say why each modification will make this part of the Exeter Plan sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.

(Continue on a separate sheet if necessary)

Policy H4 should be amended to state that the requirements of the policy will not apply to specialist housing proposals for older people.

6. Do you consider that this part of the Exeter Plan complies with the Duty to Co-operate?

Yes

N/A

No

N/A

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)

N/A

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)

N/A

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)

N/A

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)

N/A

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)

The delivery of housing for older people represents a critical need as set out within national planning policy and guidance. Our client's represent two of the largest providers operating across the UK and are well placed to advise on policies which will ensure this typology is delivered successfully across the plan period.

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>