

Exeter Plan

Hearing statement

Matter 1: Legal compliance

February 2026

Exeter City Council
Civic Centre
Paris Street
Exeter,
EX1 1JN



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1. Introduction

- 1.1. This hearing statement responds to the Exeter Plan Inspectors' questions relating to Matter 1 which addresses legal compliance.
- 1.2. The statement is divided into sections which cover each of the following issues:
 - Issue 1: Duty to Cooperate
 - Issue 2: Public Consultation
 - Issue 3: Sustainability Appraisal
 - Issue 4: Habitats Regulations Assessment
 - Issue 5: Climate Change
 - Issue 6: Strategic Flood Risk Assessment
 - Issue 7: Public Sector Equality Duty
 - Issue 8: Other matters

2. Issue 1: Duty to cooperate

1. *The Council states that it has demonstrated cooperation on strategic matters with East Devon District Council (EDDC) as shown in the agreed Statement of Common Ground¹ (SoCG). However, there remains disagreement on strategic matters relating to employment land. The Exeter Plan relies on land outside its boundaries for employment, in particular land within East Devon and Teignbridge. EDDC have stated that the employment land within their local authority boundary would only meet their needs and not those of Exeter. Modifications have been suggested to address this issue, and these have been referred to in the SoCG.*
 2. *The agreed SoCG with Devon County Council (DCC) details that a concern remains that a reliance on the delivery of Gypsy, Roma and Traveller pitches via windfall sites does not offer the same level of certainty that allocating a specific site within the Plan would. Modifications have been suggested by ECC to ensure a review of the need for, and delivery of, gypsy and traveller accommodation as set out in Core Submission Document CSD-03.*
 3. *Torbay Council (TD) also detail that Torbay is unlikely to be able to meet its Local Housing Need, it acknowledges ECC's constrained boundaries and the likelihood that development in the City will likely be needed to address Exeter's own LHN. A modification has been suggested to address this issue, and these have been referred to in the agreed SoCG.*
 4. *The agreed SoCG with National Grid Electricity Transmission (NGET) reports of no representations being made in relation to the 'Homes' chapter. However, a representation has been submitted by National Grid Electricity Distribution (South West) Plc (NGED) which highlights the limited capacity available within the existing grid network to serve new development in Exeter stating 'capacity within the National Grid serving Exeter is particularly limited and represents a significant constraint to the delivery of new developments until critical reinforcements of the grid are delivered'.*
- 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?**
- 2.1. The City Council has engaged constructively, actively and on an on-going basis with relevant organisations as required by section 33A of the Planning and Compulsory Purchase Act 2004, paragraphs 24 to 27 of the NPPF and the Planning Practice Guidance (paragraph 009 onwards, plan-making).
 - 2.2. As part of this approach, the City Council worked with the other District Councils in the Greater Exeter area (East Devon District Council, Mid Devon District Council, Teignbridge District Council) together with Devon County Council on a Joint Strategy for the area called Our shared Coordinates (DTC-02). This agreed the key cross-boundary issues affecting the area:
 - Net zero;
 - Quality places;

- Jobs and prosperity;
 - Nature;
 - Homes; and
 - Connectivity.
- 2.3. Infrastructure is considered a cross-cutting theme throughout the document.
- 2.4. The Duty to Cooperate Statement (DTC-01) summarises how cooperation has taken place whilst more detail on specific discussions is compiled in the Duty to Cooperate Log (EXM-02u). The activities in the subsequent paragraphs are recorded and evidenced in these documents.
- 2.5. The [plan evidence](#)¹ base and [duty to cooperate](#)² parts of the Examination website show the breadth of cooperation which has taken place. This includes a joint strategy, jointly prepared evidence, joint policy drafting, Statements of Common Ground and a significant series of discussions covering a full range of topics. All relevant organisations were contacted and offered meetings during consultation periods.

Employment and East Devon District Council (EDDC)

- 2.6. In terms of the cross-boundary issue of employment provision and functional relationship with East Devon, discussions on this matter have taken place since 2021 with both the City Council and EDDC using the jointly prepared Greater Exeter Economic Development Needs Assessment (EVB-EJ-03a) as the basis for the employment evidence supporting their respective local plans.
- 2.7. A specific meeting was held in April 2024 with the aim of addressing issues of cross-boundary employment provision. This meeting resulted in various amendments to the plan in response to queries raised, including an agreement to remove Marsh Barton as a potential site allocation to avoid loss of employment in Exeter. Following this discussion, there were no further issues on this matter raised by Mid Devon District Council, Teignbridge District Council or Devon County Council.
- 2.8. Discussions continued with East Devon District Council in 2025 up to the point of submitting the Plan, with a number of suggested modifications included in the schedule of suggested modifications document (CSD-03) in an attempt to address outstanding concerns. This work is evidenced by the Statement of Common Ground between the City Council and EDDC (DTC-03c).
- 2.9. The ongoing nature of engagement is further demonstrated by the City Council actively organising a further meeting with senior officers at EDDC in January 2026 in advance of the Exeter Plan hearings where this matter was discussed again.

Gypsy and traveller accommodation needs and Devon County Council (DCC)

- 2.10. In terms of gypsy and traveller accommodation, Gypsy and Traveller Accommodation Assessments (GTAA) were jointly commissioned by the Greater Exeter Councils (East Devon District Council, Exeter City Council, Mid

¹ Available at: [Exeter Plan: Submission and Examination - Evidence base documents - Exeter City Council](#)

² Available at: [Exeter Plan: Submission and Examination - Duty to cooperate - Exeter City Council](#)

Devon District Council and Teignbridge District Council) for the area (EVB-H-01e). DCC was a partner in this work.

- 2.11. Regular discussions took place with DCC every three weeks during 2024 to support plan preparation with a series of meetings also held throughout 2025 with the aim of overcoming issues raised in representations. Remaining concerns from DCC were addressed in 2025 through a suggested plan modification to commit to a review of the need for gypsy and traveller accommodation. This work is recorded in a Statement of Common Ground (DTC-03b).

Torbay housing need

- 2.12. In terms of Torbay housing need, a number of meetings have taken place between the City Council, other Greater Exeter Councils and Torbay Council. The first of these informing the Exeter Plan took place in January 2022.
- 2.13. Discussions continued throughout plan preparation, including in response to representations from Torbay Council. During this process, Torbay Council did not clearly set out specific details of the lack of capacity in Torbay to meet its own housing need nor about whether there was an explicit expectation for each Council in the Greater Exeter to accommodate some of this.
- 2.14. In 2025, discussions with Torbay Council culminated in the preparation of a Statement of Common Ground (DTC-03f) in which Torbay Council agreed that Exeter cannot meet any of Torbay's unmet housing need due to capacity constraints in the city.

Electricity infrastructure capacity and National Grid

- 2.15. In terms of infrastructure capacity, a series of meetings have taken place with National Grid regarding transmission and distribution during the plan period. These meetings informed the Infrastructure Delivery Plan (EVB-IF-02a).
- 2.16. Following representations provided to the Regulation 19 Publication Plan, the City Council worked with the National Grid Electricity Transmission (NGET) to prepare a Statement of Common Ground (DTC-03i) which agreed that no NGET assets are affected by proposed allocations in the Plan.
- 2.17. Representations made by National Grid Electricity Distribution (NGED) identified that the period for delivering critical grid infrastructure (2036-2041) was a best-case scenario and would be subject to further work.
- 2.18. Following discussions between the City Council and NGED in the second half of 2025, and after submission of the Exeter Plan, a Statement of Common Ground (EXM-02d) was submitted to the Examination in December 2025. The Statement of Common Ground confirms that NGED are content that the infrastructure reinforcements needed to provide sufficient grid capacity for Exeter will be delivered and that therefore no modifications to the Plan are necessary. The Statement of Common Ground sets out an updated list of these projects which include reinforcements to Exeter's main grid supply point, a new primary substation at Peamore in Teignbridge, and a new bulk supply point east of Exeter in East Devon, as reflected in the 2025 IDP (EVB-IF-02a).
- 2.19. In subsequent correspondence in January 2026, NGED have since advised that, instead of the new bulk supply point in East Devon listed in EVB-IF-02a,

NGED will be upgrading the Exeter City and Sowton bulk supply points to increase their available capacity, which is a more cost effective and deliverable solution. NGED are committed to the delivery of these reinforcements, indeed delivery is likely to be in advance of when required.

