

TOPIC PAPER: Landscape setting

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Exeter City Council

Civic Centre

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1. Introduction

- 1.1 This topic paper presents the policy background and the key evidence supporting Policy NE1: Landscape setting of the Exeter Plan and then sets out the issues arising through the Regulation 19 consultation.
- 1.2 This paper sits alongside and can be cross referenced to the 'Statement of Issues' report and the 'Schedule of Suggested Modifications' report.

2. National policy context

2.1 The Exeter Plan adheres to the transitional arrangements detailed in paragraph 234b of the current National Planning Policy Framework (NPPF). Therefore, the Exeter Plan will be examined under the previous NPPF adopted in December 2023.

2.2 Paragraph 180 states that:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;’

2.3 And paragraph 181 states:

‘Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.’

2.4 It is considered that the Exeter Plan adheres to the Framework requirements; specifically the Exeter Plan:

- Protects and enhances Exeter’s valued landscapes in a manner commensurate with their identified quality.
- Allocates brownfield land which has the least environmental and amenity value and seeks to protect Exeter’s landscape setting in conformity with the Framework’s policies and requirement to make ‘as much use as possible of previously-developed or ‘brownfield’ land’ (NPPF, paragraph 123).
- Takes a strategic approach to maintaining and enhancing network of habitats and green infrastructure through the Green Infrastructure Strategy.
- And takes a landscape scale approach to the enhancement of natural capital through the Devon Local Nature Recovery Strategy (LNRS).

3. Our shared coordinates

- 3.1 Our shared coordinates is a joint strategy for East Devon, Exeter, Mid Devon and Teignbridge. The Joint Strategy demonstrates the commitment to ongoing joint working across the area on strategic matters and will be used by the four Councils as a prospectus to help guide investment and funding across the sub-region, helping us deliver sustainable growth and achieve our ambition to position the area as one of the best places to live and work in the United Kingdom.
- 3.2 Our shared coordinates sets out how our spatial strategy and strategic growth areas 'allow us to take a strategic approach to invest in nature recovery and better access to nature whilst avoiding development in our most special landscapes.'

The strategy states:

- 'Our area's rich built heritage and natural landscapes are integral to the character, appeal and success of our area'.
 - 'We are committed to protecting and enhancing our special landscape through ambitious policies and development requirements within our local plans'.
 - 'We also know that this unique natural environment is fundamental to our area's prosperity and success. It is key to attracting talent and high-value jobs, supporting tourism and local communities, improving people's health and wellbeing and tackling the climate and nature emergency.'
- 3.3 Landscape is therefore clearly identified as a strategic, cross-boundary issue for the wider area.

4. Supporting evidence

Green Infrastructure:

- 4.1 The Green Infrastructure (GI) Strategy provides a strong spatial framework for Exeter and the surrounding area. The GI Spatial Framework conceives Exeter as a compact city with a clear distinction between the urban area and the countryside within which it sits.

Its key elements are defined as:

- The ridgelines that define the city to the north, west and south;
- The Exe Valley and the associated valley parks and linkages that help to structure the city and provide routes to the coast and countryside;
- The Clyst Valley, associated biodiversity reserves and linkages that provide connections between the settlements to the east of Exeter to the city;
- The network of routes allowing for easy sustainable accessibility between the urban area of Exeter and the surrounding countryside and, in particular the compact settlements;
- The high quality countryside within which the compact settlements sit;
- sustainable accessibility between the compact settlements and the countryside within which they sit; and
- Bringing the countryside into the city.

- 4.2 The Landscape Setting Areas form a key component of the GI strategy, ensuring its delivery.

Landscape Sensitivity Assessment:

- 4.3 The Exeter Landscape Sensitivity Assessment (2022) assesses the landscape value of thirty-eight defined areas (land parcels) and their landscape and visual susceptibility to specific types of development (in this case housing and employment) and provides key evidence for the areas designated in Policy NE1.
- 4.4 The findings of the assessment reflect the role that many of the land parcels play in providing the strategic landscape setting of, and backcloth to, the city. For example some parcels include prominent ridges and slopes and have treed and open undeveloped skylines. There are also strong river valley corridors and areas of distinctive rural landscape in close proximity to the urban area. Many areas are also well used for informal recreation as valley parks and contribute to the green infrastructure network.

