



HBF response to Exeter Local Plan Examination MIQs- Matter 1 – Legal Compliance

HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new “for sale” market housing built in England and Wales as well as a large proportion of newly built affordable housing.

Please note that we have not responded to all the questions only those of relevance to our members, and reflecting the issues in our Reg 19 response that HBF submitted.

Issue 1 – Duty to Cooperate

Q1. Taking the above into account, what evidence can the Council point to which demonstrates that it has engaged constructively, actively and on an ongoing basis in relation to the known cross-boundary issues?

HBF note the letter from Matthew Pennycook MP to the Planning Inspectorate dated 27 November 2025. As you will be aware the Government is not saving the Duty to Cooperate (DTC) requirement as a legal test for new Local Plans. However, it remains in place for now, and there is clearly still an expectation that Councils will work together on effective plan-making. There remains a clear expectation that the housing needs of an area will still be met in full. Although compliance with DTC will no longer a legal compliance matter, it is still part of the tests of soundness for the Plan.

Even when the Duty to Cooperate is no longer a legal test, there is clearly still a requirement for the Exeter Local Plan to maximise housing provision within the plan area and do what it can to meet the unmet needs of neighbouring authorities and the wider south Devon area, and vice versa.

HBF are concerned that the known issue of Torbay's unmet needs remains unaddressed. Torbay Council recently consulted on a Reg 18 version of the Torbay Local Plan that was seeking to plan for only 400 of the 950 dpa that were needed in the area. The consultation on this Plan ended on 2nd Feb 2026. Although HBF have questioned whether Torbay are doing enough to meet as much of their own housing needs as possible within their own boundary strongly, we have recognised that owing to the constraints and tightly bounded nature of the Torbay Local Plan area there is likely to remain some unmet needs. Although the unmet housing need has only recently been quantified, the issue of Torbay saying they are unable to meet their housing needs in full is well-known and longstanding. It is therefore disappointing that the Devon Authorities are not working better together to address this issue of unmet need across the wider area.

Similarly, East Devon recently published a second Reg 19 version of their Plan which is attempting to proceed under the transitional arrangements and only met 80% of the standard

method housing requirement. Again, this is another example of where the unmet needs of Torbay, and potentially Exeter are seeming to go unaddressed.

In contrast we would highlight the example of effective cross-boundary working being undertaken in Leicester and Leicestershire. We would wish to draw attention to Leicester City's significant evidence base supporting how the Duty to Cooperate has been met over the whole plan preparation period and how the issue of unmet need has been quantified and is now informing other Leicestershire LPAs emerging Local Plans (see <https://www.leicester.gov.uk/content/leicester-local-plan-examination/what-is-a-local-plan-examination/>). We are not aware of the same level of information and cross-boundary working and positively plan-making in relation to genuinely addressing unmet needs within the south Devon area.

In HBF's view the Plan needs to say more about how the unmet need of the wider Devon area will be met. This should include a secure commitment from neighbouring authorities including East Devon and Teignbridge that they will take action to address the issue of unmet needs across the wider area through both plan-making and decision-taking.

As set out in our Reg 19 responses, although under the transitional arrangements Plans that have reached an advanced stage of decision-making are able to progress where they are meeting at least 80% of the new standard method housing figure, to proceed on this basis still in our view fails to represent positive plan-making and leaves the remaining 20% of a known housing requirement unaddressed. HBF remain disappointed that the Council has chosen to simply kick the issue of the remaining need down the road and not addressed it now, a point made more concerning by the implications of a nearly all brownfield sites approach and the impact this will have on viability, and the knock on implications to the delivery of affordable housing.

As you will be aware the Government published its long-awaited proposed revisions to the NPPF for consultation on 16th Dec 2025. Whilst this is, at this stage, only a consultation it clearly sets out the expectations and direction of travel of Government policy. The new Dec 2025 draft NPPF clearly shows the importance that is being placed on addressing the housing crisis and the clear move towards a more rules-based planning system that provides more certainty for everyone. It is very clear that the Government is expecting Local Plans to do more to help to address the housing crisis and there is a clear expectation that all Councils should be planning to meet their housing needs in full.

Although in the medium term it is anticipated that sub-regional housing numbers and issues of redistribution of any unmet housing needs where they occur will be addressed through SDSs. In the interim it is still essential that work with neighbouring authorities to address unmet needs continues.

Q2. Are there any remaining issues (such as grid capacity or sports facilities) to resolve in relation to matters of soundness or legal compliance?