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

2.20. There are a small number of outstanding issues raised by duty to cooperate partners in terms of soundness that have not yet been addressed by suggested modifications derived from discussions reported in Statements of Common Ground. However, the Regulation 19 representations made by these partners do not specifically object to the Plan on Duty to Co-operate grounds.

2.21. The remaining issues of soundness raised by duty to cooperate partners are summarised as follows:

- East Devon District Council:
Employment provision.
- Historic England:
Impact of St Luke's campus allocation, the need for greater consideration of heritage at the strategic brownfield allocation policies, suggested amendments to the heritage policies and potential additions to the Plan monitoring framework.
- Sport England:
The content of policy IF4: Open space, play areas, allotments and sport.
A Statement of Common Ground was submitted to the Examination in February 2026 (EXM-02I).
- Royal Devon University Healthcare Trust (RDUH):
The potential requirement for developer contributions towards secondary healthcare infrastructure. The RDUH did not respond to the Regulation 19 Publication Plan following a Regulation 18 consultation response. At Regulation 19 stage, the Integrated Care Board confirmed that their input into the local plan process had been considered and did not provide any representations relating to soundness.
- Devon and Cornwall Police
The need for potential developer contributions towards policing infrastructure and the need for an alternative police-base to be provided when the East Gate allocation is developed. Following discussions in July 2024 and engagement in 2025, further discussion has taken place with Devon and Cornwall Police in January and February 2026 to address this issue.

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?

- 2.22. In terms of housing, the Greater Exeter Councils are meeting their own housing needs. This is agreed via a Statement of Common Ground (DTC-03a) between the City Council, East Devon District Council, Mid Devon District Council and Teignbridge District Council (the constituent authorities of the Exeter Housing Market Area).
- 2.23. Torbay Council has identified that capacity constraints in Torbay mean that the Council will not be able to meet its housing need. A Statement of Common Ground (DTC-03f) shows the agreement between the City Council and Torbay that Exeter cannot accommodate any of Torbay's unmet local housing need due to capacity constraints in the city's administrative area.
- 2.24. In terms of employment provision, the City Council is of the view that needs should be met on a strategic basis across the functional economic market area (FEMA) as identified in the Greater Exeter Economic Development Needs Assessment (EVB-EJ-03a). The needs of the FEMA are more than met by proposed supply across the area as demonstrated by the Economy and Jobs Topic Paper (EXM-02c). Ongoing discussions have taken place on this issue throughout plan preparation.

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')?

- 2.25. Yes. The Duty to Cooperate under the Planning and Compulsory Purchase Act 2004 and Town and Country Planning (Local Planning) (England) Regulations 2012, has been met having regard to the NPPF and the Planning Practice Guidance. The evidence of cooperation is provided in the [duty to cooperate](#)³ section of the Examination webpage. The Duty to Cooperate Statement (DTC-01) summarises the types of engagement undertaken. This includes:
- A joint strategy;
 - Joint evidence preparation;
 - Joint policy writing;
 - Consultation through public consultations;
 - Ongoing discussions and meetings; and
 - The preparation of a series of Statements of Common Ground.
- 2.26. More details of specific duty to cooperate activities (meetings, emails, phones calls for example) are also been documented in the Duty to Cooperate log (EXM-02u).

³ Available at: [Exeter Plan: Submission and Examination - Duty to cooperate - Exeter City Council](#)

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?

- 2.27. Yes. Effective cooperation has taken place as required by paragraphs 24-27 of the NPPF. This has informed the preparation of the Exeter Plan since its inception until, and beyond, submission. This has included neighbouring and other Local Planning Authorities, the County Council, Government agencies and infrastructure providers.
- 2.28. This work resulted in the identification of strategic issues through the Joint Strategy for the Greater Exeter area: Our Shared Coordinates (DTC-02). Statements of Common Ground have also been prepared with a range of duty to cooperate partners.

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

- 2.29. In terms of the duty to cooperate, there are no modifications required for soundness listed in the Schedule of Suggested Modifications (CSD-03), beyond those associated with the strategic issues listed earlier in this Statement and already considered.

3. Issue 2: Public Consultation

Q1. Has public consultation been carried out in accordance with the Council's Statement of Community Involvement the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations? If not, what were the reasons why?

- 3.1. Yes, the Council has met its obligations. The Statement of Consultation (CSD-10), prepared in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, outlines in detail how the City Council has adhered to government requirements relating to consultation during the local plan preparation process. Consultation has been consistent with the NPPF (paragraph 16, including points c) and e and paragraph 25) and Planning Practice Guidance (including Plan-making; paragraph 034).
- 3.2. The preparation of the Exeter Plan has been underpinned by an extensive programme of public and stakeholder consultation, reflecting the City Council's commitment to community engagement in service delivery and decision making and the approach set out in the Statement of Community Involvement (SCI) SUP-10), a legal requirement under the Planning and Compulsory Purchase Act 2004 (Section 19).
- 3.3. Four rounds of Exeter Plan public and stakeholder consultation have taken place: Issues (2021), Outline Draft (2022), Full Draft (2023) and Publication Draft (2024). The three initial consultations met Regulation 18 and the Publication Draft met Regulation 19, with formal representations submitted in response to the Regulation 19 Publication Draft meeting Regulation 20. Consultation also met the corporate requirements of the Council's Consultation Charter (SUP-12).
- 3.4. Consultation periods ran for 8 to 12 weeks⁴, exceeding the statutory requirement, and the minimum of 6 weeks set out in the SCI. Two consultations (Full Draft and Publication Draft) were lengthened specifically to ensure at least 6 weeks of the consultation was held outside of the Christmas/New Year period.
- 3.5. The City Council used a variety of approaches to consultation (SCI: SUP-10, page 7) and used online and in-person activities to widen the effectiveness of engagement. A significant online presence took advantage of digital tools as a means of enhancing accessibility, consistent with the NPPF. Consultations were hosted on the online engagement platform, Commonplace. In addition to being published online, on Commonplace and on the City Council's website, and consistent with Regulation 35, documents were available to view in the Civic Centre reception and the city libraries during opening hours. Numerous in-person public consultation events were held across the city. These events helped to facilitate conversation and, together with Commonplace, provided a less formal and more accessible means to engage with the Exeter Plan preparation and make representations. Audio copies of the Plan and

⁴ Issues: 8 weeks
Outline Draft: 12 weeks
Full Draft: 12 weeks
Publication: 8 weeks

consultation questions were produced for each consultation, with other formats available on request

- 3.6. Consistent with Regulation 18, all organisations and individuals identified in the SCI, those who had made previous representations, and those who requested updates on Exeter Plan progress, were notified of each consultation and invited to make representation. Consistent with Regulation 19, proposed submission documents were available for inspection during the Publication Draft Plan consultation, and consistent with Regulation 22, notification of Exeter Plan submission was publicised and sent to relevant parties and individuals.
- 3.7. Planning Practice Guidance (Plan-making; paragraph 034) outlines that local authorities are granted flexibility in ensuring effective engagement in the initial stages of plan production. During the initial consultations, broad open questions were asked. In later stages questions became more specific and formal to make sure consultation was consistent with legislation. Specifically, the Regulation 19 consultation and subsequent Regulation 20 representations focused on Plan soundness and legal compliance. This is also the approach set out in the SCI (SUP-10, page 14).
- 3.8. All representations received during each consultation were reviewed, considered and informed later stages of the Plan, with modifications made if deemed appropriate and necessary. Amendments were also identified and published alongside subsequent consultation stages. This is the approach outlined in Stages 1 and 2 of Appendix B of the SCI (page 14) and demonstrates public involvement and influence in Plan preparation. Consultation Statements reviewing representations were produced and made publicly available after each round of consultation. These statements fed into the Statement of Consultation (CSD-10).
- 3.9. A statement summarising Regulation 20 written representations made to the Regulation 19 Publication Draft consultation has been made available for examination in the submitted Statement of Issues (CSD-06). This summarises the main issues raised and the Council's response to them, consistent with Regulation 22 and Stage 3 of Appendix B of the SCI (SUP-10, page 14).
- 3.10. The Exeter Plan's consultation is subsequently considered to have been consistent with all relevant policy, legislation and the Council's SCI.