Valued Landscape Assessment:

- 4.5 A valued landscape assessment was undertaken by LDA Design to provide evidence that supports the designation of the landscape setting areas within the administrative area of Exeter City Council that are designated in Policy NE1 in the Exeter Plan: Publication Plan Regulation 191 (December 2024) and that are illustrated on the Exeter Plan Policies Map as 'valued landscapes' in the context of the National Planning Policy Framework (NPPF) paragraph 187a (December 2024, updated February 2025).

5. Issues raised at Regulation 19

Issue 1:

- 5.1 The approach to the landscape setting areas is not in conformity with the NPPF and does not allow for the allocation of suitable land for development.

Response:

- 5.2 The landscape setting areas form a key component of the Council's spatial strategy which focuses on making efficient use of sustainable brownfield site and protecting the valued landscapes that form Exeter's setting whilst also providing green infrastructure, biodiversity and recreation and that make Exeter an attractive place to live, work and invest. This approach is considered to be entirely consistent with the NPPF and, together with the Liveable Exeter initiative, will mean that as the city continues to grow it will exemplify a mix of economic vitality, sustainable living, a high quality of life, a fantastic natural environment and a real sense of place.
- 5.3 The Council has received significant support for the spatial strategy and landscape setting areas; including from residents, various developers¹, Natural England and the Environment Agency.
- 5.4 In response to the Regulation 19 Publication stage Natural England has expressed support for the spatial strategy, specifically in that the focus on brownfield sites helps safeguard the best and most versatile agricultural land and is less likely to impact on the landscape setting of the city. Natural England also supports the emphasis on redeveloping previously developed land whilst improving biodiversity, green infrastructure and access to nature.
- 5.5 Specifically, NE state 'We note that the strategy focusses development in areas which are less likely to impact upon the landscape setting of the city. It emphasises redeveloping previously developed sites whilst also improving their biodiversity, green infrastructure and residents' access to nature.'
- 5.6 EA's representation states 'Overall, we welcome the Local Plan and have been pleased to work with Exeter City Council in its creation. In our view the plan is achievable yet ambitious and, whilst promoting sustainable growth, vibrancy and a thriving economy, emphasises the inherent need for restoring and enhancing its environment by promoting a nature-rich, climate resilient and adaptable city

Issue 2:

- 5.7 The policy is too similar to Policy NE1 (Exeter Local Plan First Review) which has been previously challenged and represents a 'blanket restriction'.

¹ Various developers have also voiced their specific support for the spatial strategy including University of Exeter, TT Group, The Guinness Partnership Ltd, Morgan Real Estate, Chez Developments and Ann Codner.

Response:

- 5.8 The NPPF has changed since the consideration of the previous appeals referred to by representors. The new policy is based on up-to evidence and accords with the current NPPF.
- 5.9 Development that meets the criteria listed is permitted so this isn't a 'blanket restriction' against development. The proposed policy NE1 takes forward the Core Strategy policy CP16 which has been found by various Inspectors to be in accordance with the NPPF.

Issues 3:

- 5.10 The landscape setting areas are not 'valued landscapes' as referred to in the NPPF.

Response:

- 5.11 Exeter's landscape setting forms its setting/backdrop and it is this that sets it apart from other countryside and makes it valued; it is key to delivering Exeter's vision and spatial strategy.
- 5.12 The Landscape Sensitivity Assessment evidence highlights what the demonstrable features are that elevate this landscape above ordinary countryside and the report 'Exeter's Landscape Setting: A Valued Landscape Assessment' (LDA) sets out in detail why this landscape is valued.

Issue 4:

- 5.13 The policy wording should be more positive; allowing development rather than preventing it.

Response:

- 5.14 The focus of this policy is on protecting the valued landscapes around Exeter; it is important that the policy wording is clear and precise. It is considered the approach taken is the most appropriate.