See comments in response to Question 1

Q3. Have any neighbouring authorities approached the Council to help address their unmet needs or vice versa? If so, what process did the Council follow and what was the outcome?

See comments in response to Question 1

Q4. Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to the advice contained in the National Planning Policy Framework ('the Framework') and the Planning Practice Guidance ('the PPG')?

See comments in response to Question 1

Q5. Is the Plan consistent with paragraphs 24 to 27 of the Framework which require strategic policy-making authorities to maintain effective cooperation on strategic matters that cross administrative boundaries?

See comments in response to Question 1

Q6. In terms of this issue, are there any other suggested modifications in the Schedule of Suggested Modifications² necessary for soundness?

See comments in response to Question 1

Issue 3 – Sustainability Appraisal

Q1. Does the Sustainability Appraisal (SA) provide a comprehensive and robust basis to inform the strategy and contents of the plan, particularly in terms of:

a) Its assessment of the likely effects of the plan's policies and allocations?

HBF do not comment on specific site allocations. We however would expect the Plan to 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 remains important that both the Local Plan strategy and the allocated sites within it are deliverable.

We recognise that if more sites are needed to meet the housing requirement of Exeter, additional SA work will be needed to support this.

b) Its consideration of reasonable alternatives, including the alternative spatial strategy options and why they were discounted?

See comments in response to Q2 below

Q2. How were the strategic policy options A-D determined? Are there any other reasonable strategic policy options that should have been tested by the Council through the SA, and if so, why?

HBF note that the Council considered the following options in their Sustainability Appraisal:

Option A: Focus most development on large, strategic brownfield sites.

Option B: Focus on developing greenfield sites.

Option C: Dispersal on smaller sites.

Option D: Focus on public transport hubs and routes within the city.

This does not appear to have considered the need for mixed approach. As we have mentioned in our Reg 19 response in order to deliver a mix of housing a range of sites are needed. In order to support SME builders the Government required 10% housing to be delivered of sites of less

than one hectare and HBF support the small sites allowance being delivered through allocations, and not windfall. The certainty that an allocation provides should help to de-risk development for SME builders.

In our Reg 19 response we noted that SMEs also deliver on other types of non-strategic sites (for example up to 100 units) and argued for the inclusion of additional non-strategic allocations would expand the range of choice in the market and be of a scale that can come forward and make a contribution to housing numbers earlier in the plan period. HBF note that the Government recently consulted on establishing a medium size of sites. From the ongoing review of BNG via the consultation on small, medium and brownfield sites, through to questions in the current Dec 2025 NPPF consultation, it is clear that the Government is looking to do more to support SMEs and are continuing to encourage diversification of the house building sector.

Although HBF recognises the important role that brownfield development can play in delivering housing, it must also be recognised that the viability of brownfield sites can be more challenging and result in less affordable housing delivery. There is also a need to provide for a range and mix of housing types and tenures. We note that some types of sites may be better suited to some types of housing development than others, for example an inner-city brownfield sites may be a good location for high density residential apartments, but less suitable for lower density family housing.

HBF therefore continue to suggest that the Plan should recognise that it is necessary to include an appropriate level of greenfield development as part of the long-term planning for the sustainable development of Exeter, and this this should be delivered in a planned way through allocations, which provide certainty for developers, landowners and communities. The revised SA does not address these issues.

Q3. Do any of the strategic policy options test a scale of housing growth that would enable affordable housing needs to be met in full? If not, what are the reasons why?

HBF note that this issue, and the options that could deliver this outcome appear, not to have been considered or modelled. It is therefore difficult to come to any conclusion about the outcomes that would result from a policy decision to prioritise meeting affordable housing need or how many open market houses this may have required. The revised SA does not address this issue.

Q4. How were the policy options determined? Are there any other reasonable policy options that should have been tested by the Council through the SA, and if so, why?

HBF are concerned that that the para 6.101 of the Sustainability Appraisal states that the “housing requirement should be based on the standard method unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.” This is not then followed in policy, or the SA, by a consideration or analysis of those factors; they are simply deemed to not apply. It should also be noted that national policy requires the housing requirement is set as a minimum figure. As set out in our Reg 18 and Reg 19 responses HBF believe the housing requirement for Exeter should be higher, and as such additional allocations will be needed. The revised SA does not address these issues.

Q5. How were suitable and potentially suitable housing sites determined for the purposes of the SA? What type of sites were discounted as part of this process?