Q2. Were adequate opportunities made available for participants to access the Plan, and other relevant documents, in different locations and in different formats (such as in paper and online)?

- 3.11. Yes. The City Council provided significant opportunities to access and engage with the Plan from an early stage starting with the Issues consultation in 2021, the first of four consultations. Full details of the consultations including how

they were publicised is included in the Statement of Consultation (CSD-10) demonstrating the opportunities provided to access the Plan:

- Issues consultation: CSD-10, page 5, paragraphs 3.4; and SUP-PRE-01b, pages 2-3, paragraph 1.2.3;
- Outline Draft: CSD-10, pages 7-8, para 4.9; and SUP-PRE-02b, pages 5-6, paragraphs 2.4 - 2.5;
- Full Draft: CSD-10, pages 12-13, para 5.10; and SUP-PRE-03d, pages 5-6, paragraphs 2.4 – 2.7;
- Publication: CSD-10, page 26, paragraph 6.10.

3.12. In summary, the consultations were hosted on the online engagement platform, Commonplace, with a large online promotional presence. However, this was accompanied by publicising the Plan in public and community spaces throughout the city using digital advertising screens, posters, fixed displays in Council buildings and leisure centres, bridge banners and the availability of paper documents in the Civic Centre and city libraries, in person workshops and numerous exhibitions held across the city. The exhibitions included display boards, an iPad linking to Commonplace, paper copies of documents, and the opportunity to speak with planning officers. Audio copies of the Plan were also available for each consultation.

3.13. Of further note are the many ways in which consultation attempted to reach those often under-represented in the planning process, including those listed in the SCI (SUP-10, page 6):

- Accessible exhibition venues.
- Fully accessible online consultation documents, plus other formats available on request.
- Audio versions of the Plan and consultation questions produced for each consultation.
- Articles in Iscatape, Exeter's talking newspaper for visually impaired people.
- Local plan team attendance at established community cafés.
- Promotion through Exeter Connect (a voluntary, community and social enterprise sector support service) and their associated networks with community groups across the city. This provided significant opportunity to reach out to many groups considered under-represented.
- Promotion through Exeter's Community Builders working at neighbourhood level in all Exeter wards.
- Community group workshops.
- Events and workshops at Exeter College and the University of Exeter.
- Local Plan Team attendance at the Brick by Brick LEGO exhibition held at the museum to speak to visitors about the future of the city.
- Advertising in public spaces to reach out to those working but not residing in Exeter, including bridge banners, and on Exeter City Council's fleet of bin lorries.

- Promotion through InExeter (Exeter's business improvement district) and the Exeter Chamber.

Q3. Were adequate opportunities made available for participants to submit and make representations, having particular regard to the length of public consultation and the process for making comments?

- 3.14. Yes. The full summary of the approach to each of the consultations is included in the Statement of Consultation (CSD-10). The length of the consultations exceeded the statutory and SCI minimum period of 6 weeks, as outlined in paragraph 3.3 above.
- 3.15. Representations were accepted in any written form, in compliance with regulations. The consultations were predominantly hosted on the online engagement platform, Commonplace, through which representations could also be submitted. Support to use Commonplace was available when required. Individuals/organisations who did not wish or were unable to use Commonplace were invited to email or post representations, or provide a verbal response (please see paragraph 3.17 below). Hard copies of the Plan and consultation questions were also available on request.
- 3.16. The general form of questions used throughout the Regulation 18 and 19 consultation surveys initially asked how the respondent felt about the policy or site, with a follow up open question asking for more detail as to why they felt that way and to provide any other comments. The 'initial feeling' question was a Likert scale question with five response options running from unhappy to happy with corresponding facial expression symbols. This enabled the option to provide input quickly with or without further explanation or text. Furthermore, weekly quick questions relating to some of the Plan's key issues were posted online and on social media to engage with those with less time, younger people and as an alternative and quick method for providing feedback to the Exeter Plan.
- 3.17. For each consultation the significant majority chose to submit their representation online or by email with no more than 1% of responders opting to submit paper representations each time.
- 3.18. When submitting a representation verbally was a necessity (visual impairment and / or not able to use technology), a planning officer acted as scribe to accurately record in written form. In this instance the Council ensured appropriate consent was provided and representation content was checked and confirmed appropriately before submitting. This demonstrates the Council responded flexibly and supportively to enable opportunity to respond.
- 3.19. The Council responded positively to requests to submit representations after the official close of consultation, subject to notification of intention being given and a reasonable timeframe for submission being agreed.

4. 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?

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

- 4.1. Yes, it is considered that the Sustainability Appraisal (SA) provides a comprehensive and robust basis to inform the strategy and contents of the Plan. The Methodology used is detailed in the SA report (EXM-02a, chapter 2) and is sound and consistent with relevant guidance. The SA has been carried out by specialist consultants as an integrated SA and Strategic Environmental Assessment (SEA). In addition to complying with legal requirements, the approach taken to the SA is based on current best practice and guidance on SA/SEA set out in Planning Practice Guidance, which involves carrying out SA as an integral part of the plan-making process (Paragraph 006 Reference ID: 11-006-20140306). The SA has been carried out iteratively at each stage of plan-making, with the findings being taken into account alongside other relevant factors to inform decision making.
- 4.2. In terms of its assessment of the likely effects of the policies and allocations, Chapter 6 of the SA Report presents the appraisal of the policies and allocations included in the Publication Plan. These have been subject to SA in accordance with the methodology detailed in Chapter 2 of the SA Report. Initially each policy (including site allocation policies) has been appraised individually. At the end of Chapter 6 (EXM-02a, pages 259-284), a summary of the likely cumulative effects of the Plan as a whole is provided.
- 4.3. Reasonable alternative options for the policies and sites considered for inclusion in the Plan were appraised at each stage of plan-making in line with the same methodology, making use of clear colour coded symbols to identify likely significant effects, both positive and negative, in line with the SEA Regulations. The overall approach taken to the SA accords with good practice and relevant guidance.
- 4.4. In terms of reasonable alternatives, Chapter 4 of the SA report contains an appraisal of the options that were considered for the distribution of growth. Four alternatives were appraised: Option A: Focus most development on large, strategic brownfield sites; Option B: Focus on developing greenfield sites; Option C: Dispersal on smaller sites; and Option D: Focus on public transport hubs and routes within the city. Alongside the appraisal of the Spatial Strategy policies in Chapter 6 (EXM-02a, page 116), it is explained that Policy S1 takes forward Option A because the Council considers that this approach minimises the worst impacts and maximises the potential benefits of development, which is reflected in the SA by the fact that it performed the best of the four options considered.
- 4.5. Chapter 2 of the SA Report (EXM-02a, paragraph 2.25) explains that the Council does not consider there to be reasonable alternatives for the amount of development to be delivered through the Exeter Plan. The Council is proposing an evidenced-based quantum of growth and does not consider that there are

reasonable alternative options for higher or lower quanta. The evidence-based Objectively Assessed Need (OAN) is considered by the Council to be the minimum amount of housing required as there is land available to meet that need, so delivering less than that amount is not reasonable. The Council believes that a higher housing figure is not a reasonable option due to the restrictions of the administrative area both in terms of size and constraints.

- 4.6. Chapters 2 (page 18) and 5 (page 82) of the SA report describe the approach that has been taken to identify and appraise reasonable alternative development site options. The reasonable alternative site options were subject to SA using a set of detailed site appraisal criteria to ensure consistency (see EXM-02a: page 484, Appendix D). Appendix E (page 503) details the Council's reasons for selecting or rejecting each reasonable alternative site option.
- 4.7. For many of the other policies covered by the Exeter Plan, there are no reasonable alternative options to the approach taken in the submitted Plan, as no other approach would be consistent with national policy. However, where reasonable alternatives do exist, these are appraised alongside the relevant policy in Chapter 6 of the SA Report (EXM-02a: page 106).
- 4.8. Therefore, the SA does provide a comprehensive and robust basis to inform the strategy and content of the Plan.

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?