Issue 5:

- 5.15 Historic England suggest that the criteria listed in paragraph 10.9 (the 'distinctive characteristics, special features and qualities' identified in the Exeter Landscape Sensitivity Assessment which development will be assessed against), should be elevated into the policy itself.

Response:

- 5.16 On balance it is considered that for clarity of understanding it is better that the details are listed in the supporting text. Supporting text is intended to provide additional guidance on the implementation of the policy so this seems to be the correct approach. SoCG with Historic England agreed that this was not an outstanding issue.

Issue 6:

- 5.18 It should be clarified that the reference to land around the city only includes land within the remit of the Plan.

Response:

- 5.19 Agreed. An additional (minor) modification to the supporting text is suggested to ensure it is clear that the policy only applies to land within Exeter's administrative boundary, whilst continuing to encourage neighbouring authorities to have regard to the landscape setting of Exeter. Teignbridge agreed to the suggested modification in their statement of common ground.

Issue 7:

- 5.20 The current policy could prejudice the delivery of development allocated in the Teignbridge Plan, namely EE4: Attwells Farm, as infrastructure to access this development lies within Exeter's administrative boundary, but currently the supporting text (paragraph 10.8) only refers to infrastructure necessary to deliver allocated development to support development within the Exeter Plan.

Response:

- 5.21 Agree that the approach to allocated development should be the same within and outside Exeter's administrative boundary. An additional (minor) modification is proposed to address this; deleting reference to 'the Exeter Plan' and inserting reference to 'Development Plans'. Teignbridge agreed to the suggested modification in their statement of common ground.

Issue 8:

- 5.22 Policy permits too many types of development.

Response:

- 5.23 Whilst the policy does refer to various types of development the acceptability of these types of development this is contingent on meeting various criteria. It is not considered reasonable or necessary to prevent all forms of development within the landscape setting areas.

Issue 9:

- 5.24 Boundary has been incorrectly drawn in the Pinhoe area.

Response:

- 5.25 A review of the Landscape Setting Area evidence suggests the boundary has been drawn correctly and is justified by the evidence.

Appendix A – full text of Regulation 19 representations

Statutory Consultees

Natural England:

Natural England would like to reiterate our comment from Regulation 18 stage;

Natural England welcomes the majority brownfield allocation strategy which will work towards safeguarding the long-term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future in line with National Planning Policy Framework paragraph 180. Development has an irreversible adverse impact on the finite national and local stock of BMV land.

We note that the strategy focusses development in areas which are less likely to impact upon the landscape setting of the city. It emphasises redeveloping previously developed sites whilst also improving their biodiversity, green infrastructure and residents' access to nature.

Environment Agency:

c bullet 7: We support the inclusion of 'Managing flood risk and delivering other forms of climate resilience,' into this policy.

Historic England:

Historic England is generally supportive of Policy NE1 although it would be preferable if the criteria at paragraph 10.9 were elevated to policy. We acknowledge that these are the 'distinctive characteristics, special features and qualities' referred to in the policy itself and Landscape Assessment and this is therefore unlikely to be a soundness issue.

As the Exeter Skyline and Views Report contains a number of views of or from the landscape setting, we consider that the supporting text of Chapter 10 should refer to this important evidence.

Councils:

Teignbridge District Council:

Paragraph 10.5 refers to the Exeter Landscape Sensitivity Assessment as having included areas in and around Exeter, and that much of the land around Exeter is of intrinsic landscape value. It should be clarified that the reference to land around the city only includes land within the remit of the Plan and that assessment did not extend beyond the administrative boundary of the city.

NE1 Landscape setting

The reference to the hills surrounding the city lacks clarity, and it should be made clear that the hills being referenced lie within the boundary of Exeter City. The only description of the landscape setting of the city states that it includes the sensitive areas to the north and west

of the city. The existing Local Plan includes a description of where these hills lie, and extend between, and it is considered that this description, or an amended description, should be included in the Plan for clarity.

Policy NE1: Landscape Setting Areas takes a restrictive approach to development within the Landscape Setting Areas of Exeter and contains a list that sets out the limited forms of development that would be permitted.