HBF do not comment on individual sites, but as we believe the housing requirement for Exeter should be higher, we would support the allocation of additional sites.

Q6. Is the SA based on a robust and up-to-date assessment of housing, mixed-use and employment sites? Were adequate reasonable alternative options considered and were they tested on a consistent basis?

Para 61 of the relevant NPPF says that “to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area”. However, para 67 states that “The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment.”

HBF continue to strongly support the need for more housing in the Exeter Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing, to support small and medium house builders and to support employment growth. HBF would continue to request that the Council considers the annual LHN 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.

We are disappointed none of these factors appear to have been considered, and instead the Council is choosing to continue under the transitional arrangements planning for only 80% of the housing requirement under the new NPPF method. We remain unclear if additional housing is required to meet the unmet needs of neighbouring areas and/or Torbay but it is essential that the correct housing requirement is established before consideration is given to if the housing requirement can be delivered within the Exeter Plan area.

Issue 5 – Climate Change

Q1. Does the Plan (taken as a whole) include policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change? If so, how?

HBF have provided details comments on the specific climate change policies which are not repeated here. Although HBF recognise the role that house builders have to play in helping to minimise and mitigate climate change, we remain concerned that the Council seeking to introduce local policies that seek to go above and beyond Building Regulations. We note that the Dec 2025 NPPF consultation sets out that Local Plans should not include policies on matters already addressed through Building Regulations and other regulatory regimes except when it comes to parking standards and the percentage of homes locally required to meet the accessibility standards M4(3)a and M4(3)b.

HBF would suggest this strongly supports our views that the scope and content of the wide range of Climate Change policies in this Plan are largely unnecessary. We also note that the Dec 2025 draft NPPF proposals clearly set out that the Government view is that Local Plan policies which conflict with the new NPPF will not be able to be taken into account in decision-

making once the new NPPF is in place. This seems to add further weight to our concerns about the approach to climate change policies in this Plan.

Issue 8 – Other matters

Q2. It is proposed via suggested modification SMM1 to revise the plan period from 2021-2041 to 2022 - 2042. What is the justification for this suggested modification? Is it necessary for soundness?

See answer to Q3 below. However, it is also noted that the Council in its Proposed Modifications (see for example SMM5) to the Plan acknowledge that it will not be adopted before 2027.

Q3. Will the plan period cover a minimum 15-year period from the anticipated date of adoption?

In our Reg 19 response HBF noted that it was proposed that the plan period would run from 2021 to 2041. As we set out in our reps HBF considered that the Council should ensure that the Plan covers a period of 15 years from the adoption of the Plan. The NPPF states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. We requested that in order to ensure that the Plan covers the full 15 years on adoption, this would have required the Plan to be adopted in 2026. As we considered that this was unlikely, we asked that the Plan period should be extended until at least 2042. We are therefore supportive of an extension to the Plan period. However, we also note that the evidence will also need to correspond to this newly increased plan period.

HBF also note that Local Plans are meant to look forward at what needs to be delivered with past delivery being taken into account through the standard method. The standard method also requires the affordability adjustment to be the most recent data. This adjustment is to reflect the price signals in the market and ensure that housing needs are responding to these signals which suggests that the starting point for any plan should be the year to which the affordability ratio relates.

As such it seems both logical and consistent with national policy for the plan period start to also be pushed back. Most recently the Inspectors examining the West Berkshire Local Plan and North Norfolk Local Plan have, when considering similar issues about the start and end date of the Plan, required the plan period to be extended and for the starting point of the plan to be brought forward to reflect national policy with regard to the assessment of housing needs. In particular we would paragraph 6 of the Inspector's post hearing note on the North Norfolk Local Plan which states in relation to a plan period starting in 2016 and ending in 2036:

“At present, there are only 12 years of the plan period remaining, and once the further steps necessary to ensure a sound plan have been taken, it is likely to be nearer to 11 years. The National Planning Policy Framework (NPPF) states in paragraph 222 that strategic policies should look ahead a minimum 15 years from adoption, and to be consistent with this the plan period should be extended to 31 March 2040 to allow for adoption during the next 12 months. Turning to the base date of the plan, this should correspond to the date from which the housing needs of the district are quantified. As

set out in paragraph 12 below, this should be April 2024. The plan period should therefore be 2024-40.”

In conclusion, HBF would supports necessary changes to the plan period to ensure it complies with national policy, and the tests of soundness and to ensure a minimum of 15 years post adoption.