- 4.9. The four strategic policy options are set out in the SA report (EXM-02a, paragraph 4.2) as four alternative spatial approaches. These are:
 - 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.
- 4.10. The four spatial approaches were identified by the City Council through a series of considerations including an acknowledgement of the need to identify a range of potential, distinctive options.
 - Option A: To reflect the NPPF which states at paragraph 123 that 'Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'. Also, to reflect the Liveable Exeter transformational housing delivery concept (EVB-S-01a).
 - Option B. To reflect the current development strategy in the adopted Core Strategy (SUP-DPD-01) which includes significant allocations on strategic greenfield urban extensions.
 - Option C: To reflect the NPPF which states at paragraph 70 that 'local planning authorities should '...identify through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare'.
 - Option D. The need for the Plan's development strategy to be consistent with the approach to transport planning in Exeter as articulated in the Exeter Transport Strategy, which states the aim of '50% of trips within the

city being made on foot or by bike' (EVB-STC-04, paragraph 6.5) which itself specifically aligns with the Liveable Exeter corporate initiative.

- 4.11. The spatial approaches were first presented in the SA Report which accompanied the Outline Draft Exeter Plan consultation (SUP-PRE-02d, page 33). They were then presented again with each subsequent SA Report. No alternative strategic options were suggested during consultation.

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?

- 4.12. As per question 1, Chapter 2 of the SA Report (EXM-02a, paragraph 2.25) explains that the Council did not consider there to be reasonable alternatives for the amount of development to be delivered through the Exeter Plan. The Council is proposing an evidenced-based quantum of growth and does not consider that there are reasonable alternative options for higher or lower quanta. The evidence-based Objectively Assessed Need (OAN) is considered by the Council to be the minimum amount of housing required as there is land available to meet that need, so delivering less than that amount is not reasonable. The Council believes that a higher housing figure is not a reasonable option due to the restrictions of the administrative area both in terms of size and constraints.

- 4.13. At paragraph 20, the NPPF states that strategic policies should make sufficient provision for affordable housing. In the Council's Statement for Matter 7 (Issue 2, Question 2), the Council states that the Plan is expected to meet around 66% of Exeter's affordable housing needs, not including the contribution from windfalls. The Housing Topic Paper (TOP-01: pages 30-31, paragraph 5.23) explains how the Council will work to deliver additional affordable homes to those secured through policies H4 and H5 of the Plan. In the context of the administrative area's size and constraint restrictions, affordable housing provision will be consistent with the NPPF. On this basis, it is not considered necessary to test through the SA a higher scale of housing growth to increase affordable housing delivery.

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?

- 4.14. In accordance with the SEA Regulations, the policies in the Exeter Plan have been tested alongside reasonable alternative policy options where such options were identified. This work is documented in Chapter 6 of the SA.
- 4.15. The Council identified the reasonable alternatives for testing through consideration of local issues, an understanding of the local area, the context of national policy and on the basis of the evidence base. This means that some policies have associated reasonable alternatives while others do not.

Alternative options were not assessed if there were no genuinely reasonable alternatives available.

- 4.16. The City Council considers that all genuinely reasonable alternatives to policies in the Plan have been identified and appraised.

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?

- 4.17. An initial series of site options was identified principally from a call for sites exercise undertaken by the Council in early 2021. These sites were presented alongside additional information in the Housing and Economic Land Availability Assessment (HELAA) (EVB-H-02d) which was published on the City Council website.
- 4.18. All sites submitted in the first call for sites were assessed in the HELAA (provided they met the HELAA's site size thresholds). The sites assessed as suitable, available and achievable for housing or employment in the HELAA were assessed as reasonable alternatives for those uses in the SA.
- 4.19. After consultation on the Outline Draft Plan (SUP-PRE-02a), a further 17 reasonable alternative site options were identified as a result of further site submissions during the consultation and additional work undertaken by Council officers. These sites were subject to SA by LUC in June 2023 and the site appraisal work presented previously in Chapter 5 of the SA Report for the Outline Draft Plan was updated to incorporate these new sites alongside the original suite of options. That work was provided to the Council in early July 2023, so that it could be taken into account when preparing the Full Draft Plan and the updated site appraisal work was later presented in the SA Report for the Full Draft Plan in October 2023 (SUP-PRE-03f and SUP-PRE-03g).
- 4.20. A second Call for Sites was carried out alongside consultation on the Full Draft Plan, which resulted in a further 31 reasonable site options being identified which included employment, Regeneration Opportunity Area and Gypsy and Traveller site options. These newly identified site options were subject to SA by LUC during Summer 2024 and an updated summary of the SA findings for all site options was provided to the Council in June 2024 so that it could inform the preparation of the Publication plan.
- 4.21. A number of additional amendments had been made to the boundaries of some of the site options as well as some changes to proposed site uses and these have been reflected in the SA. In addition, some additional sites submitted in the first Call for Sites, and some sites submitted during consultation on the Outline Draft Plan, have since been excluded from consideration by the Council on the basis that they are currently being developed. These site options were therefore not appraised within the final SA Report. The up-to-date summary of the SA findings for all of the site options was presented in Chapter 5 of the final SA Report (EXM-02a).

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?

- 4.22. Yes, the SA is based on a robust and up-to-date assessment of housing, mixed use and employment sites. The approach taken by the Council to identify reasonable alternative site options and the methodology used to appraise them is detailed in Chapter 2 of the SA report (EXM-02a, pages 26-27).
- 4.23. A total of 107 residential sites, 27 mixed use sites and three employment sites are appraised in the final SA Report (EXM-02a).
- 4.24. In order to ensure consistency in the appraisal of a large number of alternative site options, detailed sets of site assessment criteria were developed and applied. The criteria relate specifically to each type of site option (i.e. residential, mixed-use and employment sites) and set out clear parameters within which certain SA effects are identified, based on factors such as the distance of site options from features such as biodiversity designations, public transport links and areas of high landscape sensitivity. The criteria are presented in Appendix D of the SA Report (EXM-02a, page 484).

Q7. How were employment site allocations tested as part of the SA and how (if relevant) was the approach different when appraising residential site allocations?

- 4.25. Reasonable alternative options for employment site allocations were appraised in parallel to the appraisal of residential and mixed-use site options at each stage of the SA. A total of three employment site options were appraised in the final SA report. The site appraisal criteria used to appraise site options differed slightly for residential, mixed use and employment site options, as detailed in Appendix D of the SA report (EXM-02a, page 484). This is because for some of the SA objectives, the likely effects of development on a particular site would differ depending on the nature of the development. Different appraisal criteria were used for the appraisal of employment site options against SA objectives 2: Housing, 3: Economic Growth, 4: Health, 7: Services, Facilities and Education and 13: Water.

5. Issue 4: Habitats Regulations Assessment

Q1 Have the requirements for appropriate assessment under the Habitats Regulations been met? Have the results of the Habitats Regulations Assessment been carried forward in the Exeter Plan?

- 5.1 Yes, the requirements for appropriate assessment under the Habitats Regulations have been met; see Core submission document SCD-08: 'Habitats Regulations Assessment of the Exeter Plan: Publication Draft (Regulation 19)' produced by the respected consultancy Footprint Ecology. Footprint Ecology have worked closely with Exeter City, our partners and neighbouring authorities for over ten years; they have the experience and knowledge that provides confidence that the issues have been properly considered and mitigation requirements addressed.
- 5.2 Document SCD-08 is an HRA report to accompany the Exeter Plan at the Publication Draft Plan (Regulation 19). It concludes that, following appropriate assessment, adverse effects on integrity for all European sites can be ruled out, alone or in-combination. As the Plan-making process proceeds, there will be further consultations and examination. The Plan may well be subject to modification prior to adoption and any changes to the Plan should be accompanied by additional HRA work and updates to the HRA. The HRA will be finalised at the point at which the plan is adopted.
- 5.3 Yes, the results of the Habitats Regulations Assessment have been carried forward in the Exeter Plan. HRA is an iterative process and at all stages of the plan-making process the Exeter Plan has evolved with reference to the findings of the HRA process (see SUP-PRE-02e: 2022 Outline Draft – Habitats Regulations Assessment; and SUP-PRE-03h: Full Draft – Habitat Regulations Assessment).
- 5.4 In accordance with the recommendations of the HRA of the Publication Draft Plan (Regulation 19), the Exeter plan requires adherence to the Joint Mitigation Strategy; the 'South East Devon Joint Habitat Sites Mitigation Strategy' (see policy NE3: Biodiversity).