This policy would prejudice the delivery of development allocated in the Teignbridge Local Plan 2020-2040, namely Policy EE4: Attwells Farm. This allocation lies mainly within Teignbridge, but the vehicular access, pedestrian/cycle path to the primary school and a small part of the development lie within the administrative boundary of Exeter City and would be within the Landscape Setting Area. Under the provisions of Policy NE1, the aspects of development that fall within Exeter City Council would not be supported. Whilst the Teignbridge Local Plan Examination has not been concluded, the post-hearing letter stated that, subject to the Main Modifications Consultation, the Teignbridge Local Plan is likely to be legally compliant and sound. Policy NE1 would prejudice the delivery of this site. As such, the Plan prevents sustainable development, and this policy is considered unsound.

Furthermore, this policy prevents development (within the landscape setting Areas) where it would harm the quality of views enjoyed by people within the city. The views from the city extend well beyond the administrative boundary of the city and this policy appears to attempt to restrict development on areas outside Exeter city's boundary that can be seen from the city. This is unsound.

Developers and Landowners

1 Energy (represented by Bell Cornwall):

Policy NE1 (landscape setting) is supportive of development which helps to achieve net zero or proposals deliver essential strategic infrastructure where it can be demonstrated that there is no suitable alternative site with less harmful impacts, and they minimise harm to the Landscape Setting Area.

We are therefore supportive of aspects of policy NE1 and the recognition that development can take place within the landscape setting of the city will be supported where they help to achieve net zero.

Co-owners of land to the south of Wollsgrove House:

We support the designation of Land under policy Natural Environment 1 for green open landscape areas to the north of Exeter aimed at protecting the rural landscape and character/setting of the area for the local Pinhoe community and the city as a whole.

However, we feel the Settlement Boundary has been drawn incorrectly at the above location. We suggest the boundary should reflect the edge of the existing urban development, which has been previously defined by the local planning authority to be Woolsgrove, 1 and 2 Hill Cottages and Turret, and Woolsgrove House, Church Hill, Pinhoe,

EX4 9JG. These properties and site 36 are served by a private driveway. In reality, these houses form the urban settlement boundary of Pinhoe.

Woolsgrove sits on contour 84 m, and with the exception of 10 or so houses to the east, built as part of the Home Farm development, no new development has been constructed or permitted higher than this level. This has been supported by three planning inspectors with regards to planning appeals on land to the north and north east of the properties.

NE 1 Planning status at EX4 9JG

1: Higher Fields, Church Hill planning application refusal for 63 dwellings 21/0223/OUT and Appeal dismissal APP/ Y1110/W/21/3287921

2: Land at junction of Church Hill and Church Lane for 1 dwelling 22/1610/FULL and Appeal dismissal APP/Y1110/W/24/3340520

3: Land at Church Hill for 18 bungalows planning refusal (July 2024)23/0958 /FULL. It is noted the developer has not sought to appeal this decision, thus preserving the rural character and landscape setting of the area.

We agree that Woolsgrove is part of Pinhoe, as are its neighbours to the south, and that it is correctly excluded from Policy NE1.

It therefore does not seem sustainable that its neighbours to the West, Woolsgrove House, 1 and 2 Hill Cottages and the Turret are included in policy NE1. These houses have been constructed for 100 years, and about the new Pulling Road development, known as Nexa Fields, to the south.

Nexa Fields comprises 40 units built on Landscape Setting 1 land, aka NE1, see planning permission 19/0962/FULL. This development adjoins Site 36 and can provide alternative access and services to Site 36, which also benefits from extensive road frontage onto Church Hill to the east.

Site 36 comprises approximately 2 acres: a 1.25 acre unused field and 0.75 acres forming Woolsgrove, a detached house and garden. Together they offer an opportunity to comprehensively build a residential development of homes/bungalows, on an infill site.