Q2 What measures will the Exeter Plan put in place to ensure that likely significant effects would be avoided?

- 5.5 The Exeter Plan requires adherence to the Joint Habitats Sites Mitigation Strategy (see EVB-NE-04), and this ensures that likely significant effects would be avoided. The joint strategy approach was first established in 2014, developed with partnership working between East Devon, Exeter City and Teignbridge planning authorities, Natural England and other organisations involved in the protection and management of the three European Sites. The joint strategic approach ensures the necessary mitigation is in place, providing clarity for developers and allowing sites to come forward for development. There is a strong track record of the partnership approach delivering the Joint Strategy through the delegation of decision-making powers to the well-established South and East Devon Habitat Regulations Committee. The new Joint Strategy will ensure this approach continues to provide effective mitigation ensuring housing development is not delayed.

5.6 Policy NE3: Biodiversity requires:

*'All development proposals, where relevant, will be required to: ...
b. Contribute towards measures to mitigate against adverse effects from recreational disturbance on the Exe Estuary Special Protection Area and other nearby sites on the United Kingdom National Site Network;'*

5.7 The supporting text sets out the work done to avoid any impact on the European sites, summarises the on-site and off-site mitigation works required by the Joint Strategy, and states how this will be delivered (see CSD-02: Exeter Plan: Publication Plan (Regulation 19), page 90, paragraph 10.17).

5.8 Furthermore, all the Strategic mixed use brownfield allocation policies (SBA1- Water Lane, SBA2 – East Gate, SBA3 – Red Cow, SBA4 – Exe Bridges Retail Park and SBA5 – South Gate) require:

'Mitigation contributions to ensure no adverse effect on the European Sites, in accordance with requirements set out in the South East Devon Joint Habitats Mitigation Strategy;'

5.9 Please note the reference in the supporting text to 'a habitat mitigation strategy' (see CSD-02: Exeter Plan: Publication Plan (Regulation 19), page 90, paragraph 10.17) is not up-to date and could helpfully be amended to read 'The South East Devon Joint Habitats Sites Mitigation Strategy' (an additional/minor modification).

Q3 Where recreational disturbance is concerned, the HRA concludes that mitigating the effects of Local Plan growth on the Exe Estuary SPA/Ramsar, Dawlish Warren SAC and the East Devon Heaths SAC/SPA is necessary for certain developments contributing towards the ongoing application of the South East Devon Joint Habitat Sites Mitigation Strategy. Is the Exeter Plan sufficiently clear which allocations this relates to, including (where relevant) different types of development?

5.10 The Exeter Plan (Policy NE3: Biodiversity) is clear that:

*'All development proposals, where relevant, will be required to: ...
b. Contribute towards measures to mitigate against adverse effects from recreational disturbance on the Exe Estuary Special Protection Area and other nearby sites on the United Kingdom National Site Network;'*

5.11 This would apply to development that would result in a net increase in residential units (i.e. All residential and mixed-use allocations policies in the Plan). This is clearly set out in the 'Joint Habitat Sites Mitigation Strategy' (EVB-NE-04, page 44, paragraph 7.10); which states:

'This strategy applies to any future development granted planning permission that results in a net increase in residential units (i.e. C3 Use Class), located within 10km of the East Devon Heaths SAC/SPA, the Exe Estuary SPA/Ramsar and Dawlish Warren SAC.'

5.12 The types of development to which this applies is also set out in the 'Joint Habitat Sites Mitigation Strategy' (EVB-NE-04: page 44, paragraph 7.11-7.12).

This states that whilst the Joint Strategy is focused on C3 Use Class, there are other forms of development, such as tourist accommodation, that may have impacts on the relevant European Sites and these will need to be assessed on a case-by-case basis.

Q4. What are the main reasons for concluding that the likelihood of impacts from residential development on functionally linked land can be ruled out? Are the conclusions reasonable and robust?

- 5.13 Natural England, in their representations at Regulation 18, did raise concerns around functionally-linked land in connection to the Exe Estuary SPA/Ramsar. The issue relates to waterbirds which can sometimes use areas outside the SPA/Ramsar boundary, for example as roost sites at high tide or as additional feeding areas. Such areas can be important in supporting the qualifying features and therefore need to be included in HRA.
- 5.14 The relevant species are waders and geese which may use low-lying and wet areas and typically choose large, open spaces with good visibility. Any allocations on low-lying, flooded or large open fields adjacent to the estuary (with good sight lines and no power lines/existing development around them) could therefore have the potential to be functionally-linked. Impacts could include direct loss (e.g. through development) or disturbance linked to nearby development.
- 5.15 There is no definitive resource showing functionally-linked land around the Exe Estuary. All allocations were therefore systematically checked as part of the HRA work. The checks involved the use of satellite images and GIS to check field sizes, proximity to the estuary and existing development around the periphery. Site visits were also undertaken to ground-truth the desk assessment. As set out in the HRA (CSD-08, paragraph 3.10, page 28), none of the allocations were identified as a risk from the desk-based analysis and this was confirmed through the site visits. Likely significant effects were therefore ruled out. The HRA includes some example images of the sites.
- 5.16 The conclusions are entirely reasonable and robust. The team at Footprint Ecology (that undertook the HRA work) have 15 years of experience with bird work around the Exe Estuary. The sites (as the images in the HRA demonstrate) are not likely to ever support any of the qualifying features. Natural England have confirmed they agree with the findings of the HRA and that the HRA was appropriately undertaken with associated expertise, such that no further work is required (DTC-03k: Statement of Common ground – Exeter City Council and Natural England, page 29).

Q5 What measures will the Exeter Plan put in place to ensure that likely significant effects would be avoided from relevant windfall sites, not only for residential development but other uses such as renewable energy projects?

- 5.17 When undertaking an HRA of a plan, adverse effects must be assessed at every relevant stage, to the extent possible given the level of precision of the plan. Lower tier, project-level assessment provides the means for assessment to be updated with increasing specificity in subsequent stages of the procedure.

- 5.18 Policy NE3 of the Plan is a strategic policy and is clear that if it is not certain that a development proposal would have no adverse effects on a European site, it would not normally be permitted. This ensures project level assessment will be necessary for all types of development, including windfall sites and renewables, and that further checks will take place at the application stage.
- 5.19 The main risks from development in Exeter relate to recreational pressure on the Exe Estuary and other nearby European sites. Policy NE3 is also clear that, where relevant, development will be required to contribute towards measures to mitigate impacts from recreational disturbance. The provision of a strategic mitigation approach ensures these issues have been identified, mitigation is secured up-front and the strategy can accommodate windfalls. As mitigation for recreation is secured across the whole zone of influence (spanning three local planning authorities), in-combination risks are addressed.
- 5.20 With renewable energy projects it is hard to envisage any risks they may pose. There would be no recreation risk from such development. Policy CC2 supports the provision of renewable and low carbon energy-generating development and all related infrastructure, where proposals avoid unacceptable impacts on amenity and the natural, historic and built environments. Given the urban confines of Exeter, turbines that might impact birds and bats are highly unlikely to come forward. The only risks might relate to water and impacts to functionally-linked land, and these can only be assessed at project level, when sufficient details (such as the specific location, type of development, infrastructure requirements and so on) are available to inform the assessment.

6. 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?

- 6.1 Yes, from the very highest level in terms of the vision and spatial strategy (S1: Spatial Strategy), to the more detailed policies in the Climate Change chapter and the strategic mixed use brownfield allocation policies (SBA1- Water Lane, SBA2 – East Gate, SBA3 – Red Cow, SBA4 – Exe Bridges Retail Park and SBA5 – South Gate), the Plan has been designed to contribute to the mitigation of and adaptation to climate change. All topic areas, but specifically healthy homes, sustainable transport, heritage, high quality places and design, health and wellbeing and infrastructure delivery make their own important contribution; mitigation and adaption to climate change is a golden thread running throughout the Exeter Plan.
- 6.2 Adherence to the NPPF, the iterative Sustainability Appraisal process (through the SA Framework Objective 1: To achieve net-zero emissions and support adaptation to unavoidable climate change), together with the strong Council leadership and commitment to delivering net zero (EVB-CC-01: Net Zero Exeter 2030 Plan), has ensured this.

7. Issue 6: Strategic Flood Risk Assessment

Q1 Is the Plan consistent with paragraph 167 of the Framework which states that all plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property?

- 7.1 Yes, the Plan's vision, strategy and proposed allocations have been through a sequential, risk-based approach to the location of development taking into account all sources of flood risk and the current and future impacts of climate change. The Sustainability Appraisal (through SA Objective 13: To manage and reduce flood risk from all sources and to protect the quality and quantity of water resources), the HELAA (through stages a and b of the Suitability Assessment), and the SFRA level 1 and 2 all take a sequential risk-based approach to flood risk.
- 7.2 Appendix A sets out how the sequential test and the exception test were applied in Plan preparation.

Q2 What is the justification for allocating land for development where sites fall (even in part) within Flood Zone 3? Were all such sites included within the level 2 SFRA?

- 7.3 The Exeter Plan's spatial strategy is driven by paragraphs 123 and 124 of the NPPF which seek to make effective use of land whilst safeguarding and improving the environment. The Sustainability Appraisal Report (EXM-02a) looked at different spatial options for development considering flood risk and other planning objectives. Whilst in terms of SA objective 13 (water) all spatial options are considered to have uncertain negative effects (EXM-02a, paragraph 4.11, page 79), the SA concludes that a strategy of focusing development on brownfield sites within the urban area best meets sustainable development objectives. This strategy also has the support of the Environment Agency and the Lead Local Flood Authority (Devon County Council).
- 7.4 Development in the urban area on brownfield sites has significant and widespread benefits, including the potential to help mitigate climate change by minimising the need to travel and supporting local energy networks. Therefore, with reference to paragraph 023 of the Planning Practice Guidance, it is concluded that development of the sites in the Exeter Plan within flood risk areas will provide wider sustainability benefits to the community that outweigh flood risk. The Environment Agency supports the City Council in taking this approach.
- 7.5 All sites at flood risk (i.e. sites in Flood Zone 3 and sites subject to high surface water flood risk) were the subject of SRFA level 2 (see EVB-CC-13d: Level 2 Strategic Flood Risk Assessment (SFRA) and EVB-CC-14h: SFRA addendum covering Hamlin Lane).
- 7.6 Initial SFRA level 2 work on the Belle Isle Depot site indicated that the site would struggle to pass the exception test and therefore the site should not be allocated. A main modification (see CSD-03: Exeter Plan schedule of suggested modifications, SMM20) is suggested to delete this allocation from the Exeter Plan. The EA support the deletion of Belle Isle Depot (DTC-03g:

Statement of Common Ground – Exeter City Council and Environment Agency, page 35).

8. Issue 7: Public Sector Equality Duty

Q1. In what ways does the Plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

- 8.1 The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
 - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
 - Foster good relations between people who share a relevant protected characteristic and those who do not.
- 8.2 The Council took an iterative approach to equality impact assessing the Exeter Plan from an early stage in Plan making. Equality Impact Assessments (EQIA) started with the Issues and Options stage and were updated with each version of the Plan through to Submission. The EQIAs complied with City Council policy and were produced with support from and assessed by the Council's Equality, Diversity, Inclusion and Safeguarding staff. The assessment considers the potential impacts for people with protected characteristics that could result from the policies within the Exeter Plan, together with any potential impacts that could result from the decision being taken to publish the Exeter Plan.
- 8.3. The plan content has considered the public sector equality duty in terms of the impact of policy content on those with protected characteristics. Many Plan policies are assessed to have a positive impact through the provision of a variety of housing, health and wellbeing policies, designing out crime, the provision of infrastructure and community facilities, and access to jobs and skills. The impact of the Plan policies on people with protected characteristics was considered during writing.
- 8.4. There were various ways in which consultation attempted to reach those often under-represented in the planning process, including those with protected characteristics and those listed in the SCI (SUP-10, page 6). These included:
- Accessible exhibition venues.
 - Fully accessible online consultation documents, plus other formats available on request.
 - Audio versions of the Plan and consultation questions produced for each consultation.
 - Articles in Iscatape, Exeter's talking newspaper for visually impaired people.
 - Local plan team attendance at established community cafés.
 - Promotion through Exeter Connect (a voluntary, community and social enterprise sector support service) and their associated networks with

community groups across the city. This provided significant opportunity to reach out to many of those groups with protected characteristics.

- Promotion through Exeter's Community Builders working at neighbourhood level in all Exeter wards.
- Community group workshops.
- Events and workshops at Exeter College and the University of Exeter.
- Local Plan Team attendance at the Brick by Brick LEGO exhibition held at the museum to speak to visitors about the future of the city.
- Advertising in public spaces to reach out to those working but not residing in Exeter, including bridge banners, and on Exeter City Council's fleet of bin lorries.

8.5 The most up to date EQIA was undertaken for the Publication Draft and submitted for examination (CSD-09). This document mostly identified potential for positive impacts, with medium or low potential impact resulting from the policies within the Exeter Plan. One of the key outcomes of the Exeter Plan vision is an inclusive city and the policies within the Exeter Plan seek to deliver this outcome. While the planning system is not designed to deliver everything Exeter needs to achieve its vision, other City Council plans, including the Corporate Plan, and the strategies of key institutions and partners, will play a vital role in conjunction with the Exeter Plan.

8.6 One potential negative impact was identified in relation to potential heightened tensions between gypsies and travellers and the settled community that might have resulted from the Exeter Plan publication consultation. The impact, if this had occurred, could have been high, and so the EQIA highlighted that support for groups adversely affected would need to have been considered as part of a multiagency response. There is no apparent evidence that the publication of the Exeter Plan resulted in these heightened tensions and the City Council continues to work to address the needs of gypsies and travellers.

9. Issue 8: Other matters

Q1. Where the Plan contains a policy that is intended to supersede another policy in the adopted development plan, does it state that fact and identify the superseded policy?

- 9.1. The Exeter Plan will supersede all policies in the Local Plan First Review adopted in 2005 and the Core Strategy adopted in 2012. This is stated in the Submission version of the Exeter Plan (CSD-02, paragraph 1.2).

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?

- 9.2. The Submission version of the Exeter Plan has a plan period from 2021 to 2041. More specifically, the plan period would end in March 2041. On the assumption that the Plan is adopted by March 2027 as is programmed in the Local Development Scheme (SUP-06) there would not be a 15-year plan-period from the date of adoption as is required in paragraph 22 of the NPPF.
- 9.3. Suggested modification SMM1 is included in the Schedule of suggested modifications to amend the plan period to 2022 to 2042. More specifically, the plan period would end in March 2042. Again, this is to be seen in the context of an anticipated adoption date of March 2027.
- 9.4. Modification SMM1 is necessary for soundness in terms of NPPF test of soundness d) - consistent with national policy. The Council considers that the modification is required for the plan to be consistent with paragraph 20 of the NPPF which requires a plan period of 15 years from the point of adoption.

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

- 9.5. As discussed above, the Submission version of the Exeter Plan has a plan period from 2021 to 2041. More specifically, the plan period would end in March 2041. On the assumption that the Plan is adopted by March 2027 as is programmed in the Local Development Scheme (SUP-06) there would not be a 15 year plan-period from the date of adoption as is required in paragraph 22 of the NPPF.
- 9.6. Suggested modification SMM1 is included in the Schedule of suggested modifications to amend the plan period to 2022 to 2042 and to provide a 15-year plan period from the point of anticipated adoption.

10. Summary

- 10.1. This hearing statement has been prepared by Exeter City Council in response to questions asked in relation to Matter 1 of the Exeter Plan Examination.
- 10.2. All questions associated with the full range issues for Matter 1 have been answered.