Site 36 is surrounded on all sides by residential development. Two of these properties co-own the site with a third-party. Allwynds, Panorama and Foxways are three bungalows to the east on Church Hill, and have 10 feet boundary / privacy hedges and consequently no view over the site. Two properties to the west are new houses numbered 3 and 4 Nexa Meadow on the

Nexa Field development and have no windows overlooking the site. Two houses to the south, numbers 12 and 13 Bickleigh

Close, have a northerly aspect over the site.

There is an adjacent property at 10 Bickleigh Close which has for at least 20 years, a very large extended garden, which adjoins the south western corner of Site 36. This boundary has been heavily planted by the homeowner. As this has been used as garden, Site 36 should therefore be regarded as an infill residential development opportunity.

Site 36 comprises of the field together with Woolsgrove, which contribute 1.25 acres and .75 acres respectively. The field is too small to be farmed and is too remote. The soil is clay and therefore offers very poor agricultural potential. The site has not been grazed for at least 10 years, and remains unused. We agree that it is not suitable for industrial/employment use as it is now surrounded by housing.

The only sustainable and effective land use for site 36 is residential development. Part of Site 36 is already designated as such. We suggest that in order to provide a high-quality and comprehensive development that this should be developed with the land at Woolsgrove, as originally promoted by the land owners.

The site lends itself to a small bungalow / low rise / mono roof development, thereby ensuring that the scheme remains invisible in the local Vista and below the ridge lines of the neighbouring Nexa Fields houses, Woolsgrove House and Woolsgrove. The local distinctiveness and character of the area would not be adversely affected by a high-quality residential development on this site.

It should also be noted that to the east of Site 36, are 100 house built as part of the Home Farm development on land also zoned Landscape Setting 1. The fields forming part of this site are considerably higher than the subject Site 36, and the aforementioned Church Hill properties forming the suggested revised Settlement Boundary. The highest land is used as a play area and sustainable urban drainage pond. There are however, a dozen houses situated on land higher than the 84 meter contour line, which were approved at planning appeal. The planning inspector felt that the Home Farm appeal site offered limited medium landscape value, and consequently Site 36, situated further down the hill and surrounded by housing must rank below this in terms of merit.

Site 36 forms part of Site LP12 in the Landscape Sensitivity Assessment Aug 2022. It is noted that Site LP12 straddles the real Settlement Boundary; the northern fields afford high landscape value and are rightly included in new Policy NE1, whilst the land to the south, Site 36, does not, as it is now surrounded by housing.

Whilst the highways agency had no objections to a small development at Woolsgrove, (or in fact the proposed 18 dwellings to the north which was subsequently and rightly refused), there may be a Highways opportunity to improve the driveways to Woolsgrove and the adjacent private driveway serving properties to the west and Site 36. Residential development of site 36 could offer an opportunity to connect the three bungalows on Church Hill to the main sewer, therefore these adjoining properties could all benefit from Site 36 being developed.

Consequently, we believe that the settlement boundary, as currently drawn as part of Policy NE1 does not comply with NPPF 2, 5 and 11 because it prevents sustainable residential development in a sustainable location. The policy doesn't make effective use of available Land by including Site 36 in policy NE1. To comply with the NPPFs, the NE1 boundary should be redrawn to exclude site 36 and the neighbouring houses to the west, and use a line to the north of the private driveway as the Settlement Boundary. This will offer a definitive and sustainable settlement boundary that has already been proven at three planning appeals.

Salter Property (represented by Roche):

This policy is in effect a local restraint designation which has no locus in current national planning policy. Blanket restraint designations of this nature were discontinued through the NPPF due to the overarching limitations that they can place on otherwise sustainable development, in favour of positively-worded criteria-based policies.

Whilst the policy objective to protect Exeter's distinctive and valued landscape setting may be sound, to designate broad swathes around the city where there is effectively a presumption against development, prima facie more restrictive than Green Belts, is unacceptable. The designations should therefore be removed from the Policies Map and replaced with a criteria based policy that does not refer to specifically designated areas. Moreover, the policy should be positively worded to permit development providing there is no unacceptable harm, reflecting the fact that development on greenfield sites in sustainable locations adjacent to the existing urban area will be necessary to meet housing needs, and will inevitably occasion landscape change.