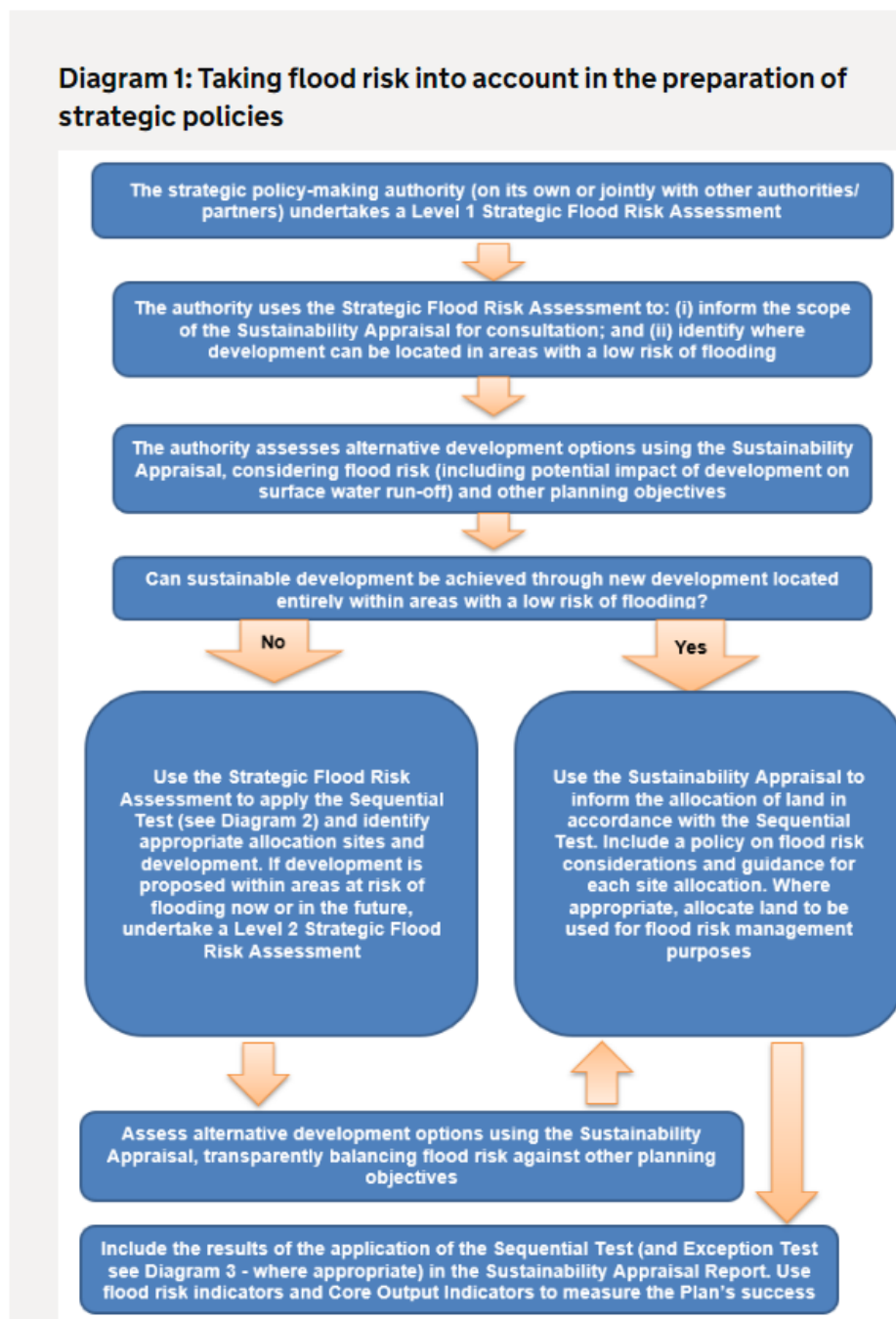
APPENDIX A - Application of the sequential test and the exception test in plan preparation

1.0 Introduction

- 1.1 Matter 1 – Legal Compliance, Issue 6 – Strategic Flood Risk Assessment, Q1 asks if the Plan is consistent with paragraph 167 of the NPPF which refers to plans applying the sequential test and then, if necessary, the exception test. This appendix sets out how the sequential test, and the exception test were applied in the preparation of the Exeter Plan.
- 1.2 Local Plans and flood risk are closely intertwined, with Local Plans needing to incorporate flood risk considerations when making decisions about development. This involves using Strategic Flood Risk Assessments (SFRAs) to guide policies and site allocations, as well as managing flood risk from all sources.
- 1.3 The Exeter Plan is supported by evidence including:
 - Level 1 Strategic Flood Risk Assessment (EVB-CC-13a)
 - Level 2 Strategic Flood Risk Assessment (EVB-CC-13b)
- 1.4 In accordance with the NPPF and Planning Practice Guidance (PPG), the evidence within these SFRA documents has been used to inform plan preparation. Application of the sequential approach in the plan-making process helps to ensure that development is steered to the lowest flood risk areas, where it is compatible with sustainable development objectives to do so. The exception test requires two additional elements to be satisfied before allowing development to the allocated.
- 1.5 This appendix explains in detail the approach that has been taken in applying the sequential test and the exception test to the preparation of the Exeter Plan.

2.0 Sequential Test applied in the Plan Preparation

- 2.1 The approach illustrated in the diagram below has been followed in preparing the Exeter Plan (paragraph 007 PPG):



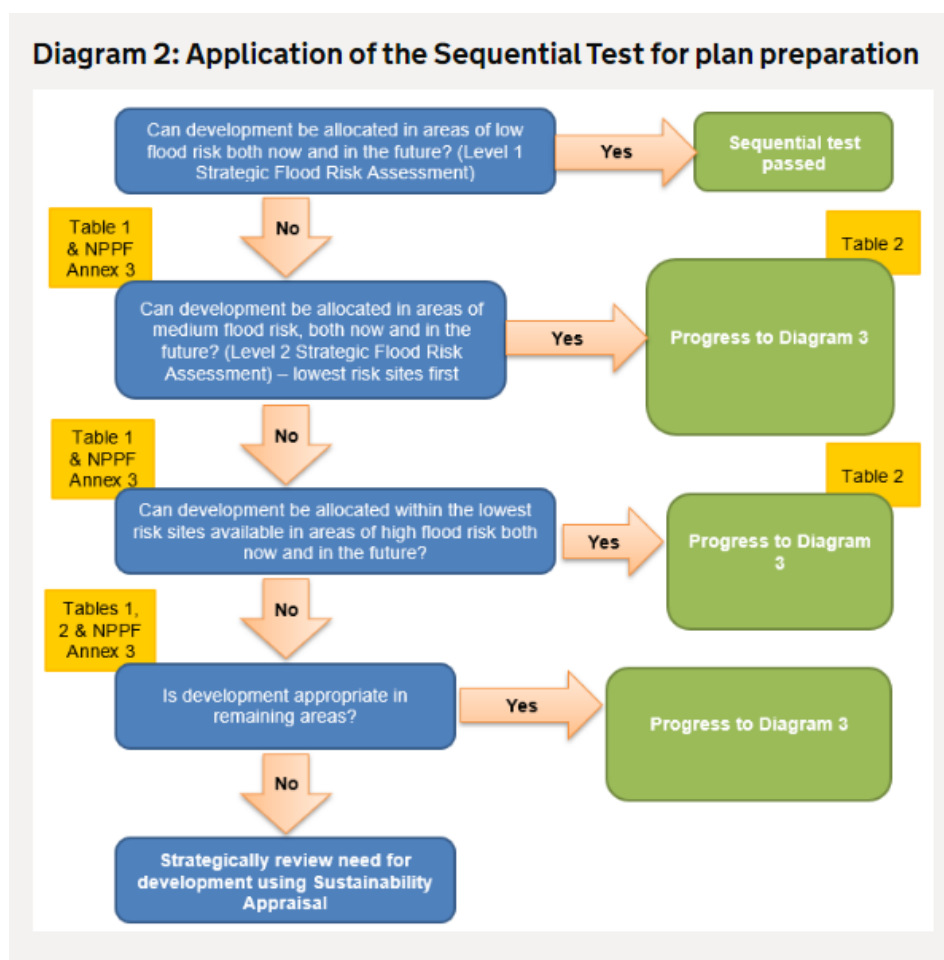
- 2.2 The Exeter Plan is supported by a Level 1 and Level 2 Strategic Flood Risk Assessment (EVB-CC-13a and EVB-CC-13b). These evidence documents have informed the scope of the Sustainability Appraisal (EXM-02a).