A succession of Appeals have held that adopted Policy LS1, the equivalent policy in the adopted Development Plan, is inconsistent with current national policy, and out of date since housing development within the landscape setting areas is a necessity in order to meet housing needs.

As an example, in deciding an Appeal relating to Land at Home Farm, Pinhoe, Inspector Coffey held as follows:

[italic] Policy LS1 provides that development harmful to the landscape setting of the city will not be permitted. The accompanying text draws attention to the contribution of the hills to the north of the city to its landscaped setting. However, it is evident from the proposals plan that the boundary to the Landscape Setting Areas is tightly drawn around the northern edge of the existing urban area. Paragraph 113 of the National Planning Policy Framework (NPPF) advises that local planning authorities should set criteria based policies against which proposals for any development on or affecting any landscape areas will be judged. Policy LS1 effectively limits development to the existing urban areas, and is not a criteria based policy in accordance with the NPPF. (Appeal ref. APP/Y1110/A/14/2215771, para. 13) [italic]

The emerging development plan framework therefore needs to respond to the clear and consistent message handed down by successive Appeals Inspectors, and to embrace the imperative to meet housing needs through taking a positive disposition towards development and growth in accordance with the current Governments agenda.

Notwithstanding, and without prejudice to, the foregoing, if designated areas of landscape setting are to remain on the Policies Map, then they should be subject to detailed review utilising appropriate assessment to remove land does not make an important contribution to landscape setting to ensure that they do not unnecessarily restrict essential growth in the most sustainable locations adjacent to the existing urban area.

In particular, land at Topsham to the south of Monmouth Street, west of Bowling Green Road and south of Mount Howe, is effectively part of the urban area rather than the landscape setting of the town. The land is adjacent to the existing developed area of the town to the west, north-west and southwest, and is otherwise bounded by roads with

sporadic urban development. Moreover, its topography is such that it slopes from north-east to south-west, in consequence of which it is construed in the context of the existing developed area of the town. The fact that the land in question is included in the Topsham Conservation Area, which is a designation intended to preserve and enhance the built heritage, endorses the fact that it is an integral part of the urban environment rather than undeveloped setting.

The inclusion of land within the conflicting designations is pathological, and confirms that it has not been subject to robust and proper assessment. To the extent that there is a landscape setting to this part of Topsham, it is to the south east of Mount Howe.

A Landscape and Visual Assessment of the site has been undertaken, which confirms that it is little visible within its context and does not make an important landscape contribution in its setting. A copy of that assessment is being provided to the Council in conjunction with a pre-application enquiry to be submitted shortly to the Development Management Team. A copy can be made available if it would be of assistance, and can be requested through the representors agent.

Taylor Wimpey (represented by Pegasus Group):

The policy seeks to significantly restrict development in landscape setting areas. The current policy wording is considered unduly restrictive and could, dependent upon the location and expanse of the landscape setting areas, provide a blanket protection of urban fringe land. The policy appears to be attempting to replicate Green Belt protection without identifying the exceptional circumstances described in paragraph 145 of the NPPF. This is unjustified and could lead to some areas being protected that would play little or no substantive role in providing a quality landscape setting for Exeter.

Policy NE1 refers to valued landscapes, yet the evidence base is restricted to the identification of landscape value. There are important differences which the evidence base needs to identify, specifically how parts of the landscape are sufficiently above the ordinary; being of high value does not equate to being a valued landscape in the context of the NPPF and the evidence base fails to sufficiently address those special qualities rather than more generic judgements that it does set out in respect of a standard landscape sensitivity assessment.

This issue combined with the Council's focus upon urban brownfield regeneration areas creates a significant risk that the plan will not be effective in delivering the housing and employment needs and aspirations of the city.

The supporting evidence '2022 Landscape Sensitivity Assessment' (2022 LSA) is noted. This study simply carves up all urban fringe land and provides an assessment. Whilst these are noted the report does not advocate that all areas should be void of development, furthermore it solely considers matters of sensitivity and not the potential capacity of a landscape in respect of potential impact and effects. The study appears to make the default decision that no areas are of low sensitivity, and in that context (i.e. without a broader graduation of sensitivity across the landscape as a whole) it is difficult to see how the 2022 LSA is anything more than a blanket local landscape designation rather than something

more constructive that can be used to guide development to the least sensitive parts of the area.