- 2.3 The Sustainable Appraisal looked at different spatial strategies for development considering flood risk and other planning objectives. All four Strategic Options are considered to have negative effects in relation to SA Objective 13: Water as while where possible they aim to steer development to avoid areas of higher flood risk, all could still result in development within higher areas of flood risk' (EXM-02a, page 79, para 4.11).
- 2.4 Nevertheless, the assessment matrix in the Sustainability Appraisal shows clearly that across objectives, the option of focusing most development on large strategic brownfield sites within the urban area (Option A) best meets sustainable development objectives (EXM-02a, page 81):

Table 4.1: Summary of SA findings for the Strategic Options

SA Objective	Option A	Option B	Option C	Option D
1: To achieve net-zero emissions and support adaptation to unavoidable climate change	+/-?	-?	-?	+/-?
2: To provide a suitable supply of high quality housing including an appropriate mix of types and tenures	+	--	--	--
3: To support the sustainable and diverse growth of the City's economy and maximise employment opportunities	+	--	--	--
4: Improve the physical and mental health and wellbeing of residents and reduce health inequalities	+	+/-	+	+
5: Promote high quality design in new development and improve the character of the built environment	+?	+/-?	+/-?	+/-?
6: To support community cohesion and safety	+	+/-	+	+
7: To provide good access to services, facilities and education	+	+/-	+	+
8: To reduce the need to travel by private vehicle and encourage sustainable and active alternatives	+	-	-	-
9: To protect residential amenity by reducing air, noise and light pollution	+/-?	-?	-?	+/-?
10: To conserve and enhance biodiversity and geodiversity	-?	--?	-?	-?
11: To conserve and enhance the character and distinctiveness of the landscape	-?	--?	-?	-?
12: To conserve and enhance the historic environment including the setting of heritage features	--?	-?	-?	-?
13: To manage and reduce flood risk from all sources and to protect the quality and quantity of water resources	--?	-?	-?	-?
14: To support efficient use of resources, including land, minerals and waste	+/-?	--	+/-?	+/-?

- 2.5 As the spatial strategy of focusing most development on large, strategic brownfield sites cannot be achieved entirely within areas with a low flood risk, the sequential test has been applied in accordance with the diagram below (paragraph 026, PPG):



2.6 The journey of the spatial strategy through the sequential test is explained below:

- **Can development be allocated in areas of low flood risk both now and in the future? No.**

The spatial strategy (which has been assessed through the Sustainability Appraisal) is to focus development on the urban area and specifically on brownfield sites. Much of the urban area is subject to significant flood risk (both from fluvial and surface water flooding). See Level 1 Strategic Flood Risk Assessment.

- **Can development be allocated in areas of medium flood risk, both now and in the future? No**

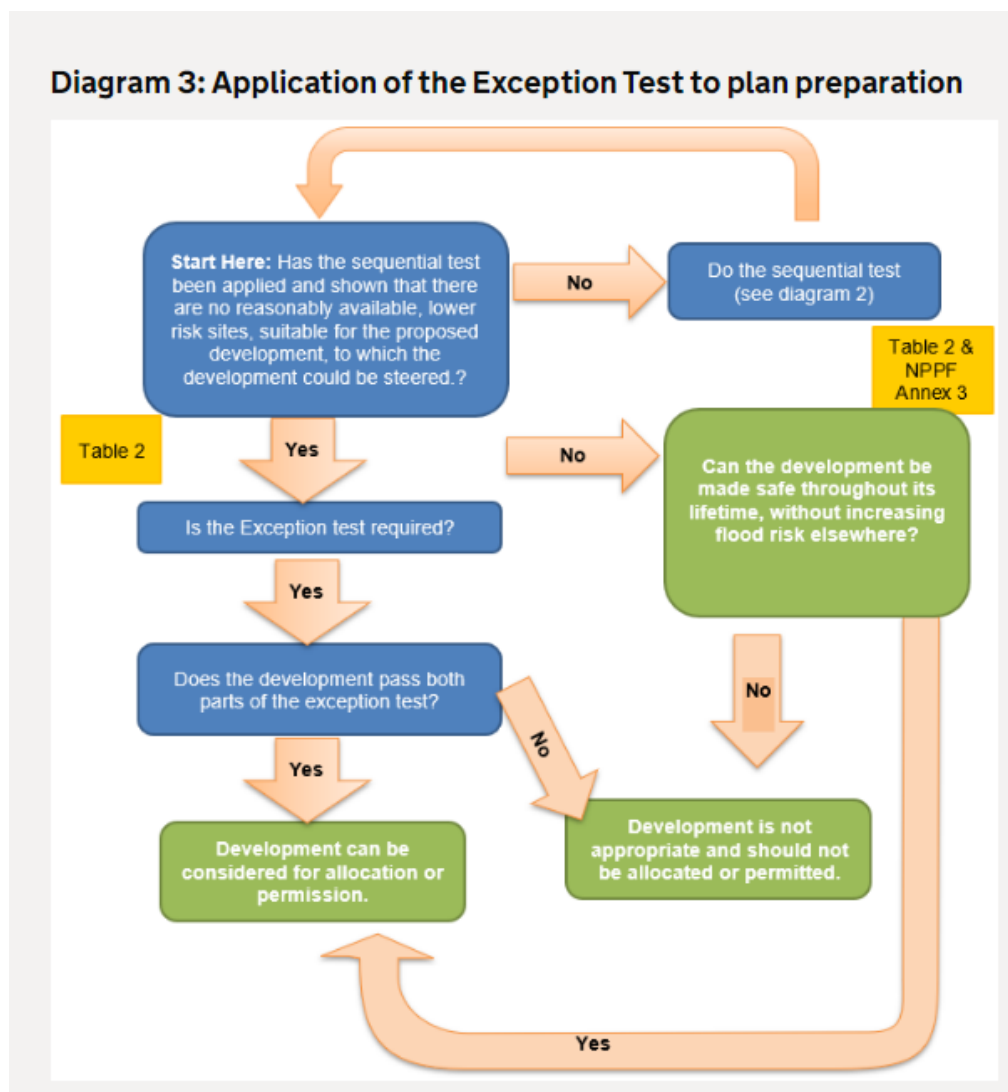
The spatial strategy (which has been assessed through the Sustainability Appraisal) is to focus development on the urban area and specifically on brownfield sites. Much of the urban area is subject to significant flood risk (both from fluvial and surface water flooding). See Level 1 Strategic Flood Risk Assessment.

- **Can development be allocated within the lowest risk sites available in areas of high flood risk both now and in the future? Yes**

2.7 Allocation for development within Zone 3b (The Functional Floodplain) can be avoided. The next stage is to progress to the application of the Exception Test.

3.0 Application of the Exception Test

- 3.1 The process below (Diagram 3) has been followed for allocations within areas of high flood risk (paragraph 033, PPG):



- 3.2 The exception test is required for all 'more vulnerable' development in Flood Zone 3a. The built development proposed within the allocations (including dwelling houses and educational establishments) are classified as more vulnerable (see NPPF Annex 3: Flood risk vulnerability classification).
- 3.3 The exception test requires two additional elements to be satisfied:
- Development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk (paragraph 036, PPG); and
 - The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (paragraph 037, PPG).

- 3.4 The first element of the test is addressed through the Sustainability Appraisal and the Level 1 Strategic Flood Risk Assessment. The Sustainability Appraisal found that a strategy of focusing development on the regeneration of brownfield sites within Exeter's urban area best meets sustainable development objectives and concludes 'The Publication Plan is likely to have an overall positive cumulative effect on the majority of the SA objectives' (paragraph 8.3). The Level 1 Strategic Flood Risk Assessment states that 'Development in the urban area on brownfield sites has significant and widespread benefits, including the potential to help mitigate climate change by minimising the need to travel and supporting local energy networks.' (EVB-CC-13a, paragraph 10.3). Therefore, it is concluded that development of the sites in the Exeter Plan within flood risk areas will provide wider sustainability benefits to the community that outweigh flood risk.
- 3.5 The second element of the Exception Test is addressed through the Level 2 Strategic Flood risk assessment. The Environment Agency has been a key partner in delivering this work and has confirmed that the evidence base is sufficient (see DTC-03g: Statement of Common Ground – Exeter City Council and Environment Agency).