It is notable that an element of the identified Landscape Setting Areas includes an element of our client's site, Land at Attwells' Farm, Exwick, Exeter. This is the area directly to the north of Exwick Lane. As previously discussed, the neighbouring authority of Teignbridge is in the latter stages of its Local Plan examination and is seeking to allocate our client's land in this location.

It should be noted that our client is not promoting any development within the identified Landscape Setting Area as indicated on the proposals map. This area is currently proposed to be open space, which will be improved through supplemental planting.

Our client's landscape assessment identifies that the site itself is visually well contained due to a combination of landform, vegetation, and the settlement edge. This isolates the developable areas of the site to within a discreet bowl-shaped pocket of landscape that serves to minimise the wider landscape impact of development within this location, such that it can be assimilated into the landscape.

In addition, the scheme would provide extensive areas of public open space, including Suitable Alternative Natural Greenspace over and above the development's needs, releasing capacity for development within the wider area constrained by the Exe Estuary Special Protection Area habitat regulations requirements.

It is notable that there is a lack of public access currently across the site. A landscape mitigation strategy can bring forward opportunities for greater connectivity through open spaces and the wider countryside and will create opportunities for views across the city of Exeter and to landmarks such as Exeter Cathedral.

University of Exeter (represented by Tor & co Ltd):

The University supports the protection of landscape setting areas and the proposed approach to assessing development proposals within these. It is an important balance that these areas are protected whilst recognising that in some circumstances some forms of development may be needed and can be allowed to occur, subject to appropriate criteria being met.

Vistry Group (represented by PCL Planning Ltd):

Our clients note with some concern 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.

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.

The appeal at Pendragon Road demonstrates the shortcomings of this approach. The Inspector instead considered the detailed aspects of the site in landscape terms including the localised effects of any harm, given the substantial screening that is in place and the sites overall very limited visibility as a consequence. When taken with the wider benefits of development this limited harm was outweighed. It is important that Policy NE1 does not rule out similar opportunities for balanced decisions like that made by the Inspector at Pendragon Road. There needs be greater recognition of the distinction between individual sites within the Landscape Setting Areas and the variety they have in different landscape impact and sensitivity. In doing so (as evidenced by my clients site) it can be better understood that there are situations where release of land on the urban fringe is not inherently unacceptable from a landscape setting perspective.

Waddeton Park (represented by PCL Planning Ltd):

The Plan is not sound because it is has not been positively prepared, is not justified by its evidence base justified, will not be effective and is inconsistent consistent with national policy. The reasons this are set out below.

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.

Other organisations

Devon Wildlife Trust:

The policy states that development within Landscape Setting Areas would be permitted where it can be demonstrated that it is reasonably necessary for the purposes of a number of types of development including [italic] 'the rural economy', 'outdoor recreation', 'providing green infrastructure' and 'achieving net zero'. [italic] These headers cover a broad range of development types which could allow for significant development within Landscape Setting Areas. We would strongly encourage the LPA to carefully consider the types of development which should be included within this list and significantly reduce the types of development included in order to ensure that the objective of this policy is delivered.

RSPB:

The RSPB supports the Council's recognition of the ecological emergency and the need to restore and enhance biodiversity across the city.

Community groups

The Council received one representation from St Leonards Neighbourhood Association but it makes no reference to policy NE1: Landscape Setting Areas.

Members of the public

The Council received 20 representations of support for policy NE1 from members of the public.

Anonymous

The Council received one anonymous representation stating:

10.9 "development should....avoid prominent ridges and....steeper slopes" and "avoid breaching skylines" and "protect important views...."

This needs clarifying. The current local plan states similar objectives, yet the recent very visible sprawl to the west of the Devon Motel clearly contravenes all these statements. Unless these statements represent a tightening up of the current situation, they are meaningless.